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Iraqi jewish archive
burial New Montefiore
Cemetery in West
Babylon, NY

IRAQI JEWS FIGHT FOR THE OWNERSHIP OF THEIR HERITAGE

BY MACHLA ABRAMOVITZ

The scene at New Montefiore Cemetery in West Babylon, New York on the wet and chilly afternoon of December 15 was nothing less than surrealistic. Mingling sociably with over 100 Iraqi Jews who had come from far and wide was Lukman Faily, Iraq's new ambassador to the United States, as well as dignitaries from the Iraqi Ministries of the Interior, Foreign Affairs and National Security Council who had flown in from Baghdad for the occasion. Also attending was US State Department Director of Near East and African Affairs Anthony Godfrey and Doris Hamburg, Director of the National Archives and Records Administration preservation program (NARA). They had come to bury close to 50 fragments of damaged Torah scrolls and *Megillos Esther* that were beyond repair and had been part of the collection that has come to be known as the Iraqi Jewish Archives.

Dr. Stanley Urman, executive vice president of Justice for Jews from Arab Countries (JJAC), was at the cemetery. "In the midst of continuing controversy over ownership of the Iraqi Jewish Archives," said Urman, "it was quite startling to see them handling these Jewish artifacts with respect, symbolically laying to rest the heritage of a now-defunct Jewish community as *Tehillim* were being recited."

The burial of the fragments was negotiated by Maurice Shohet, president of the World Organization of Iraqi Jews (WOJI). The day had been long in coming. It had taken close to five years of negotiations for the Iraqi government, which claims patrimony over these sacred fragments, to agree to bury them. The burial of

the fragments was negotiated by Maurice Shohet, president of the World Organization of Iraqi Jews (WOJI).

These, together with thousands of priceless Jewish artifacts rescued in 2003 from the flooded basement of Saddam Hussein's intelligence headquarters, had been brought out of Iraq only after an agreement between NARA and Iraq's interim government was signed, legally binding the US to return the materials to Iraq by June 2014.

Once in the States, they were lovingly and meticulously cleaned, repaired, conserved and digitized by NARA under the care of Hamburg and Mary Lynn Ritzenthaler, chief of the Document Conservation Laboratory, at a cost to the State Department of about \$3 million. The archives are currently on exhibit in the National Archives Building in Washington, DC, until January 5, 2014, when they are scheduled to be moved to New York.

This agreement, however, has ignited a battle. Many Iraqi Jews have galvanized into action to fight the return to Iraq of these priceless artifacts of their history. Citing security concerns that would prevent him and fellow Iraqi Jewish expatriates from accessing these materials should they return to Iraq, Edwin Shuker was just one of many who publicly voiced his opposition. But Iraq was not prepared to listen.

"The Iraqi government will not give up any part of these documents. This is an Iraqi legacy owned by all the Iraqi people and it belongs to all the generations, regardless of religious, ethnic or sectarian affiliations," declared Ali al-Moussawi on behalf of Iraqi Prime Minister Nouri al-Maliki.

This position, though, wasn't set in stone. Reports had been floating that a separate delegation would soon arrive to discuss a long-term loan of the archives to the US. Many hope this indicates a shift towards a new and more accommodating Iraq. "This is a statement by the government and people of Iraq that we are here to respect the heritage of the Jews," Faily said following the burial.

Whatever the motivation, the change didn't happen overnight. There had been indications for the past two weeks that both the Iraqi government and the State Department, the two major players, were beginning to soften their positions, and that the latter was prepared to facilitate a compromise between Iraq and WOJI, the representative body of world Iraqi Jewry. There is no question that Jewish advocacy played a key role in sensitizing these players and the public at large to what many saw as an injustice in returning Jewish property to the very country that had looted it.

Although the precise details of this extended loan are yet to be negotiated and the proposal might not address the matter of Jewish patrimony itself, activists like Urman see it as a small step towards a positive resolution to a story that began unexpectedly a decade ago under the strangest of circumstances.

Islamic affairs expert Dr. Harold Rhode vividly recalls standing in front of the bombed-out Mukhabarat, Saddam Hussein's intelligence headquarters, staring into a gaping hole with a 2,000-pound unexploded American bomb protruding from it. It was May 2003, and the temperature in Baghdad hovered at around 120 degrees. Through the hole he could see the basement of the building, which had flooded with dark, putrid water after its pipes were destroyed. What he was now looking at, he was told, was a room filled with Baghdadi Jewish artifacts and holy books immersed in slime.

The day before, Ahmad Chalabi, head of the opposition Iraqi National Congress, had been visited by a former Saddam intelligence official currying favor who informed him of the existence of this cache, which included a seventh-century Hebrew scroll on parchment that he claimed to have hidden inside the building himself. Intrigued, Chalabi notified Rhode and Judith Miller, a former *New York Times* journalist who was embedded with the Mobile Exploitation Team Alpha, the American group searching for weapons of mass destruction. Gazing into the abyss, they, along with *New York Sun* reporter Adam Daifallah, members of the Iraqi National Congress and the 16-member MET Alpha team, solemnly considered the daunting task before them.

According to Miller, the water level had reached four feet, there were dead animals floating on the surface, the stairwell leading down to the basement was littered with shards of glass and fallen plaster, and a horrendous stench rose from the mess. How to find a seventh-century Hebrew scroll amidst all this debris?

Girding themselves, Chief Warrant Officer Richard "Monty" L. Gonzales and two of the MET Alpha soldiers plunged in. Even though their job was to search for WMDs and not to retrieve religious artifacts, they had been asked to make an exception by their commander, Colonel Richard R. McPhee, who was unwilling to

June 21, 2003 file photo a US soldier hauls Jewish documents during a raid conducted at a community center in Baghdad, Iraq.



leave this historic scroll behind. "They went into the muck again and again to pull things out, with a bomb sitting right there. It was an impressive effort," Miller told *Ami*.

What they found astounded them. There was an "Israel" room that included, among masses of other items, maps highlighting terrorist strikes against Israel, a detailed model of the Knesset and other Israeli government buildings, and satellite photos of Dimona, Israel's nuclear facility. There was also a sign in Arabic that read, "Who will send off the 40th missile?" (During the Persian Gulf War, a total of 39 missiles fell on Israel.)

Equally disconcerting was the "Jew" room across the sodden corridor, filled with thousands of books and artifacts that, as would later be ascertained, had been indiscriminately looted by Saddam's thugs from Baghdad synagogues, Jewish community centers and schools. These constituted what would come to be referred as the "Iraqi Jewish Archives."

The collection consists of some 2,700 books that correlate, ironically, with the 2,700 years of Babylonian Jewish history. Among some of the rarest finds were a *Chumash* published in 1568 by Giovanni di Gara, Abraham Brudo's *Birkat Avraham*, published in 1696, a Babylonian Talmud from 1793, and a *Zohar* from 1815, in addition to many fragments, standard prayer books, *Chumashim* and commentaries. A manuscript has just come to light that was identified as a missing piece of a Shabbos *drashah* given by the illustrious halachic authority and kabbalist Chacham Yosef Chaim, known as the Ben Ish Chai.



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grant of \$15,000 from New York philanthropist Harvey Kruger, formerly of Lehman Brothers, which allowed the work to continue. But more sophisticated measures were needed if these treasures were to be saved. In order to prevent the growth of mold, it was vital that they be stored in a cool, dry place, if not completely frozen. Of course, there was no electricity for air conditioning, let alone freezing. American ingenuity would later enable the project to acquire a freezer truck. But Iraq simply lacked the facilities or means to undertake the restoration. Luckily, help would soon arrive from an unexpected place.

At Rhode's suggestion, his boss, Richard Perle of the Office of the Secretary of Defense at the Pentagon, contacted Secretary of Defense Donald Rumsfeld, while longtime friend Natan Sharansky contacted Vice President Dick Cheney. Both Rumsfeld and Cheney were immediately interested. That's when the American government took over.

"Many Iraqi leaders quietly told me to get the materials out of the country as soon as possible," Rhode said, "before we could be prevented from doing so by Iraqis who would claim they wanted them, even if they didn't. But we couldn't do that because it wasn't legal."

It would take an executive order from President George W. Bush, invoking the Immunity from Seizures Act (ILSA), and a special agreement between the CPA and NARA for that to happen. It was this agreement that would be challenged by Jewish activists.

Gina Waldman, president of Jews Indigenous to the Middle East and North America (Jimena), says they are exceedingly grateful to NARA for its invaluable work in repairing and preserving the archives, which would otherwise have been lost. Still, she said, "The agreement was signed without any consultation with Iraqi Jews or representatives from any Jewish organization. It was based on a flawed premise that the archive is part of 'Iraq's national heritage.' In fact, it is the patrimony of Iraqi Jews and must be returned to its lawful and rightful owners. Although [the

There were also tens of thousands of letters and communal records offering a glimpse into the day-to-day life of Baghdad's once-vibrant Jewish community. As NARA librarian Dina Herbert put it during a panel discussion, "These were books...that were used, studied and loved. Is [the book] falling apart because it was submerged in water, or because it was well loved?"

The seventh-century scroll, however, was never found.

For Dr. Harold Rhode, an Orthodox Jew who was a member of Iraq's Coalition Provisional Authority (CPA), the transitional government established by the US following Saddam Hussein's ouster, retrieving these books and artifacts was a labor of love, albeit an overwhelming one. "I'm a thinker. I conceptualize things. I don't do well at the organizational aspects," he told *Ami*.

Given the materials' precarious condition, he soon found himself racing against time, but he encountered many challenges. For one, Lieutenant General Jay Garner, the Coalition Provisional Authority's chief executive, was completely uninterested in financing this venture. Instead, Chalabi, a Shiite whose family, Rhode says, rescued Jews during the *Farhud* (the 1941 pogrom against Baghdadi Jews), paid for workers from his small INC fund, personally sponsored two small water pumps, and provided 30 aluminum trunks that would later be used to store the materials. "Without him we'd have been lost," Rhode said. Inspired by Rhode's enthusiasm, employees and volunteers donned chemical suits and got to work.

When Rhode soon began to run out of money, he procured a

artifacts] have no particular monetary value, they are extremely important to the community from which they were confiscated.”

What price, indeed, can be placed on black-and-white photos, glimpses of a past frozen in time? Edwin Shuker is fortunate that his graduation certificate is one of 24 artifacts currently on display at the Washington exhibit. The attached photo captures not only his young self, but an entire era that was lost. For Babylonian Jews, he says, theirs is a heritage to be treasured for what it was, the longest existing Diaspora community in the world, but one that came to an end.

“When I looked at my certificate [under the glass], my heart stopped,” he told NPR radio. “I saw that little boy staring back at me...abandoned back home in Baghdad. ... I reconnected with him. It’s my identity... I want it to stay with me.”

Besides diplomas, there are report cards, school primers and other items, largely confiscated from the Frank Iny School, which many Jewish children attended, as well as other communal items and records. To whom are these items meaningful? To social historians, of course, but mainly to those whose stories they tell. Maurice Shohet recognized his father’s name in connection with a request from an Arab tenant to have his rent reduced, which was granted. “What else could Jews living under the Ba’ath regime do?” he asks.

Grateful to escape with their lives from Saddam Hussein’s brutal regime, the Iraqi Jews had abandoned everything they couldn’t take with them, including identity papers. In truth, the Iraqi government had been confiscating Jewish properties since the late ’40s and early ’50s, when 120,000 Jews, forced to give up their Iraqi citizenship, left en masse with only one suitcase and 40 dinars each. Assets that included old synagogues and other real estate were frozen and transferred to the Ministry of Custodianship. But with the ascent of Saddam Hussein’s Ba’ath party in 1968, the government began to repress the Jewish community in earnest, closing synagogues, raiding schools and seizing all records.

“My assumption is that they wanted to subjugate and humiliate the Iraqi Jews,” said Urman. “They wanted to make sure they didn’t have these records to be able to document their long-standing presence, their history, their community institutions and their assets.” Similarly, the transfer of the Jewish Archives to the Mukhabarat speaks volumes about the underlying anti-Semitism of the Saddam regime.

Cynthia Kaplan Shamash, whose family escaped Iraq when she was eight years old, recalls her family home being emptied and

sealed off, furniture, rugs and personal belongings either taken away or thrown in the garbage (see sidebar). The same applied to Torah scrolls and holy books. Eyewitnesses tell of Saddam’s thugs looting *sifrei Torah* and other books and records from the Meir Tweig and Bataween synagogues, which served as repositories for Torah scrolls and *sefarim* from other Baghdadi synagogues. At one point, she told *Ami*, there were 50 Torah scrolls housed in the Meir Tweig synagogue.

These archives, Shohet points out, comprise only a fraction of what was left behind. For instance, they don’t contain a single complete Torah scroll, whereas there are reportedly 350 in the Iraqi National Library alone. When he visited Iraq in 2004, Shohet counted 13 scrolls in good condition in Baghdad’s one remaining synagogue, as well as “tens of others in the basement that have problems and that Iraqis don’t know how to repair.”

Marriage records are housed in the community center in Baghdad but are inaccessible; the center is closed for security reasons because of al-Qaida operatives in the area. Given the treasures and materials already in Iraq that are effectively ignored, why was its government so determined to get these back?

“They claim they want to show their people that there was once a rich Jewish history in Iraq. Through this material, the new generation will know this community’s contribution to the building of the country and its culture,” Shohet told *Ami*. But knowing that the items were looted, what’s their justification? “They say it was the Saddam regime that did these things, not them.”

William D. Cavness, Jr., a retired Foreign Service officer who served as the liaison between NARA and the media, paints a somewhat different picture of Iraqi considerations. “[The archives] were like a football being kicked around in Iraqi political circles,” he explained during the NARA panel discussion. Many Iraqis saw the issue as an opportunity to stridently assert their anti-Israel and anti-American views and to confirm their Arab nationalism. Parliamentary debates centered on Israel–US conspiracies to rob Iraqis of their heritage. Some even believed they were already in Tel Aviv hidden in a specially constructed bunker. “These debates would get picked up on the Internet and I would get phone calls.”

The debates also became a platform for political figures to expand their turf. “This was a convenient way for the minister of culture to take on the minister of tourism and antiquities, each sending delegations to the US to claim [the archives] on behalf of Iraq. It was a crazy kind of dynamic.”

On the other hand, he continued, there were “more thoughtful





AS TOLD TO MACHLA ABRAMOVITZ
BY CYNTHIA SHAMASH

Escape from Iraq

The day of our escape from Iraq had been carefully planned. My mother, sisters and I were dressed in black gowns like Arab women and girls, while my father and brother were similarly attired in the male equivalents. We carried only one piece of luggage for all of us. We closed the door to our home as if we were leaving on vacation. Everything we owned was left behind. I was eight years old, and I held on tightly to my doll.

The plan was to take a train to Kirkuk in the north, where we would cross over into Iran. It would be an arduous and treacherous journey; the roads were circular and mountainous, and could only be traversed by donkey. But there was no choice. Life in Iraq had become unbearable.

In my eight years of life our family had moved 12 times, each time my father suspected the Ba'ath regime was eyeing us suspiciously. Like all Jews, we were not allowed to have phones, and our travel was heavily restricted. My father, who had worked as an accountant for a British firm, was suspected of spying for Israel and had been forced to give up his job. There were frequent nocturnal knocks on our door. We knew of many fathers who had been taken away for interrogation and were never heard

from again.

The train ride to the north was long and frightening. My mother had warned us not to say a word so as not to reveal our Judeo-Arabic accents. When we got off the train, an Arab taxi driver approached us and helped my father place our suitcase in the trunk of his black Mercedes. They negotiated a price. But instead of driving us north, he took us straight to the police station. Someone had obviously given us away.

We were terrified. My father and brother were separated from us, and we wouldn't learn their fate for many weeks. As the youngest, I was interrogated the most. "Your parents are Zionists," they told me. They tore open my doll, removing its stuffing and claiming that its tape-recorded "Mama" was proof of some espionage device. We were imprisoned for seven weeks in five different jails. While there, we were given one bucket of soup per day and one slice of dry bread to eat. How we survived I don't know.

Our release came about through Divine intervention. In the midst of being transferred from one jail to another, a Jewish family driving behind our government jeep happened to recognize us and arranged to bail us out.

We no longer had a home. It had been

sealed with red wax and totally ransacked. Anything of value had been removed. We moved in with friends, and after four months our visas finally arrived. Again we packed our bags, carrying with us the minimum we would need, and flew to Istanbul, Turkey. Two days later the Mossad flew us to Israel, where I would meet my maternal grandmother for the first time. Shortly afterward, we settled in Holland.

When the Jews left Iraq, many of the men died like flies. Iraq had stripped them of their honor. They were humiliated, humbled and uprooted, and they ultimately crumbled. Many were lawyers and doctors whose livelihoods and identities were taken away. We left without a penny. My father died six months later, his spirit broken.

I still have my doll. To me, it represents darkness and despair. It is a vital part of my heritage, my identity, tangible evidence of the oppression from which I came and an acknowledgment that our safety can never be taken for granted. I strongly believe that if we allow the Iraqi Jewish Archives to be returned to Iraq, it will mean that we haven't learned the lessons of our history, our expulsion and repression. That would not only be unacceptable but unbearable.



Preparing the ground for burial



A librarian holding the Kol Bo book from the 1540's, that was one of the Iraqi Jewish documents being conserved at the National Archives in College Park, Md.

For Shamash, who sits on the board of WOJI, the struggle is also about recapturing a pride that was effectively expunged from the Iraqi Jewish spirit.

Iraqis who saw this...as a useful reminder to the people of Iraq about a long tradition of relative harmony among the various communities... Some senior officials were very emphatic about the importance of these materials coming back and using them as a kind of object lesson...to remind Iraqis of a time...when things were not as they are now."

Dr. Saad Eskander, director of Iraq's National Archives and Library, elaborated during an interview with the BBC. "It's extremely important to recognize the suffering of the Iraqi Jews. The archives are a symbol of the 'new Iraq.' [They provide a forum in which] to discuss the past in order to prevent the reoccurrence of such horrible events in the future."

But for Jimena and JJAC, stopping the archives' return to Iraq involves more than future access; it concerns the patrimony of all Oriental Jews who have been robbed of their possessions and heritage. "Whatever happens to these archives will set a moral and legal precedent based on the principle that Jewish patrimony belongs to the Jewish community itself and not its country of origin," said Waldman, a Libyan Jew.

For Shamash, who sits on the board of WOJI, the struggle is also about recapturing a pride that was effectively expunged from the Iraqi Jewish spirit. Despite having left Iraq at such an

early age, she still feels somewhat imprisoned and at the mercy of the Iraqi authorities, especially when she encounters the fearful responses of fellow Iraqi Jews in her attempts to rouse them to action. She understands their hesitation; many were imprisoned, tortured, stripped of their dignity and sense of self, and had to flee for their lives. This battle over the archives, she believes, has finally awakened them, challenging them to shake off their stupor, raise their voices and demand what was rightfully theirs. "Attitudes are changing," she says.

They certainly are. Advocacy efforts picked up speed about a year ago when NARA received the necessary funds to begin completing the project. (This came about by way of a grant of close to \$100,000 from the National Endowment for the Humanities at the behest of the Center for Jewish History). It was then that the JJAC joined efforts with Jimena, the Kahal Joseph Congregation of Los Angeles, and WOJI to coordinate efforts. "Every possible avenue to ensure that the archives are returned to their rightful owners was being explored," Urman says.

They began by reaching out to both the Jewish and non-Jewish media. According to Jimena director Sarah Levin, a joint website, iraqijewisharchives.org, was created to provide background information. Media interest quickly exceeded expectations. National

newspapers like *The New York Times* and *Los Angeles Times* ran serious articles on the subject, and the question of rightful ownership was raised time and again, catching the attention of some significant political players.

New York Senator Charles Schumer was alerted to the issue by a news report and was so moved that he had his office reach out to WOJI and the JJAC. He also personally wrote to officials at the State Department to try to get them to reverse their decision. Even after being rebuffed, he met with Secretary of State John Kerry to discuss the matter further. "We are trying to do everything we can with the State Department... It's not a legislative item, but I'm very hopeful we can get them to reverse themselves. Very hopeful," he told *Ami*.

New York Representative Steve Israel was also so touched by the story of the archive's rescue that he and Florida Representative Ileana Ros-Lehtinen sent out a bipartisan letter signed by 47 members of Congress, stating clearly that Iraq had "no legitimate claim" to the artifacts and urging the State Department to facilitate their return to their rightful owners—Iraqi Jews and their descendants. "The State Department responded that they would engage in discussions with the Iraqi government and that the Iraqi ambassador has said he is open to these discussions," Israel told *Ami*. "We will continue monitoring the issue." This was the first hint that Iraq might be softening its position.

Ros-Lehtinen pushed matters further when she raised the subject with Brett McGurk, the State Department's deputy assistant secretary for Iraq, at the US House Foreign Affairs Subcommittee on the Middle East and North Africa. He affirmed that while the US is committed to the "safe and rightful return" of the materials, "we have heard loudly and clearly" the Jewish community's concerns and "we'll see what we can do." Again, this indicates a clear shift in position from the State Department's previous categorical refusal even to consider the possibility.

Additional pressure has been exerted by the greater Jewish community as well. A statement signed by over 40 major organizations, such as B'nai B'rith International, the Conference of Presidents and the American Jewish Committee, was issued, citing the theft of the archive materials by Iraq and urging Secretary of State Kerry to consult with both Iraqi Jews and the Iraqi government "to ensure that these fundamental concerns will be addressed before any action is taken."

This has led to some creative suggestions. California Representative Henry Waxman, for instance, working in conjunction with the Kahal Joseph Congregation, has floated the possibility of extending the Iraqi loan to the United States for 20 years.

In the meantime, WOJI continues to work closely with the Iraqi embassy. For Shohet, there are many other outstanding issues at stake besides the archives, such as Jewish burial sites, the retrieval of Torah scrolls still in Iraq to distribute to Iraqi communities worldwide, and the preservation of Jewish holy sites. He insists that the diplomatic route continues to be the most effective one. "For years we've had good relations with the Iraqi Embassy, although sometimes the feeling is that it's a one-way road. But we are patient."

The recent burial of the fragments, Urman feels, closes one chapter in a saga that is still unfolding. Although he was moved by the way in which both the Iraqi and US delegations handled the proceedings, everyone present was made to understand that Jewish heritage as a whole must be respected. "While we laid to rest a fragment of Iraqi Jewish heritage with honor and dignity," he said, "we also state clearly and unequivocally that Iraqi Jews still lay claim, as original owners, to all of the Iraqi Jewish Archives. This is their right. This is our responsibility."

Waldman agrees. "The best way for the Iraqi government to respect the heritage of the Jews is for them to return the archives to the people from whom they were expropriated. Doing that would truly reflect a 'new Iraq.'" ●

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