

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MACHINE MENACHEM, INC.

Plaintiff,

-v.-

AFFIRMATION OF
RABBI JOSEPH SPIELMAN

MENDEL HERSHKOP, MEIR HERSHKOP, AARON
HERSHKOP, (a/k/a "Lelli"), SENEUR
HERSHKOP, (a/k/a "Gadi"), LEVI HARTMAN,
SHMUEL HEBER & YOSEF GOLDMAN.

IN SUPPORT OF
PLAINTIFF'S
APPLICATION FOR A
PROTECTIVE ORDER

Defendants.
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JOSEPH SPIELMAN, under penalties of perjury pursuant to Title
18, United States Code, §1746, hereby affirms and says:

1. During the last week of June, 1997, I testified as a
witness in a hearing in this Court which involved the defendants
in this case. There is possibility that I will be called again as
a witness if this case goes to trial.

2. I am a Rabbi, having been ordained at the United
Lubavitch Yeshiva. For many years I have lived in the Crown
Heights Community, Brooklyn, New York with my wife and family. I
also attend religious services in the Crown Heights Community,
frequently at the main synagogue of the Community at 770 Eastern
Parkway, Brooklyn, New York, which I refer to hereafter as the
"main synagogue".

3. I have also been active in the affairs of the Crown
Heights Jewish Community. In particular, I served as the elected
Chairman of the Crown Jewish Community Council for eight years and
as the Vice-Chairman of that Council for another two and one-half

years. And, for 11 years I have been a New York Police Department Liaison for the Community.

4. I know that this Court issued an order against the defendants in this case after I testified.

5. Since then, members of the Hershkop family and their associates have harassed and tried to intimidate me because I was a witness in this case and because there is the chance that I will be called as a witness in this case again.

6. As a former Chairman and Vice Chairman of the Council I know that the "Shmira" is a neighborhood patrol for the Jewish Community in Crown Heights. In the past, it has operated under the supervision of the Community Council. The Shmira's function is to patrol the Community and to respond to emergencies that may arise in the Community.

7. I am familiar with its operations as a result of being on the Board of the Community Council. I know that SHNEUR HERSHKOP, whom I also know as "GADI", is a coordinator the Shmira and that AARON HERSHKOP, whom I also know as "LELLI", is a member.

8. As I testified during the hearing in June, 1997, the Shmira stopped following the directions of the Community Council in about November, 1996, at about the time my van was set on fire by members of the Shmira. The Shmira continued to operate and took possession of equipment which belonged to the Community Council.

9. I have read the Findings of Fact and Conclusions of Law handed down by this Court, dated July 1, 1997. Part of the first finding of fact is that "AARON HERSHKOP, (a/k/a "LELLI"), SCHNEUR

HERSHKOP (a/k/a/ "GADI") and LEVI HARTMAN, acting either in concert or aiding and abetting each other . . . have threatened [me] and set fire to [my] vehicle."

10. The Shmira continues to operate and patrol the neighborhood. The HERSHKOPS use a dark blue Ford or Chevrolet, with dark tinted windows which has a loudspeaker system and a revolving light on the dashboard and a siren. It looks like an undercover police car and has an intimidating appearance.

**Harassment from the
"Undercover" Automobile**

11. Several times after this Court handed down its order in July 1, 1997, I have been harassed by one or another of the HERSHKOP boys when they were in the "undercover" automobile which they use on Shmira patrol.

12. About four weeks ago, LELLI HERSHKOP was in the car as I was walking in the vicinity of Kingston Avenue between Crown and Montgomery Streets in Brooklyn New York. Kingston Avenue is the principal shopping area for the Crown Heights Jewish Community. As I was walking, I heard over the loudspeaker "Spielman, you're a dog." This was repeated several times along with other insulting remarks. This was at about 2:00 o'clock in the afternoon and there were many members of the Crown Heights Jewish Community on the street.

13. These kinds of remarks have been made by LELLI HERSHKOP several times from the "undercover" car when it drove by me on the street.

Harassment by Yosef Goldman
and the Hershkops

14. On other occasions, in the past seven months, when I have encountered either GADI HERSHKOP or LELLI HERSHKOP in the streets or in the main synagogue they have called me a "dog" or referred to me as a "Mosser". On some of these occasions they have also said aloud that portion of a particular Jewish prayer, describe in following paragraphs, which calls for the strong condemnation of informers.

15. On other occasions when I have encountered MEIR HERSHKOP, the father of LELLI and GADI, he has made the same remarks. One time this occurred was in late January, 1998 when I was with my wife in the vicinity of the United Lubavitch Yeshiva, 570 Crown Street, Brooklyn, New York. He has made these kind of remarks many other times, most recently on April 4, 1998 when I was in the main synagogue during services.

16. Shortly after this Court issued its order in July, 1997 I encountered YOSEF GOLDMAN in the main synagogue during services. At that time, he, too, called me a "Mosser."

17. As a rabbi, I know that to call a Jew a "mosser" is a particularly harsh condemnation which, if proven in a Jewish court, would carry with it the prospect of the person being outlawed, being regarded as a pariah and being denied certain rights under Jewish law.

18. The word "mosser" refers particularly to a jew who gives up another jew to authorities. The severity of calling a jew a "mosser" can be traced to the insertion of phrases by the Rabbis

of the Talmud into the Amidah, or the Shmoneh Esreh, a principal prayer of weekday services, which call for the condemnation of all "informers." Literally the pertinent language of the Shmoneh Esreh is "for the informers there should be no hope" and in another part of the same paragraph the pertinent language is that "all the enemies of your people should be cut off."

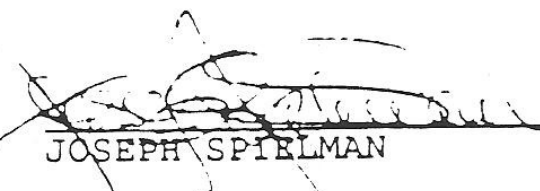
**The Assault on
Eliezer Sandhaus**

19. I heard that on or about October 17, 1997, Eliezer Sandhaus was assaulted by an associate of the HERSHKOPS. I heard Mr. Sandhaus report this incident to the police shortly after it happened.

20. I was in the vicinity of Montgomery Street and Kingston Avenue in the Crown Heights Community in Brooklyn. where there was dancing in celebration of the Succos Holiday, talking to a police sergeant. Mr. Sandhaus and Mr. Herzog came up first to me and then reported to the police that Mr. Sandhaus had been kicked by someone who was with "Hershkop". The police sergeant did not appear interested in the charge and I suggested to the Sergeant that he should assign the Community Affairs officer to look into the matter.


21. Both Mr. Sandhaus and Mr. Herzog appeared concerned for the safety. When they were going to go home they asked the police for an escort in the event the HERSHKOPS were still around.

Dated: April 7, 1998
New York, New York



JOSEPH SPIELMAN

On this 7th day of April, 1998
Rabbi Joseph Spielman appeared
before me, identified himself
and signed this affirmation.



Carl M. Bornstein, Notary Public

CARL M. BORNSTEIN
Notary Public, State of New York
No 31-4713614
Qualified in New York County
Commission Expires February 28, 1999