

Baruch Goldstein's Father Writes About His Son

Dear Mr. Fine,

My wife Miriam and I are the parents of the late Dr. Baruch Goldstein zt"l. We made aliya in December 1987, our three children having preceded us, and we have been living in the beautiful town of Kiryat Arba ever since. Miriam, whose grandfather was a milkman in Hebron last century, is a direct descendant of the Baal HaTanya.

Your article headed "WHAT REALLY HAPPENED AT THE CAVE OF THE PATRIARCHS?" in the September 16 issue of THE JEWISH PRESS merits an answer. But first, some background information.

Baruch, our eldest child, was named after my father of blessed memory who, too, bore the English name of Benjamin (the latter appellation given to him after the turn of the century by some Ellis Island functionary).

Baruch, a soft-spoken, sweet, pious, humble, yet proud Jew lived for his people and died for them.

A top student, he attended the Yeshiva of Flatbush, was president of his class at Yeshiva University and, when he graduated from the Albert Einstein College of Medicine, his distinguished performance there earned him acceptance into AOA, the national medical honor society.

He excelled in all that he did, whether as student, basketball player, waterfront head at Camp Hillel or, to the amazement of sundry garage mechanics, in keeping his old car running. More important, he was devoted heart, body and soul to Hashem and to the Jewish people.

After making aliya in 1982, he married his wonderful sabra wife, Miriam, who bore him four children, the oldest now ten and the youngest two. He could have chosen to serve in the IDF for 18 months, but elected instead to stay in for a full three years. That was Baruch.

An officer, he served with distinction in Lebanon during that war, and his army discharge certificate describes the nature of his service as "devoted, efficient, diligent, enterprising, thorough, disciplined, and expert in his profession."

As a matter of fact, Baruch was to have been promoted to the rank of Major this past Independence Day. (The IDF, to be sure, after the February 25th incident, denied that fact until someone made public the official recommendation which had been approved.)

Also enclosed are copies of awards that he received and other material attesting to the exemplary nature of his work.

Baruch's walkie-talkie was with him 24 hours a day, seven days a week. At night, he slept in sweatpants so that he would waste no time in responding to emergency calls.

With regard to emergency calls, they kept him running day and night. Once, upon arriving at the scene of a terrorist road attack where three soldiers had been shot, two doctors there who had come from nearby immediately deferred to him, well aware of the superior level of his ability to render emergency care. His high degree of competence was well known to and uniformly praised by the staffs of hospital emergency rooms in Jerusalem. Always up-to-date on the latest developments in the field, Baruch maintained in Israel his subscription to Emergency Medicine.

Those two doctors informed him that one soldier was dead, and suggested that he work on the other two who had been less severely wounded. But Baruch would not accept that.

Pleading with Hashem and praying fervently, he, with all his might, wrenched the "dead" soldier's mouth open, called upon his ambulance driver to hand him the equipment he needed and, thank G-d, was able to save the man's life. That "dead" soldier is alive and well today as are the other two.

I could go on and on without end in describing similar life-saving acts on his part. I'll mention just one other incident, this one where some student drowned in a pool. There was no sign of life when

Baruch arrived. That "drowned" Israeli youngster, thank G-d, is in excellent health today.

Baruch, in addition to being the emergency service physician in the area, drove regularly several times a week to nine yishuvim in the vicinity to provide family practice medical care. Although having served in that capacity for years, and despite a marked increase in terrorist shooting incidents on the roads around here, he refused to give up the assignment and take a less dangerous one. (Not too long ago, on one of those roads, Rabbi Druckman's driver was shot and killed and the rabbi injured.) Baruch knew that he was needed and, as a dedicated physician and proud Jew, he just wouldn't quit.

I am told that whenever he would arrive at a yishuv, even people not ill would gather around just to be in the warming glow of his understanding, extremely sensitive and self-effacing presence.

When the family was sitting *shiva*, people came to us and declared that although Baruch, with the help of the Almighty, saved many lives while he lived, he saved many more when he died.

Friday, Purim morning, was the end of Ramadan. For days before, loudspeakers on mosques in Hebron had been blaring forth their message of hate, "Itbach al yahood!" ("Kill the Jews!") without any interference by the IDF. (Contrast that to the way Jews in Israel today are being locked up for extended periods without trial for alleged acts of incitement.)

By means of notices and wall inscriptions, Arab terrorists were urging the Hebron masses to store up lots of food for the long curfew that would inevitably follow an end-of-Ramadan slaughter of Jews.

A few days before Baruch's preemptive strike in the Ma'arat Hamachpela (Cave of the Patriarchs) — and this can be verified by members of the Kiryat Arba Town Council who were present — a high ranking IDF officer came and urged Baruch to prepare emergency operating facilities for an expected Purim attack upon Jews!

The day before Purim, while Baruch was at afternoon prayers in the Ma'arah, "innocent Arab worshippers" pushed in from an adjacent room (the very room of their next morning's convocation) shouting "Itbach al yahood!" My son turned to an IDF officer on the scene and asked him to stop this outrage. The officer simply shrugged his shoulders and walked away.

On Purim, early the next morning, "innocent Arab worshippers," many wearing outlawed extremist-group green kaffiyahs and including at least one wanted terrorist who had come all the way from Shechem with his gang, showed up for a pre-dawn, slaughter-the-Jews pep-rally prayer session. But Baruch, who had donned his officer's uniform for this last act of sacrifice for his people, showed up, too, with his Galil rifle.

After the incident, an IDF officer was overheard on his walkie-talkie excitedly reporting his finding a Kalashnikov, axes and other weapons on the scene.

All of this has been covered up. As Minister of Defense, didn't Rabin know of the ongoing terrorist



Dr. Baruch Goldstein (white shirt) with other Israeli officers. Baruch was to be made a Major before the incident took place. It is believed he averted a massacre of Israelis.

incitement in Hebron and of the impending Purim massacre of Jews? If not, why not? Can he have written off the lives of the Jewish residents of Judea, Samaria and Gaza in his blind, bloody race for the Nobel Peace Prize? How can that be, for is not Rabin an honorable man?

The official death certificate shows the cause of Baruch's death as "murder." The Shamgar Commission ruled that he was already disarmed and helpless when he was held and killed, and so his killing was unlawful. Our family has petitioned the police to investigate and arrest his murderers. Nothing.

Hundreds of Jews would have been in the Ma'arat Hamachpela later on that Purim morning. Who knows how many of those men, women and children would have been massacred were it not for Baruch's *Kiddush Hashem*? Lots of them came to us with tears in their eyes as we sat *Shiva*, trying to comfort us and expressing their gratitude for Baruch's having given up his life to save them.

The world rushed to condemn and vilify our son. Respected Jewish leaders lost no time in crying out their profuse apologies and laying down a groveling, breast-beating barrage as they jumped on the bandwagon.

Where was their sustained outcry when Jews (including his good friends, the Lapid's) were dying in Baruch's arms, victims of unrelenting Arab terrorism? Where were they as, week after week, he would make his weary way home, his clothing soaked in Jewish blood?

Where are the leaders of the schools Baruch attended who joined in the chorus of unbridled censure? Not a single word of sympathy or consolation did they send to the family.

Save for an appearance with my dear daughter-in-law, Miriam, before the Shamgar Commission, I have remained silent until now, taking the counsel of Disraeli, i.e., never complain, and never explain. The media here are experts at deceit and distortion. When spoken to, they do an excellent job of twisting words. We, therefore, did not grant interviews, but some reporters just went ahead, and fabricated them. When no picture of my daughter-in-law was available, a newspaper printed one of a stranger and said that it was she.

They have hounded her and the children mercilessly and have even gone after her former classmates and teachers, clawing in vain for some negative comment about her. One woman reporter paid a *shiva* call wearing a hidden tape recorder and sat their looking and sounding so concerned and solicitous. How low can a person get?

Your article raising the question of what really happened was a catalyst. I have confidence in THE JEWISH PRESS and trust you and Rabbi Klass not to be intimidated by would-be censors and to have the courage of printing in its entirety this letter which tells the truth about Baruch Koppel Goldstein zt"l.

In the name of honesty, fairness and decency, I beg you not to cast it aside.

With abiding faith in Hashem and love of Israel,
Irwin (Yisrael) Goldstein

THE WEEKLY LAW REPORTS 1974

[QUEEN'S BENCH DIVISION]

* REGINA v. THAMES MAGISTRATES' COURT,
Ex parte POLEMIS

1974 May 8

Lord Widgery C.J., Ashworth and Bristow JJ.

Natural Justice—Adjournment, refusal of—Criminal charge—No opportunity to collect evidence and prepare defence—Application for adjournment refused—Whether defendant deprived of opportunity to present case—Whether justices' refusal to grant adjournment ground for exercising discretion to grant order of certiorari

The Weekly Law Reports, November 15, 1974

1375

1 W.L.R. Reg. v. Thames Mags. ct., Ex p. Polemis (D.C.) Lord Widgery C.J.

To start with, nothing is clearer today than that a breach of the rules of natural justice is said to occur if a party to proceedings, and more especially the defendant in a criminal case, is not given a reasonable chance to present his case. It is so elementary and so basic it hardly needs to be said. But of the versions of breach of the rules of natural justice with which in this court we are dealing constantly, perhaps the most common today is the allegation that the defence were prejudiced because they were not given a fair and reasonable opportunity to present their case to the court, and of course the opportunity to present a case to the court is not confined to being given an opportunity to stand up and say what you want to say; it necessarily extends to a reasonable opportunity to prepare your case before you are called upon to present it. A mere allocation of court time is of no value if the party in question is deprived of the opportunity of getting his tackle in order and being able to present his case in the fullest sense. I have said one hardly needs authority for that, but in *Local Government Board v. Arlidge* [1915] A.C. 120, 132, the point is well made by Viscount Haldane L.C. when he says:

"My Lords, when the duty of deciding an appeal is imposed, those whose duty it is to decide it must act judicially. They must deal with the question referred to them without bias, and they must give to each of the parties the opportunity of adequately presenting the case made."

In this instance, on the brief and simple facts that I have related, can it be said that the applicant was given a reasonable opportunity to present his case? It seems to me to be totally unarguable that he was given such a reasonable opportunity. He had no time to take samples, no time to see a report of the samples taken by the prosecution, no time to look for witnesses, no time to prepare any supporting evidence supportive to his own, and that too when he was a man with a very rudimentary knowledge of the English language in a country foreign to his own. When one just looks at those facts it seems to me to be a case in which any suggestion that he had a reasonable chance to prepare his defence in completely unarguable.

ruling of English court
ref 8

COMMISSIONS OF INQUIRY LAW, 5729-1968*

Decision to
set up
commission.

1. When it appears to the Government that a matter exists which is at the time of vital public importance and requires clarification, it may decide to set up a commission of inquiry which shall inquire into the matter and shall make a report to it.

Definition of
subject of
inquiry.

2. In the decision setting up a commission of inquiry, the Government shall define the matter which is to be the subject of the inquiry.

Person
likely to be
harmd.

15. (a) Where it appears to a commission of inquiry that a particular person is likely to be harmed by the inquiry or by its results, the chairman

of the commission shall notify that person in what respect he is likely to be harmed and shall place at his disposal, in such manner as he may think fit, such evidence relevant to that potential harm as is in the possession of the commission or of a person entrusted with the collection of material under section 13.

(b) A person notified under subsection (a) may attend before the commission either himself or through an advocate, make statements and examine witnesses (even if they have already testified before the committee), and the commission may permit him to present evidence, all in relation to the said potential harm.

COMMISSIONS OF INQUIRY (AMENDMENT No. 2) LAW, 5739-1979*

Amendment of
section 15.

3. In section 15 of the principal Law —

(1) the following shall be added at the end of subsection (a):
“If that first-mentioned person has died or the notification cannot be delivered to him for any other reason, the commission of inquiry may, if it deems it necessary in the interests of justice, decide that the notification shall be delivered to any such relative of his as it may prescribe, and the chairman of the commission shall place the evidence at the disposal of such relative.”;



ruling of Israel Supreme Court
ref 17

פסקי-דין

של בית-המשפט העליון לישראל

כרך כג

חלק I

תשכ"ט/תש"ל

1969

בג"צ מס' 335/68

ה המועצה הישראלית לצרכנות, חבר בני אדם בלתי מאוגד, באמצעות
11 החברים שנתמנו על-ידי שר המסחר והתעשיה כחברי המועצה
נגד יושב-ראש ועדת החקירה לענין מתן שירותי גז (א' ש' שמרון), ואח'

בבית-המשפט העליון בשבתו כבית-משפט גבוה לצדק
[19.12.68, 2.3.69, 19.3.69]

1

לפני השופטים זוסמן, ויתקון, מני

(2) אדם שהתנהגותו משמשת נושא החקירה ראוי לאותה מידת הגנה ממנה
נהנה נאשם או נתבע בבית-המשפט, ופקודת ועדות חקירה העניקה לו זכות התייצבות
ללא סייג.

ערעור פלילי מס' 362/89

פואד מסלם

נגד

מדינת ישראל

בבית המשפט העליון

[5.9.89]

לפני השופט ד' לוין

חוק העונשין, תשל"ז-1977, ס"ח 226, סעיף 348(ב).

ערעור על סירוב השופטת קמא לפסול עצמה מלשבת בדינו של המערער. הוברר, כי במהלך המשפט ביקשה השופטת מהצדדים להגיש לה סיכומים בכתב ביחס למשפט ווטא שהתנהל סביב הגשת הודאתו של המערער, אולם עוד בטרם הגיש המערער סיכומיו, קיבלה השופטת החלטתה, בה היא דוחה את גירסתו כבלתי מהימנה. השופטת ביטלה את החלטתה זו, אך סירבה לפסול עצמה מלהוסיף ולשבת בדיון.

בית המשפט העליון פסק:

- א. בנסיבות המקרה יש להעביר את המשפט לשמיעה, מתחילתו, לפני שופט אחר (282 ו).
- ב. אין זה מקובל, אין זה רצוי ואין זה מחקבל על הדעת, כי השופט יורה לבעלי הדין לסכם את טענותיהם כדי להתרשם מדבריהם ולהיות פתוח לשכנוע, ובד בבד יחליט בעניין העומד לדיון על-פי התרשמותו שלו בלבד, מחומר הראיות וללא כל הסתמכות על סיכומי הצדדים. גישה כזו מבטלת מראש את הטעם ואת התועלת שבהגשת סיכומים או בהשמעת טענות סיכום, והרי זו סטייה חמורה מהחוק ומההלכה (282 ו-ז).
- ג. עומס העבודה בבית המשפט אינו יכול להצדיק סטייה כזו מכללים עקרוניים ובסיסיים שבסדרי הדין (283 א).

ערעור על החלטתו של בית המשפט המחוזי בירושלים (השופט ד' אור) מיום 2.7.89 בת"פ 271/89. הערעור נתקבל.

ע' אגברייה - בשם המערער;

א' קורן, עוזר ראשי לפרקליט המדינה - בשם המשיבה.

רפ"ק ויסקוף: לא.

כ.ח. זועבי: תגיד לי, אתה חכרת את הרוצח, גולדשטיין?

רפ"ק ויסקוף: חכרתי אותו, זו לא הייתה היכרות אישית, לא ישבנו

סגן אילן ביטון: לא.

כ.ח. זועבי: תגיד לי בבקשה, נשאלת על ידי כבוד הנשיא, שאם אתה

חכרת את גולדשטיין, הכוונה לגולדשטיין הרוצח לא למושל?

סגן אילן ביטון: אמת, היכרתי.

כ.ח. זועבי: שאלתי אליך מדוע לא ביקשת מגולדשטיין הרוצח לפרוק את

הנשק שלו, אתה אומר את זה, אני אעזור לך,

רב"ט בני בנימין: קודם כל אני חכרתי את ד"ר גולדשטיין, מהפעמים

שחוא הגיע, בד"כ כל פעם שחוא הגיע הוא כבר פרק עצמאית

כ.ח. זועבי: תגיד לי גולדשטיין הרוצח, ראית אותו באותו יום?

איתן עמיר: לא לא ראיתי אותו.

ברוך תזזו: כן.

כ.ח. זועבי: תגיד לי, אתה את הרוצח גולדשטיין היכרת?

ברוך תזזו: אני הייתי רואה אותו בחטיבה שהוא רופא.

יואל להנר לבג"ץ: להעמיד לדין את העדים הפלשתינאים

מרדכי מכונה גולדשטיין בתואר רוצח



מאת שלמה דרור ועתיים

יואל להנר, תושב ירושלים, עתר אתמול לבג"ץ נגד ועדת החקירה הממלכתית לבריקת אירועי הטבח בחברון ונגד היועץ המשפטי לממשלה, בעתירה מבקש להוציא צו על תנאי שורה לחבר ועדת שמגר לנמק מרדכי מכונה גולדשטיין, אשם כופים על אשם הוואקי מחברון להעיד בפניהם ומרדכי מכונה גולדשטיין ברור גולדשטיין "רוצח", למרות שטרם הוכרזו נסיבות הטבח במערה.

כך מבקש העותר מבג"ץ, להורות ליועץ המשפטי לממשלה לנמק, מדוע לא יורה להגיש כתבי אישום נגד העדים הפלשתינאים שכבר העידו בפני תובע דה על עבירה של עדות שקר. הוא מבקש גם להוציא צו ביניים שיורה על הפסקת עבודת היועץ דה והיועצים עד להחלטת בג"ץ בעניין.

תיאמו עדויות

להנר טוען, כי העדים הפלשתינאים שהגיעו לוועדה, תיאמו עדויותיהם מראש, ועל עובדה זו עמד אפילו השופט גולדברג, חבר הוועדה, למענת הוועדה, להגיש נגדם כתבי אישום כעבר דה של עדות שקר.

יואל להנר אמר ליועץ שגישת חברי הוועדה מבצירה את הטרור והיהדות

להנר הוועדה כבדה וחלישה שהם כבר הסיקו את המסקנות לפני סיום החקירה, אשמעתי את אחי השופטים פונה לאחר הנחקר רים בשאלה: "אנס, חייב וידין של הרוצח". שאלה כזאת משאיר דה את הנחקר במצב במצב לא נעים", אמר.

להנר מתנגד, ברובו, היהודי בעיר העתיקה, הוא עומד בראש מוסד מנהדרין לחקר המשפט היהודי הקדום, לפני שלושת חר דשים גורקי בנו, כמחנאלי על ידי ערכי בעיר העתיקה, הוא נפצע באורח בינוני, זימן, הוא להנר היה מעורב לפני מספר שנים בתכנון פיצוץ דה הבית, הוא ועוד שניים מחבריו נעצרו בשלב התכנון ונדרו למאסר של מספר חודשים לרגל מחזור גם היום שחא תומך במעשי ארגון הטרור היהודי

עתירה לבג"ץ לא לכנות את ד"ר גולדשטיין "רוצח"

איש הימין יואל להנר עתר אתמול לבג"ץ בבקשה שיוורה לוועדת החקירה לבריקת הטבח בחברון להפסיק לכנות את ברור גולדשטיין "רוצח", כל עוד לא התפרסמו מסקנות הוועדה.

להנר טוען בעתירתו, כי עד שלא תסיר ים הוועדה את חקירתה, קיומת האפשרות שגולדשטיין ירח מתוך הגנה עצמית אחרי שחזתה, הוא גם דורש לחייב את חשיונים המוסלמים שחיו במערה להעיד, לטענתו, הפלשתינים שהעידו בפני הוועדה, מסרו עדויות שקר שתואמו מראש, ויש להעמידם לדין על כך.

אבי מוזן

עתירה לבג"ץ נגד ועדת החקירה

יואל להנר, תושב ירושלים, עתר אתמול לבג"ץ נגד ועדת החקירה הממלכתית לבריקת אירועי הרצח בחברון ונגד היועץ המשפטי לממשלה.

בעתירה מבקש להנר מבג"ץ להוציא צו על תנאי שורה לחבר ועדת שמגר לנמק מדוע הם אינם כופים על אשם הוואקי מחברון להעיד בפניהם ומרדכי מכונה גולדשטיין ברור גולדשטיין "רוצח", למרות שטרם הוכרזו נסיבות הטבח במערה.

כמו כן, מבקש העותר מבג"ץ, להורות ליועץ המרדכי מכונה גולדשטיין, לא יורה להגיש כתבי אישום נגד העדים הפלשתינים שכבר העידו בפני הוועדה, בשל עדות שקר. העותר מבקש גם להוציא צו ביניים שיורה על הפסקת עבודת הוועדה והיועץ דה, עד להחלטת בג"ץ בעניין.

להנר טוען, כי העדים הפלשתינאים שהגיעו לוועדה, תיאמו עדויותיהם מראש, ועל עובדה זו עמד אפילו השופט גולדברג, חבר הוועדה, למענת הוועדה, להגיש נגדם כתבי אישום כעבר דה של עדות שקר.

העתירה הועברה לעיון השופט התורן (ע')

עתירה לבג"ץ: לא לקרוא לגולדשטיין בתואר רוצח

העיד בפניהם ומרדכי מכונה גולדשטיין ברור גולדשטיין "רוצח", למרות שטרם הוכרזו נסיבות הטבח במערה.

כמו כן, מבקש העותר מבג"ץ, להורות ליועץ המשפטי לממשלה לנמק מדוע לא יורה להגיש כתבי אישום נגד העדים הפלשתינאים שכבר העידו בפני הוועדה, בשל עדות שקר.

newspaper clippings complaining about describing Baruch Goldstein as a "murderer" dated 31 March 1994