

# **PROTECTING JEWISH CEMETERIES– (2024-2025)**

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## **I. INTRODUCTION**

It's always pleasant reading about success and thankfully there are positive developments to report in the decades long effort to protect Jewish cemeteries against desecration and despoilment. Sadly, there are other outcomes as well. We will discuss both success and failure with a heavy emphasis in a subsequent paper on the experience we have had in Vilnius Lithuania. Depending on what happened here, we could have a precedent for despoilment everywhere, or a method for successful intervention elsewhere.

There are Jewish cemeteries everywhere that Jews once lived. The first common undertaking of a new community of Jews was often the consecration of a cemetery. Thus, the American continent is dotted with Jewish cemeteries in areas once settled by Jews. For the time being there does not seem to be the kind of threats to their integrity of the kind prevalent in Europe. By rights, this report—and the attention of concerned Jews—should encompass all cemetery locations, but a harsh reality of many threats and too few volunteers compel us to make choices. As we have - with our focus on Europe.

## **II. FIRST THE GRATIFYING**

AVOSEINU - The Heritage Foundation For Preservation of Jewish Cemeteries has a poster on display depicting the 400th cemetery being renovated and protected because of the advice and guidance of this group. Four hundred is not a large number, given the thousands of Jewish cemeteries throughout the world in areas where there are no longer Jewish communities. But 400 is sufficient to validate an approach, and to reassure descendants from any given area, that following this well trodden path should produce satisfying results. AVOSEINU is not the first nor the only group involved in this process. One recalls the efforts to protect cemeteries in Poland immediately after World War II. And there were many cemeteries renovated and protected through the efforts of families acting on their own. But in the end, the 400 cemeteries stand out, staking a path worth following, and deserving of recognition.

## **III. A SATISFYING PRACTICE WITH HELPFUL OUTCOMES**

Two individuals, only one of whom is still alive, pioneered another path worth following: tourism. There are cemeteries housing saintly Rabbonim and individuals whose yahrtzeits bring hundreds and sometimes thousands of people to pray. This helps ensure that sacred sites will be protected by local populations and political jurisdictions. Uman in Ukraine has become an internationally recognized phenomenon, but there are many other holy sites visited by organized tours, following the pattern set by the individuals mentioned above. People traveling alone in or in smaller groups to less frequented destinations can also engender a level of protection for a European Jewish cemetery. Spending money nearby, expressing thanks to a local mayor, or arranging for periodic upkeep can work wonders. Sharing photos and personal impressions with other groups and individuals back home is useful as well.

One innovation to be considered by tour groups whose itinerary is focused on the resting place of well known tzaddikim would be to make a stop or two at a cemetery in close proximity to the one of interest. This would signal that all Jewish cemeteries are precious and deserving of care.

#### **IV. AN INITIATIVE WITH POTENTIALLY PRODUCTIVE OUTCOMES**

The Society for Preservation and Promotion of Jewish Heritage in Lithuania organized an impressive gathering centered on the Jewish cemetery in Valkiriy Lithuania, highlighted by the presence of the chairperson of the US Commission for the Preservation of America's Heritage Abroad. The theory here was to provide an opportunity for friendly cooperation with heretofore uncooperative Lithuanian authorities. The effort was a noble one, but it remains to be seen if there is any change in attitude with respect to the Shnipishok Cemetery in Vilnius.

Articles in the press regarding this gathering, as well as first hand reports by public officials and community leaders who were present, inevitably will spread interest and awareness of the state of cemeteries. Seemingly this approach deserves to be repeated, provided resources are available.

The idea can be extended. Any time there is a meeting of a Jewish group lasting a few days, it might be of interest to schedule a side trip to a local Jewish cemetery—with suitable historical background provided. Cemeteries - their sanctity and need for protections - might occasionally serve as the topic of a Rabbi's speech.

#### **V. WHY THE NEED FOR CEMETERY PROTECTION**

All of the above strategies are possible where political jurisdictions look favorably on cemetery restoration, renovation, and protection. But what if not? What if local authorities want to see a cemetery gone for any of the reasons we have come across.

Jewish cemeteries were usually established far from cities—but then the cities grew. As a result our cemeteries are often in highly desirable locations as happens to be the case of Shnipishok. Developers eye cemeteries avidly and many have no compunctions over exhuming the dead and dumping human remains. City officials need land for parks, roads, and pathways. In this instance there is desecration—but not destruction. The danger we face now is from progressive politicians who disdain traditional values and who increasingly are in charge of cities. Such people would readily use cemetery grounds for public purposes. Some governments are interested in erasing the contribution of certain kinds of people in certain communities to the jurisdiction in question. Destroying a cemetery often destroys, and distorts, local history. The destruction of cemeteries often accompanies efforts aimed at ethnic cleansing.

Eminent Domain is a powerful tool in the hands of government and even in enlightened countries it is used for projects of necessity. In such instances it is only moral suasion which can help; the law is not on the side of cemeteries. Nature is not on our side either. Unless a cemetery is cared for, it can be quickly overgrown by brush and trees with concomitant damage to tombstones, degrading the image and appearance of these sacred sites.

Ordinary people are often enemies of cemeteries as well. Putting aside antisemites we might mention people living next to cemeteries—particularly cemeteries without gravestones and/or fences. Farmers in particular have been known to expand their adjacent property to encompass cemetery grounds and to plant and grow things there.

## VI. ADDITIONAL STRATEGIES

As noted earlier a first level of protection for cemeteries is a demonstration of concern. Renovation, repair, protection, tourism are all elements which signal "hands off" to local communities. Then comes the importance of knowing what is taking place and then reacting to threats to cemeteries. Satellite imaging makes it possible to monitor the health of a cemetery—provided there is the manpower to take this on as a project. Knowing that something is changing at a cemetery site is sometimes enough, provided the local political jurisdiction is sensitive to property rights and religious rights. Some governments are sensitive to neither and then American political support is necessary. As we will see presently this is not always available.

Where there is controversy as to whether there are bodies in a location known to be part of a Jewish cemetery some people advocate the use of Ground Penetrating Radar (GPR). Unfortunately, the use of GPR ends up "proving" there is no cemetery at a given location because of the investigation produces a null result. The null result is obtained because only sometimes is the earth suitable for a GPR signal to be sent several feet into the ground and be returned.

Also relevant is the fact that Jewish bodies in the past were buried without caskets. The orderly images that GPR advocates boast about are irrelevant to such old Jewish cemeteries, because GPR must often distinguish between a pebble and a bone fragment buried 200 years ago. Under the circumstances that there are no positive results (i.e., positive indications of burials) is not surprising.

Law should be a resource, but bitter experience shows that this is not always the case. It makes no sense, for example, to sue Lithuanians in Lithuania courts. And Lithuania is not alone. The final resting place of Sir Moses Montefiore in Ramsgate, England was saved only because of the action of a local philanthropist. British law was no help.

Nor is freedom of religion to be relied upon. A major research effort centered around the United Nations Charter unearthed some discouraging cases, and led to the conclusion that while freedom to believe and freedom to worship are protected, very little else is.

The Foreign Sovereign Immunity Act suggests that Lithuania could be sued by descendants of people buried in Shnipishok but finding legal help has not been possible. Challenging the award of US grants and support to Lithuania was discouraged on Halachic grounds. Education is one avenue we have not been able to use, given the type of curricula our children face in girls' schools. Because the sanctity of the Limudai Kodesh curriculum in Yeshivos dare not be touched.

Thought was given to youth camps and Bein Hazmanim activities to focus on the topic and this may yet materialize. Articles help and the Jewish media has always been cooperative. But a drumbeat of depressing reports, rarely interrupted by cemetery news of actual interest makes it difficult for both writer and editor to claim precious newspaper space.

We have been advised to get cemetery protection higher on the Jewish agenda. But this puts us into competition with so many other issues which rightfully capture the attention of Torah Jews, such as the safety of Jews in Israel, bringing public school children to yeshiva, the support of yeshivos, providing a place in yeshiva for every child who wants one, opposing state pressure to indoctrinate children, Parnossah, helping the poor, pidyon shvuyim/incarcerated people, shidduchim, .... The list is endless and we are not in a position to decide which

community concern deserves to be pushed aside on behalf of the protection of cemeteries and kovod hamet.

One avenue that does show some promise is the involvement of people from other faiths. The International Religious Freedom Act of 1998 served as the background to the creation of the International Religious Freedom Roundtable which is connected to the United States Department of State. This group hosts representatives of each faith and discusses instances of foreign governments' interfering with religious freedom.

A presentation was made to the group regarding threats to Jewish cemeteries and there was an immediate positive response: many faith groups are protective of their cemeteries and would support concerted action.

There are a number of avenues that potentially could result from such an initiative such as publicity, including pressure on the Department of State. The problem is that the meetings are in Washington and only face-to-face interactions are really effective. Until we find someone to attend meetings regularly. This remains a potential avenue, especially if other multi faith groups are also willing to help.

## **VII. THE UNITED STATES DEPARTMENT OF STATE**

Decades ago, the State Department was our greatest ally. A call to a country's respective desk officer resulted in advice, contacts, a letter by the department to the country's Ambassador to the US, and often instruction to the American Ambassador abroad.

Around 2007 we encountered two singularly unhelpful desk officers, one for Spain and one for Greece. Interestingly, both women had Jewish surnames. We protested and asked for a higher level of State Department involvement in cemetery protection but got the reverse. Calls to desk officers were now channeled to a special State Department officer who was friendly but ineffective. Formally, Jewish cemetery issues were placed in the Office of Holocaust Issues which, in retrospect turned out to be unhelpful.

We now had to work through an intermediary who has knowledge of State Department matters but is not familiar with details of specific countries. The Special Envoy for Holocaust Issues (SEHI) and the associated office is focused on Restitution first and cemeteries last. On one occasion a SEHI admitted that there might be an adversarial relationship between his office and the issue of cemetery protection!

The emphasis on Restitution provided ready access to a Reform Rabbi who represents a major secular Jewish organization. We have been told this person now has inordinate influence at the State Department, and in conjunction with the purported head of the Jewish community in Vilnius, has been very damaging to our efforts to rescue the Shnipishok Cemetery in Vilnius.

Another reason we no longer have easy access to the State Department is the existence of a tiny, London-based group headed by a renowned and respected Talmud Chochom. Originally this group fought valiantly on behalf of the integrity of Jewish cemeteries. In 2007 or thereabout it changed its strategy to cooperate fully with offending governments and take 'what's left over' in controversial situations.

The State Department is always anxious to avoid conflict and disagreement with allied nations, and therefore chose to work with this English group even though virtually the entire Orthodox Jewish community was arrayed against this group's approach.

One example: when the Lithuanian government announced its intent to create a Concert

and Convention Center in the Shnipishok Cemetery this group announced support before anyone saw any plans or details. WikiLeaks provided ample evidence of the sub rosa cooperation between the State Department and this group.

A third problem facing us: the State Department has elected to take its lead on Jewish cemetery issues from the US Commission for the Preservation of America's Heritage Abroad. The silence of this latter body means that nothing emerges from the State Department even though cemetery desecration should elicit action as per the International Religious Freedom Act of 1998. We have strived to restore our relationship with the State through Senators and Congressmen as well as with officials in several Administrations, unsuccessfully. For almost a decade we collected promises and reassurances from friendly legislators, but the doors to the State Department remain closed.

### **VIII. THE US COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD (' COMMISSION')**

The Commission was initially intended to serve as a vehicle to protect cemeteries abroad. In order to get broad Congressional support its mission was expanded to encompass other elements of American Heritage. In its initial stage, the Commission was extremely helpful in raising an American voice to protect Jewish cemeteries. With time the sense of mission changed and it became increasingly difficult to elicit any kind of action. Agreements to protect one another's Heritage including cemeteries were signed with a number of European countries but the documents proved to be worthless except for the opportunity for publicity for Commission members.

Of late, the Commission has served as a source of political reward for Administration supporters, but in every other respect it is largely moribund. A suit was filed in federal court to force the Commission to fulfill its mandate which failed because the judge felt that even if the Commission carried out its intended role, there was no assurance that its goal would be reached. The Commission remains silent, and therefore the State Department is silent as well.

### **IX. CONCLUSION**

There are rays of hope. There are avenues for activity. If there are major barriers, there is always the reassurance that we are following the Will of the Ribbono Shel Olam. And continue to pray and have Bitachon.

#### **Why No Names?**

The effort to save Jewish cemeteries in Europe and the Middle East goes back over 80 years. People devoted years of efforts, immense sums of money -quietly with no recognition and no appreciation of this ultimate gemilas chessed. By mentioning names, there is always the risk that people would be acknowledged and inadvertently others be omitted . This would be extremely unfair and terribly hurtful.

Suffice it to say that everyone's contribution has been duly noted and recorded where it really matters.