

A decorative border with intricate floral and scrollwork patterns surrounds the text.

MEMENTO

Wedding celebration of
**Sholom Moshe and Breina
Kahana-Freund**

24 Teves, 5783

Shnas Hakhel

נסדר ונערך ע"י ד.ש.

dsteshura@gmail.com

Bs" d

FORWARD

It is with tremendous gratitude to Hashem for his immense kindness that we welcome you to the wedding of our children Sholom Moshe and Beina שיחי.

We are grateful to our many friends and family who have traveled from far and near to participate in this joyful occasion, and for all your good wishes of Mazel tov and blessings to the Chosson and Kallah and families.

As an expression of our gratitude we share with you this memento which contains a collection of newspaper clippings and documents, describing the Mesiras Nefesh of Rabbi Eliezer Tzvi Zev Zirkind A"H - the grandfather of the kallah תבלחט"א - to keep his beard and peyos when he was drafted into the American army.

May Hashem bestow his bountiful blessings on you, your families and Klal Yisroel, and may we merit being able to go from this simcha to rejoicing in the ultimate simcha of the coming of Moshiach Now!

The Freund and Zirkind families

A brief background regarding the following documents and newspaper clips:

My Zeide, Rabbi Eliezer Tzvi Zev Zirkind A"H, was drafted into the American army, during the Korean war (Elul 5712 - September 1952). Arriving at his camp, he was ordered to remove his beard and Payos. Zeide adamantly refused, since it ran contrary to his Halachic convictions. The commanding officer in charge threatened to sign a direct order for him to remove his beard and payos, which would be signed by himself and his superior. The punishment for disobeying a direct order was 5 years prison, and since this order would be signed by two officers, it would be punishable with ten years prison.

The National Jewish Welfare Board got involved in this case. Zeide made it clear, that for him, a Lubavitcher Chossid who followed the ruling of the Tzemach Tzedek, shaving his beard was forbidden. It was decided that various Rabbonim would be asked for their opinion.

One of the Rabbonim who were consulted was Rabbi Eliyohu Henkin A"H. Rabbi Henkin ruled that Zeide was not allowed to take off his Payos, but he was allowed to remove his beard in a case of danger. When asked what is considered a danger, Rabbi Henkin replied, "ten years prison."

Zeide also had a Yechidus with the Lubavitcher Rebbe. Although some members of the Jewish Welfare Board were present, the Rebbe didn't pay much attention to them and spoke directly to Zeide. The Rebbe told Zeide that since he is following the ruling of the Tzemach Tzedek, then for him it is **יהרג ואל יעבור** (meaning he would have to give up his life, rather than committing this sin).

The Rebbe also explained that this was a "war" between America and Halacha, in which case one is obligated to give up his life even in situations when one is not usually required to do so by Halacha.

When Zeide stuck to his resolution not to remove his beard and Payos, he was placed in solitary confinement. While being there, the army sent in people and they forcefully shaved his beard and Payos.

A guard in the facility tried to help Zeide, and through him Zeide was able to make contact with his family. A lawyer was called, and an uproar was made. At that point, the story hit the press, (as can be seen in the following articles).

Finally, the army had to relent and allow Zeide to keep his beard and Payos.

Later, Zeide was transferred to a training camp in Pennsylvania. The commander of that camp, trying to make things easier for Zeida, told him that he will try to make sure that Zeide is not sent off to fight. The commander explained that when he would receive orders to send soldiers to Korea, they did give him lists of names, but rather the amount of troops needed. Accordingly, he had the ability to decide who goes where, and he would be able to keep Zeida there.

However, he later told Zeide that his hands were tied. He got a direct order from Washington, to send Private Zirkind to the “rifle company that had the highest mortality rate.” i.e., to the frontlines, from where most people don’t return alive. Obviously, someone in Washington wanted to silence Zeide and the uproar that was being caused because of him.

Zeide was sent to the front lines (a.k.a. “Outpost Harry”). This was the place of bitter fighting, and the two battalions that were sent there before Zeide arrived, were completely decimated.

When Zeide arrived, his unit finally held the territory. Zeide, and his entire unit survived.

Years later, the Rebbe once told him, “You fought with the entire America (=the American government) and you won!”

The following pages contain various newspaper clips regarding the incident, and some of the documents from the National Jewish Welfare Board dealing with this case.

IT'S A GREAT LIFE IF YOU DON'T WEAKEN

Soldier, Forcibly Shaved, Now Growing Beard, Peot Again

By LILI ELLER

Jewish Post Correspondent

NEW YORK (JP)—The case of Ellis Zirkin, the 22-year-old Jewish soldier whose religious conviction not to shave off his beard and peot landed him in an army prison last Sept. (JP, Sept. 19, 1952) is still occupying the attention of the military authorities and interested Jewish organizations.

According to all reports, Pvt. Zirkin has created an excellent record for himself as a soldier, and is respected and well liked by his fellow trainees. He completed sixteen weeks of basic training on Jan. 5 at Indian Gap, Pa., and is now awaiting further orders.

Rabbi Samuel Berliant, chief representative of the Orthodox Rabbinical Council at the Division of Religious Activities of the Jewish Welfare Board, told The Post that the JWB is investigating the matters that led up to the enforced shaving of the Brooklyn soldier, and at the same time is negotiating with military agencies on formulating policy to be applied in future similar cases.

RIGHT DEFENDED

The JWB, he explained, has taken the consistent position of insisting on the man's right to keep his beard and peot, provided this does not violate Army safety and sanitary rulings. There is a question, for instance, of whether the beard would interfere with the proper functioning of a gas mask.

"There is an Army regulation in regard to shaving," Rabbi Berliant added, "but it's not such a vital one that it cannot be waived in a case of religious conviction such as this."

Zirkin, inducted Aug. 28, is a member of a Hassidic sect called the Malakhim (Angels or Messengers). The Malakhim are a small group concentrated in the Williamsburg section of Brooklyn who combine the meditative philosophy of the Lubavitch Hassidim with the outward garb of earlier east European Jewry: a black kapote (long satin coat), black creaseless hat and no necktie, plus beard and peot. When Zirkin insisted on keeping his beard and peot—he had never in his life shaved—he was taken to the stockade at Governor's Island, where he remained one week and where he was forcibly shaved. In prison, Zirkin did not touch food for three days.

ORDER COUNTERED

General Crittenberger, First Army Commander, since retired, had countered the order commanding Zirkin to shave when the case was brought to his attention soon after it erupted, stating that the boy was not required to shave. Zirkin has since been re-cultivating his beard and peot undisturbed.

But there are other problems

for the young "Malakh." Since his induction, he has never set foot in the mess hall—he will not eat Army food. He subsists entirely on kosher food cans made regularly available by the JWB, on victuals donated by local Jews, on the hospitality of the camp's Jewish chaplain, Sol Roth, and on food packages from home. Captain Roth took up Zirkin's case immediately upon the latter's arrival from Camp Kilmer.

'STRIKING COMPARISON'

David Eisenman, director of the Armed Forces Division of the Union of Orthodox Congregations, found a "striking comparison" between the case of Ellis Zirkin and that of the Boston soldier who, some weeks ago, had requested and received permission to wear his long hair according to the religious precepts of the Sikh tribe of northern India of which he is a member. Eisenman, who said his organization had been following closely Zirkin's case, felt both matters "should have been handled exactly the same."

The Jewish GI, Eisenman pointed out, was incarcerated and the "undesirable" hair was forcibly removed, while in the case of Sikh, there was no official interference, and, moreover, the Army publicized the incident as indicative of its policy of tolerance. Eisenman recalled, also, that in World War II, an Orthodox marine was allowed to grow a beard by order of the commandant of the Marine Corps—reputedly the strictest branch of the U. S. Armed Forces.

CITES ZIRKIN'S RECORD

As for Zirkin, Eisenman emphasized that the boy does not want to get out of the Army and that he has been establishing for himself an outstanding military record.

"Whenever an individual is conscientious and sincere, and wherever the conditions are favorable, when a matter of religious observance is in question, if it is handled properly, it is usually carried out well."

Although the Boston soldier had allegedly applied to Presi-

dent Truman before induction concerning his problem, while Zirkin had made no such formal appeal, Eisenman felt that "that is not the crux of the problem. The Union of Orthodox Jewish Congregations works closely with the Jewish Welfare Board and we hope to effect with the Government a definite policy for the future."

PREPARE FOR WEDDING

In Williamsburg, the boy's family were in the midst of preparations for Ellis' wedding on Jan. 11. The bride is Roslyn Landy of Scranton, Pa., the holder of a Ph. D. degree from Marywood College, a Catholic girls' school.

"You see, Roslyn is so Orthodox, she went to a Catholic college in order not to attend school with boys," Zirkin's father explained.

"My boy is doing his best in the Army," Zirkin continued. "He never dodged military service, nor would he claim exemption on grounds of conscientious objection. We are American citizens, he was born here, and he feels he should do his duty. His beard and peot are just a matter of honest, sincere conviction," his father, himself beardless, told The Post.

SHUNNED ISRAEL ETROG

To illustrate the extent of his son's Orthodox convictions, Zirkin told The Post of the \$25 etrog from Genoa, Italy, which was sent to Ellis at camp for Sukkot, as well as the Hanukkah lamp the soldier took with him. The Israeli etrogim were regarded by some ultra-Orthodox as not ritually suitable, as they had been grown during 5712, a Shmitah (Sabbatical) year.

Ellis has been a shohet since he was seventeen. He also has a smikhah (rabbinical ordination), though it is not from the Lubavitch Yeshivah which he attended.

When he had asked three leading rabbis for advice about his problem, they all told him to shave. The Lubavitcher rabbi, when asked, commented that Ellis should have come to him before induction.

"My son has more guts than

January 9, 1953

all the rabbis," the elder Zirkin asserted. "It's a great world if you don't weaken."

A 45-7 Redd. sp. L. Zirkind

Religious GI in Stockade, Forcibly Shaved by Army

"They shall not make baldness upon their head, neither shall they shave off the corner of their beard, nor make any cuttings in their flesh."

Leviticus 21:5, Old Testament

By JOHN RODDY

Army authorities at Camp Kilmer, N. J., admitted yesterday that they had forcibly cut the hair and shaved the "payess" (curly sideburns) of a 21-year-old Brooklyn rabbinical school graduate and then had placed him in the camp prison to await a special court-martial for "refusing to obey a legitimate order."

Capt. John Keith, Camp Kilmer Public Relations Officer, confirmed the facts which THE COMPASS had learned from its own investigation. Keith said Pvt. Ellis H. Zirkind, of 562 Bedford Ave., Brooklyn, arrived at the draftee induction center on Aug. 27 "wearing his hair in braids."

Zirkind was "advised to comply with regulations," but refused to cut either his hair or "payess" because of "conscientious, religious grounds," Keith said.

Sent to N. Y. for Advice

The Army then sent Zirkind to the Jewish Welfare Board in New York for consultation. Despite the Board's advice that he comply, Zirkind steadfastly refused, Keith said.

Then, said the Army spokesman, Zirkind's Commanding Officer gave him a direct order to cut his hair and sideburns. Still pleading conscientious objection to violating an injunction of the Bible, Zirkind again refused.

Warned of the consequence of disobeying a direct order, Zirkind himself requested a special court-martial to plead his own case.

Wants to Serve

Keith said the Army then forcibly cut and shaved Zirkind and put him in the stockade until he goes on trial. Zirkind "has nothing against the Army. He has every desire to serve," Keith said.

"It seems," he added, "that he belongs to a very orthodox sect who believe they should not shave or cut their hair."

The young soldier's mother, Mrs. Ada Zirkind, of 572 Bedford Ave., Brooklyn, knew that her son's religious devotion had resulted in some "difficulty" at the camp. But when she learned of the forcible haircut and shave, she sobbed:

"Oh, my God!"

Devoted to Studies

Ellis, she said, had sacrificed his youth—"and would sacrifice his life"—for his religious ideals. He was a devoted student of the Torah, she said, and firmly and consistently followed all its injunctions and commands. While other boys his age indulged in "worldly pursuits," Ellis single-mindedly pursued only his religious studies, she said.

He never went to a public school. When he completed his rabbinical studies at the Lubavitcher Yeshiva in Brooklyn it was the happiest day in his life since his Bar Mitzvah (confirmation). But his extreme zeal and consecration proved to be obstacles rather than assets in realizing his ambitions to lead a congregation, his mother said.

Ellis made numerous applications, both by mail and in person, but could not land an assignment in a synagogue because of his "severe orthodoxy," Mrs. Zirkind said. Ellis, she remarked, had never shaved in his life. He always wore a frock coat and skull cap.

'Just a Butcher'

Failing in his first ambition, Zirkind landed a job in a kosher butcher shop as a "shochet" (ritual slaughterer of animals). He was working at this occupation when summoned by his draft board. Ellis foresaw the difficulties he would face in the Army. When he appeared before the draft board he carried with him letters from three synagogues which had rejected him because of his severe manner.

The draft board, his mother said, merely looked upon this as an attempt by Ellis to dodge service altogether and gave short shrift to his plea for deferment. He was simply a "butcher" to the draft board, and it was as a "butcher" that he went into the Army.

But Ellis wasn't trying to shirk his lawful duties, Mrs. Zirkind said. His only concern was to observe his religious scruples. High among these was the wearing of the "payess" (the plural form of the Hebrew word "payah," meaning corner).

Practice Is Widespread

Ellis' adamantness on this point was a literal application of an injunction in the Bible against shaving the corners of the temple and the beard. Although even among Orthodox rabbis in the United States the wearing of the "payess" is not mandatory, the practice persists among many Jews. For Ellis, his mother said, it was a command, "a sign of devotion to God."

Both of the youth's brothers are now attending rabbinical school. An older sister is married to a rabbi and a younger sister attends a seminary.

For the anxious family that gathered at the Zirkind home the night

(Continued on Page 9)

ARMY FORCIBLY SHAVES RELIGIOUS GI

(Continued from Page 7)

before his departure for the Army, young Ellis had these serene words of comfort:

"Don't worry. My faith will overcome all difficulties."

To his mother, Mrs. Zirkind said, Ellis declared: "Only over my dead body will they force me to shave my 'payess.'"

Spokesmen for the Jewish Welfare Board expressed amazement and disbelief when informed the Army had forcibly shaved Zirkind. Rabbi Aryeh Lev confirmed that

his organization had advised Ellis to comply with the Army order.

He said that persons of all religious faiths who "had an extreme point of view" were bound to run into difficulties in the Army and that all religious leaders agreed that special dispensations had to be made in order to conform to military necessities.

Mrs. Zirkind's final comment was:

"It's religious freedom they are fighting for. What value will my son have for the Army if his spirit is broken?"

The National Jewish Post, Friday, August 28, 1953:

The other was with **ELLIS ZIRKIN**, the bearded soldier who had been forcibly shaved when he entered the army and then allowed to grow it again, on religious grounds. Zirkín, said Rabbi Tettelbaum, was a top notch soldier and was in line for promotion to sergeant when the chaplain left Korea several weeks ago. Even in combat, said the rabbi, Zirkín did not eat at army mess but did his own cooking in his own pots and pans. With kosher food sent him by the Jewish Welfare Board and his family, he took only such items as raw eggs and canned juice from army mess.

The National Jewish post, Friday, March 12, 1954:

Reds Turned Yellow

CORPORAL Lazar Zirkind is back in Williamsberg, N. Y. from Korea, owner of a new beard. The ultra-Orthodox young G.I. who raised a furor some months ago when he was forced to shave off his beard while in service, became a hero because of his orthodoxy. The enemies in Korea, frightened at the sight of a soldier with an odd, fringed garment (tzitzes) flowing from under his battle jacket, would flee in hasty retreat.

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NATIONAL JEWISH WELFARE BOARD

145 East 32nd Street

New York City

DIVISION OF RELIGIOUS ACTIVITIESMINUTES OF MEETINGJAN. 26, 1953

Presiding: Rabbi Max D. Davidson, Chairman	Rabbi David Max Eichhorn
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Rabbi Elkan Voorsanger	Mr. Bernard Postal
	Chaplain Morris Sandhaus

E. The Zirkind Case. Rabbi Berliant presented to the meeting a report on the case of Pvt. Ellis H. Zirkind, a member of a small Chassidic sect who was drafted into the Army in August 1952. Upon his induction to Camp Kilmer, N.J., Pvt. Zirkind was ordered to shave his beard and payot, in accordance with an Army regulation which requires that servicemen be clean-shaven. Pvt. Zirkind refused to comply, on the grounds that his religious convictions would not permit him to violate the Biblical injunction against shaving. He was thereupon placed in the stockade of the camp and court-martial charges were brought against him for refusal to obey a direct order. The serviceman was permitted to confer with the Jewish chaplain at the Camp and to go to New York in the chaplain's custody in order to consult with a group of Orthodox rabbis who were called together for this purpose by Rabbi Berliant. Although, in the discussions that took place, it was brought out that, according to the prevailing Orthodox view, shaving is permissible in a military situation, where a man who would otherwise wear a beard does not have freedom of choice, the serviceman remained firm in his determination not to depart from the tenets of the sect of which he is a member.

Shortly thereafter an officer ordered that Pvt. Zirkind's beard and earlocks be removed against his will. The carrying out of this order evoked much unfavorable comment in the press and led the Commission on Jewish Chaplaincy to communicate a request to the Commanding General of the First Army Area for a statement as to the disposition of the case and for an opinion as to whether the forcible shaving of the serviceman was an action taken in accordance with Army policy or was an improper act executed by an officer who used bad judgment. In reply, the Commanding General advised the Commission that the case of Pvt. Zirkind had come to his attention after he had been shaved and court-martial charges had been processed against him. He stated that an immediate investigation was ordered, and pending the results of the investigation instructions were issued from Hq First Army that Pvt. Zirkind be released from the confinement in which he had been placed and that he not be required to shave. When all the facts in the case became known, court-martial charges against the serviceman were dropped and his record was cleared. An order was issued that he was not to be required to shave again while in the 1st Army area. The General enclosed a copy of extracts from several regulations in force which are applicable to all members of the Armed Forces of the United States for the regulation of their conduct and which would apply in this case. He furthermore stated that the policy established by the Department of the Army in a case of this nature is that the matter be

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disposed of by the immediate Army Commander in whose jurisdiction the case arises, in accordance with the existing regulations.

In the meantime, Pvt. Zirkind had been transferred to Indiantown Gap Military Reservation, Pa., where he received permission from the Commanding General of the Second Army, through the authorities at Indiantown Gap, to retain his beard and to wear special items of clothing that are not considered part of the military uniform. In a letter written shortly after Pvt. Zirkind's arrival at Indiantown Gap, the Commanding General of Hq 5th Infantry Division, Indiantown Gap, requested the discharge of the serviceman under the provisions of Par. II, AR 615-365. The letter pointed out that Pvt. Zirkind is a member of the group known as the "Lubavitcher Chasidim" and therefore his religious principles differ significantly even from those of the Orthodox group. The letter also stated that the Commanding General, after interviewing Pvt. Zirkind, felt that, since he would constantly require special privileges, he would not be an asset to the service. In an endorsement from Hq Second Army, the recommendation made by the Commanding General of the 5th Infantry Division was approved. The second endorsement, however, made by AG, Department of the Army, stated that it did not favor the release of Pvt. Zirkind. The endorsement continued with a detailed discussion of Orthodox law, with quotations from authorities on Jewish law to prove the reason for the denial of the discharge. This opinion was rendered by a private rabbi from whom the Department of the Army had received guidance in the matter.

The action of the Army in taking the word of a private individual on a matter of religious import was brought before the DRA at a meeting of the Executive Committee on December 23, 1952. The Executive Committee directed the Chairman of DRA to write to the Adjutant General, Department of the Army, protesting the fact that, although the Commission on Jewish Chaplaincy is the recognized agency for advising the Armed Forces on religious affairs insofar as Jewish men are concerned, the Army in this instance departed from the established channels in seeking advice. The current meeting of D.R.A. approved a letter on the matter from the Chairman of D.R.A. to the Adjutant General of the Army.

In behalf of the D.R.A. and the Rabbinical Council of America, Rabbi Berliant expressed appreciation for the efforts of the Commanding General of Indiantown Gap, who demonstrated fine understanding and cooperation in dealing with this unusual situation.

Pvt. Zirkind, who made an excellent record in basic training and was considered a model soldier, is currently under orders to go to the Far East. When he was alerted for FECOM, the Director of DRA addressed a letter to the FECOM chaplain, Chaplain James T. Wilson, explaining the situation to him and requesting the cooperation of his office in enabling the serviceman to maintain his religious convictions. On the advice of DRA, the serviceman himself has directed a request to the Office of the Secretary of Defense requesting that an exception be made in his case, as has been done in the case of members of other religious sects, insofar as the regulations involved are concerned. At the same time, the Lubavitcher Rebbe, who is the recognized leader of the sect to which Pvt. Zirkind belongs, has been asked by the Orthodox group to instruct the serviceman to shave overseas, so that he will not be hindered in using a gas mask should circumstances make this necessary.

During the course of these developments, Pvt. Zirkind paid a number of visits to the office of the DRA for consultation and guidance, and Rabbi Berliant, in presenting his report to the meeting, informed the group that the Lubavitcher Rebbe has expressed his appreciation for DRA's help in the matter. Pvt. Zirkind has indicated that the bulk of the kosher food which he received at Indiantown Gap was obtained from the JWB through the Jewish chaplain at the Gap, for whose

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helpfulness the serviceman expressed his gratitude. It was the consensus of the meeting that the approach of the DRA and of all who concerned themselves with the religious welfare of the serviceman was very sound and helpful.

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145 EAST 32nd STREET
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DIVISION OF RELIGIOUS ACTIVITIES

September 16, 1952

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Rabbi Aryeh Lev
Director

Mr. Leo Pfeffer
American Jewish Congress
15 East 84th Street
New York 28, N.Y.

Dear Leo:

All the facts on the Zirkind incident are not in yet. The latest is that at the new post (Indiantown Gap, Pa.) the Commanding General has taken a different view and has indicated that the boy would be permitted to wear whatever beard he grows back.

Unofficially I am also led to understand that there is a good chance that this boy will be sent to the psychiatrist who may determinethat his mentality and attitudes are such that he would not fit into the army life and may, therefore, be released from the service.

We will have to wait for some time until all the information necessary comes in to us. At that time we will write up the case and will certainly let you have a copy of the report. It is quite evident that at present no further action should be taken, until the Army determines its course. The boy himself is not suffering any discrimination.

Sincerely,

Aryeh Lev
RABBI ARYEH LEV
Director

WEDDING CELEBRATION OF SHOLOM MOSHE AND BREINA KAHANA-FREUND

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Zirkind
(De Follet)

DRAFT

Hon. Frank Pace, Jr.
Secretary of the Army
The Pentagon
Washington, D.C.

September 12, 1952

My dear Mr. Secretary:

We have been informed by a number of our members of an incident which occurred at Camp Kilmer, New Jersey a short time ago which has disturbed us greatly. According to our information, an orthodox Jewish enlistee, Pvt. Ellis H. Zirkind of Brooklyn, New York was forceably subjected to having his ear locks cut and was held in the stockade for Court Martial because his religious convictions required him to refuse to remove them voluntarily.

The constitutional guarantee of religious freedom, which is the basis of our democracy, requires that only extreme circumstances presenting a great danger to the welfare and safety of the country justify the forceable interference with the religious convictions of the people. It is of no moment that the particular convictions held by Pvt. Zirkind are shared by few others. Religious libert means liberty for the few as well as the many and the conscientious convictions of a small religious sect are as sacred as those of the largest faith.

What disturbs us particularly is that we have learned from reliable sources that in April of this year the Army issued an order permitting an East Indian Sikh to retain his long hair and beard because his religious convictions barred him from removing them. We believe that the Army's decision in that instance was in accordance with the best traditions

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of American democracy. We cannot understand why the same permission was not accorded to Pvt. Zirkind.

We find it difficult to believe that the Army would willfully discriminate against an orthodox Jewish boy. Yet, the different treatment of the two identical cases on its face presents an instance of unequal and unfair treatment which requires rectification.

We therefore respectfully call upon you to grant Pvt. Zirkind and others like him the same rights and privileges granted to the East Indian Sikh. We also respectfully call upon you to issue a formal and public ruling of your disposition in this incident.

Sincerely yours,

Dr. Israel Goldstein
President

LP:aw



DEC 1 1952

R. Lew

HEADQUARTERS FIRST ARMY
OFFICE OF THE COMMANDING GENERAL
GOVERNORS ISLAND, NEW YORK 4, N. Y.

24 November 1952

Rabbi Max D. Davidson, Chairman
National Jewish Welfare Board
145 East 32d Street
New York 16
New York

Dear Rabbi Davidson:

This is in reply to your letter of 13 October 1952 in regard to the matter involving Private ELLIS H. ZIRKIND who was required to have his beard shaven and his hair cut against his will. I learned of this case after Private Zirkind had been shaved and his hair cut, and court-martial charges were being processed against him for his failure to obey a direct order given to him by a superior officer who was complying with existing Department of the Army regulations.

An immediate investigation was directed. Pending the results of the investigation, instructions were issued from this headquarters directing that the court-martial charges be withdrawn, that Private Zirkind be released from the confinement into which he had been placed, and that he not be required to shave.

When all the facts in the case became known, court-martial charges against Private Zirkind were dropped and his record was cleared. He was not again required to shave while in this Army area and did not, to my knowledge, do so prior to his transfer on September 12th to the 5th Infantry Division, Indiantown Gap, Pennsylvania. This transfer, incidentally, was a purely routine one. Camp Kilmer is a Receiving and Processing Station for newly inducted personnel. From Camp Kilmer, the inductees are sent for basic military training to training centers such as the one at Indiantown Gap.

Private Zirkind was treated with the same consideration afforded to every inductee who reports at a military installation. He was given every opportunity to comply voluntarily with existing regulations, to consult daily with the Jewish Chaplain at Camp Kilmer, New Jersey, and was furnished official transportation to New York City to confer with members of the Jewish Welfare Board. While in New York City he was given further opportunity to consult with the head of his religious sect.

During the course of our investigation, Private Zirkind stated that he was advised by the member or members of the Jewish Welfare Board with whom he consulted, that he should comply with the Army regulations concerning shaving and hair trimming. He, at that time, asserted he could

WEDDING CELEBRATION OF SHOLOM MOSHE AND BREINA KAHANA-FREUND

not change a belief that he had formed since childhood. He further stated during the investigation that no degree of violence or force was used when he was shaved and his hair was cut. It is evident from this that the persons who were instructed to remove his hair and beard did so without exhibiting any prejudice, displaying consideration at all times toward him personally.

There are several regulations in force which are applicable to all members of the Armed Forces of the United States for the regulation of their conduct, which apply in this case. Extracts are inclosed for your information.

The policy established by the Department of the Army in a case of this nature is that the matter be disposed of by the immediate Army Commander in whose jurisdiction the case arises, in accordance with the existing regulations. You may be assured that when such a case does arise, it is given careful consideration, as was done in this case, bearing in mind the public interest of the Government and the individual concerned.

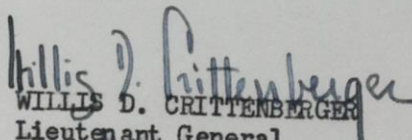
In connection with this particular matter, a communication received by the Commanding Officer, Camp Kilmer, New Jersey, while this case was pending there, is of great interest and a copy is inclosed for your information.

From the above facts, including those embodied in the inclosures herewith, I feel you will agree that all possible remedial action was taken in this case consistent with an impartial application of existing regulations.

In these critical times it is highly essential that, as individuals, we all patriotically apply ourselves to the task at hand, and to the greatest extent possible, conform to rules and regulations which attempt to be fair and just to all.

With kindest personal regards, I am,

Sincerely,


WILLIS D. CRITTENBERGER
Lieutenant General
United States Army

Incl

COMPANY "I"
10TH INFANTRY REGIMENT 5TH INFANTRY DIVISION
Indiantown Gap Military Reservation, Pa.

1 October 1952

SUBJECT: Permission for Wearing of Special Clothing

TO: Whom it may concern

1. This is to certify that the bearer, Pvt E-1 Ellis Zirkind, US51176220, Company "I" 10th Infantry Regiment, 5th Infantry Division, with station at Indiantown Gap Military Reservation, Pa. has been authorized by the Commanding General to wear special items of clothing that are not considered part of the military uniform.
2. Subject individual is of the Orthodox Jewish faith and has been authorized to maintain a beard and wear these items of special clothing.
3. Military policemen and other authorities are requested to refrain from questioning or taking any action against this soldier because of these uniform privileges. Further information concerning this special authorization can be obtained by contacting the undersigned.

Eugene J St John
 EUGENE J ST JOHN
 Captain Infantry
 Commanding

COPY

Chaplain (Col.) Herman H. Heuer
.....#2

April 24, 1953

In this connection, we were very happy to note that Pvt. Iqbal Singh, a Sikh, recently inducted at Fort Ord, California, was permitted by the Army to wear his beard and his turban while in service. We considered this a true American act of tolerance and respect for the religious convictions of even a minority group or cult. We are hopeful that a similar ruling will be made in the case of Pvt. Ellis Zirkind.

Sincerely,

RABBI SAMUEL BERLIANT
 Honorary President.
 Chairman, Chaplaincy Committee
 Chairman, Orthodox Rabbinic Delegations
 Jewish Chaplaincy Commission
 Jewish Welfare Board

February 6, 1953

AL JEWISH WELFARE BOARD
ARMY CHAPLAIN DEPT ARE QUESTIONING THE RIGHT
TO WEAR A BEARD AND NONE
INFORM ME FROM WHAT
Dear Chaplain: NO HAS PERMISSION TO DO THESE

Army Chaplain
Office of the Army Chaplain
Hq 5th Army
San Francisco, Calif.

Dear Chaplain:

We have just been informed that the military authorities at the Personnel Depot at either Ft. Lawton or Ft. Lewis are questioning the right of Pvt. Ellis H. Zirkind to wear a beard and a tallis katan (the latter is a small garment worn next to the skin by Orthodox Jews.) Pvt. Zirkind is a member of a very small sect within the Orthodox group which is firm in the belief that a man is not permitted to shave under any circumstances. When he was inducted into service he received permission from the Commanding General of the First Army, through the authorities at Camp Kilmer and from the Commanding General of the Second Army, through the authorities at Indiantown Gap to retain his beard. He made an excellent record in basic training and was considered a model soldier. When he was alerted for FECOM, Rabbi Aryeh Lev, Director of the Commission on Jewish Chaplaincy, sent a letter to the FECOM chaplain, Chaplain James Wilson, to make sure that Pvt. Zirkind would have no difficulty in retaining his beard while serving as a soldier in FECOM. It was not thought necessary to alert the Sixth Army with regard to this matter, because it was thought that Pvt. Zirkind's stay under Sixth Army jurisdiction would be a very short one. However, the authorities at the Seattle P. O. E., not knowing the background of this case, presumably did not know how to handle Pvt. Zirkind. Please take immediate steps to get this matter straightened out satisfactorily.

Early in his army career, Pvt. Zirkind was forcibly shaved by order of an over zealous officer. The publicity which followed was decidedly disadvantageous to the army. A similar result could ensue if this case was mishandled within the Sixth Army area.

I strongly urge you to recommend to the Commanding General of the Sixth Army that he concur in the action of the previous Commanding Generals, and allow Pvt. Zirkind to retain his beard.

We should like to know of the action taken with reference to this matter.

Cordially yours,

cc: Post Chaplain, Ft. Lawton
Rabbi William Dalin
Mr. Philip Posner
Chaplain David Wolf Silverman

RABBI DAVID MAX EICHEN
Director of Field Operations

RCA

April 24, 1953

Chaplain (Col.) Herman H. Heuer
Chief, Technical Liaison & Analysis Div.
Office of the Chief of Chaplains
Department of the Army
Pentagon Bldg.
Washington 25, D.C.

Re: Pvt. Ellis Zirkind

Dear Chaplain Heuer:

We are sending herewith the memorandum on the matter of shaving the beard, in the light of Traditional Jewish Religious Law (Halachah). This is in accordance with our conversation of April 3, 1953.

We have stated that the majority of observant Jews in this country follow the opinion of the Shulchan Aruch and later authorities that shaving the beard is permitted by instruments mentioned; scissors, clippers, electric shaver, etc.

On the other hand, substantial groups, especially of the Hassidic sect, still follow the ruling of their religious teachers such as, "Zemach Zedek" and of others, that the beard may not be removed even if the aforementioned instruments were to be used in the process. To these people, this decision is a binding religious practice and they faithfully adhere to it.

On or about September 1, 1952, we met with Pvt. Ellis Zirkind at my home in Jackson Heights, N.Y.C. Present at that meeting were Chaplain (Capt.) Oscar Lifshutz and Rabbi Joseph Weiss, in addition to myself.

We questioned Pvt. Zirkind closely on his reasons for not shaving. He stated clearly that he followed the ruling of the Zemach Zedek, that he had never cut his beard or side-locks (pay-oth) that he had always worn his beard, despite the reduced opportunity for placement that his appearance and his religious outlook entailed. He told us that he had studied in the Lubavitcher Yeshiva, a theological school of the Chabad movement.

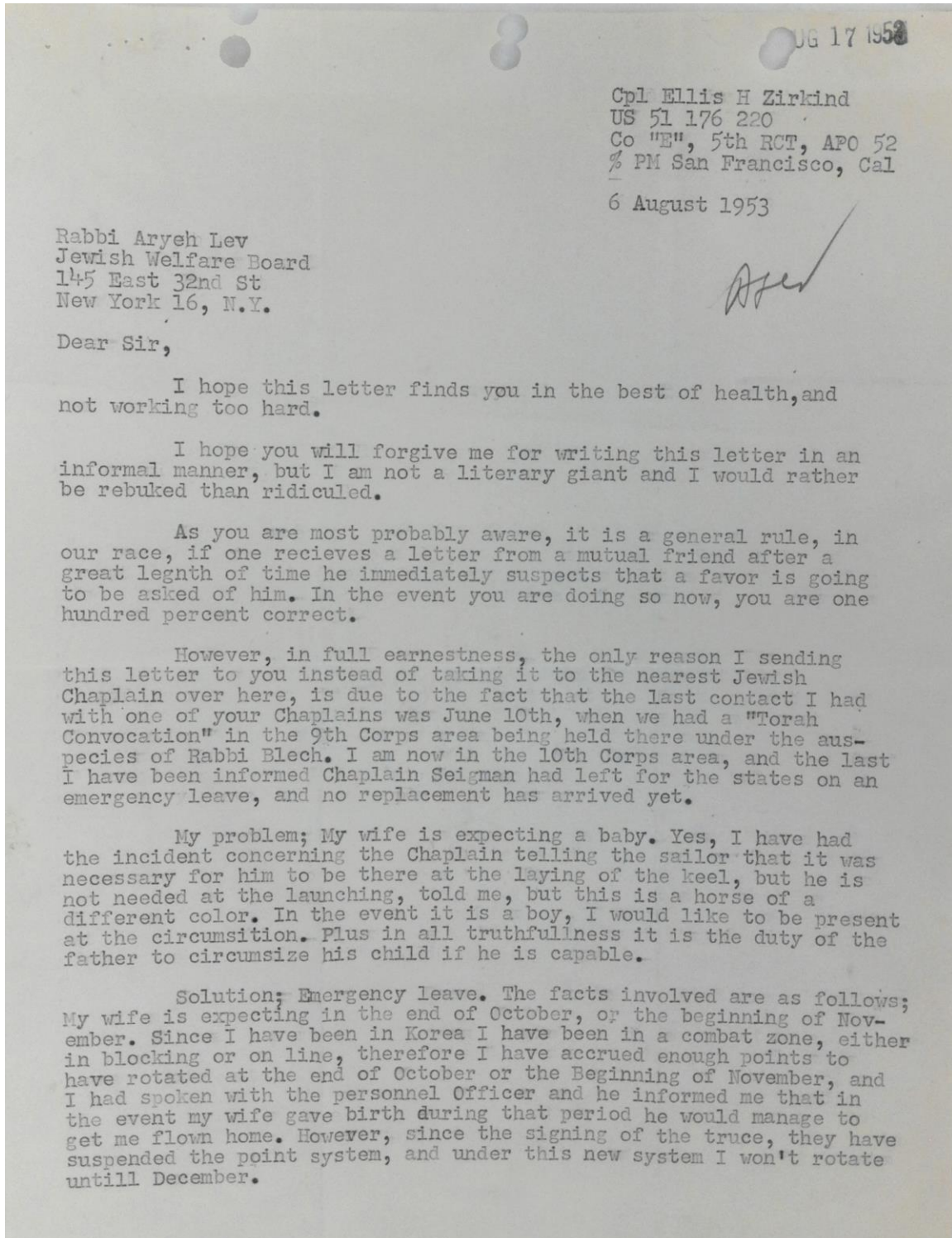
It is therefore our humble opinion that Pvt. Ellis Zirkind should be permitted to wear his beard as a matter of religious conviction, while he is serving in the army.

We firmly believe that such permission by the army command would be another link in the long chain of American tradition, that the religious convictions of all groups and sects shall be respected.

COPY

WEDDING CELEBRATION OF SHOLOM MOSHE AND BREINA KAHANA-FREUND

The following is a correspondence between Zeida and Rabbi Aryeh Lev from the Jewish Welfare Board, while he was in Korea.



2

So in turn, I turn to you for advice and/or assistance, whichever you can render. Can I apply for an Emergency Leave, on the basis that in the event it is a boy I could be there to circumcize him in accordance with our religion. If so, how do I go about doing it. And finally with due humbleness, and full realization of all your pressing duties, can your office initiate it.

That is all I have to write regarding my problem, and I do hope that something can be done about it. In the event you are interested in what had occurred to me since I last spoke to you, I am therefore writing a little resume on what had happened. (Of course it is prerogative whether or not to read it, so in the event you are very busy at the present moment, I will forgive you if you skip it.)

On my voyage over to Japan the Chaplain aboard ship had a carton of canned kosher foods which was sufficient to last me out the voyage, and which at this time I wish to thank the JWB for it's foresight. The few days I was in Japan I was able to buy canned foods at the PX, and encountered no obstacles as far as my beard was concerned. On my voyage to Korea, there was no JWB stores aboard, but I went to the chief purser, and received permission from him to draw from the ship's stores any canned food and fresh milk I desired, so as they say over here, no sweat there. On my trip to my Unit I was able to acquire C-ration canned fruit and crackers.

Upon being assigned to my Unit (which is Company "E", 5th Regimental Combat Team) I was called for an interview with the Regimental Commander, at which time he asked me (to put it bluntly) what I desired as far as religious freedom was concerned. In turn I asked for permission to retain my beard and side-burns, and to be issued C-rations instead of eating in the mess hall, at which time he nearly hit the ceiling, and proceeded to "chew me out" and inform me that he had struggled to make this "Combat Team" and he will be darned if one man will destroy it, at which time I just didn't bother to try and get Saturday off, and be contented if I just get my first two requests. However as it ended up, he granted me my first two requests officially on paper, and he granted me Saturday off unofficially if the tactical situation warrants it. However when I received a copy of the authorization, attached to it was a letter of memorandum from Eighth Army Headquarters, informing the Regimental Commander that I was being assigned to his command, and to be authorized whatever religious requests I made, (if I only knew that when I was in his office, well--).

*Good!
wish
did they
cut
over
request*

However my company commander was very nice about it, and told the mess sergeant to give me whatever type of canned foods I could eat, so thank G-d I haven't starved yet. He also gave me the liberty, when we were off the line and in blocking, to have Saturday for myself. So far my company had changed company commanders three times and all have given me those liberties.

I haven't encountered any anti-semitism or any ostentatious remarks regarding my beard or putting on Talis and Tefillin.

As far as my military career is concerned, I started as a BAR man and then was made assistant squad leader of one of the weapons squads, and then squad leader. A few weeks ago I was taken off the hill

3

and the company commander asked me if I would like to become the supply clerk, and most naturally I accepted, so I am now "rear echelon".

I trust this has been a variation of your general mail, in any event I will close now.

If I had waited until next week I would have been able to officially wish you a happy new year, but I will jump the gun and wish you a Happy and Prosperous New Year.

I remain,

Sincerely Yours,

Ellis H Zirkind
Ellis H Zirkind

file

RCA

August 18, 1953

Cpt. Ellis H. Zirkind
Co. "E" 5th RCT, APO 52
% P.M., San Francisco, Cal.

Dear Rabbi:

That is the title to which you are entitled. It is a semicha which I recognize and even though in the Army I am a Colonel, and you are a Corporal, nevertheless our correspondence should always be on a rabbi to rabbi basis. In the future, therefore, I hope you will not address me as: "dear sir".

I read your letter with a great deal of pleasure. First of all I wish to extend to you a mazeltov for the future birth - I hope your wife continues in good health and that you are presented with a fine and healthy child. I can appreciate your problem - it has come up several times and we were asked to give a ruling on it. In fact the case was even more difficult in the other situation. It occurred in Alaska where the wife was with the husband and where the husband claimed that, if a boy was born, there was no mohel in Alaska to perform the circumcision. The individual concerned, therefore, asked for transfer from Alaska to some other situation (preferably in the States) where if his wife gave birth to a son, he could be circumcized at the right time. In this case it was comparatively easy for us to say that the wife had freedom of travel and could return herself to the States where she could give birth to her child. There the circumcision could be performed at the right time. Of course there was no guarantee that a son would be born. We could not rule that it was required by law that a father must be present at the circumcision of his son. It is desirable just as it is desirable that the father himself do the circumcision - but it is not required. You can imagine what a situation we would have if all the husbands who had impregnated their wives and then went overseas asked for a return to the States to be present at the circumcisions of their sons.

In your instance since you are a rabbi and since I assume you are also a mohel from what you write, I can imagine how much more you would like to fulfill the commandment yourself. Had the war continued in Korea, I note from your letter that you had already made arrangements so that you could be back. However, I must say that the reason for your not accruing more credits (armistice in Korea) seems to outweigh the additional mitzvah which you would like to enjoy. We therefore cannot write to the Dept. of the Army or to any one else

-2-

Cpl. E. Zirkind
8/18/53

and ask for your return earlier than your normal time for rotation, on the grounds that Jewish law requires that you be present at the circumcision of your son. It is even more difficult when there is no way of prognosticating that it will be a son. As we say in the Army - "its a good try" and perhaps you ought to keep on trying. However, we cannot be involved in it as I am sure you can readily understand.

I was delighted with the remainder of your letter. I see that our letter to the 8th Army Chaplain was effective inasmuch as information did get down to the various regimental commanders with whom you deal to the effect that they should be considerate of your religious observances. I am even happier that you yourself have proven your mettle in the way you have carried on in combat. If you remember, Rabbi Eichhorn and I were both convinced that you ought not be in the service because you were a properly ordained rabbi, but that if no action could be taken to remove you from the service, that we had implicit faith in you that you would be a good soldier.

It might interest you further to know that your letter to the President, in which I understand you asked that you either be authorized to wear your beard and observe the Jewish ritual laws or that you be let out of the Army, was brought to our attention. The matter went to the Chief of Chaplains Office and they together with a staff officer from the President's Office spoke to us on the subject by phone. We reiterated that, to the best of our knowledge, you were a man of honest religious convictions and that, in our opinion, you should be given the privilege of fulfilling your religious requirements. We further went on to tell them that, if they did not consider you could fulfill the requirements and still be a good soldier, they would have to make such a decision and let you out of the Army, because you could not be adapted to the military scene, or on the grounds of erroneous induction, since you were an ordained rabbi. I would like to know what reply you receive. This case fascinates me. Apparently they decided to let you carry on your religious practices.

I am very happy that you received our canned kosher food and that it enabled you to carry on. There is an ample supply of kosher foods which we have sent to the Far East to take care of your needs. If at any time you run short, be sure to contact the Jewish chaplain at any of the Corps areas or at the Theatre Chaplain's Office at Seoul. They will be able to replenish your stock.

I do wish that I could be more helpful but you must realize that what you have asked is most difficult for us to fulfill. I do not offer as a solution the prayer that your first born be a girl. I am sure that it be a girl you will be happy as I am with my two daughters. I know that your wish must be for a son for that was my wish which God granted. Perhaps with the armistice there may be a revision of the point system and you may come back earlier than you expect. I also have faith in you that as "an old Army hand" you will probably work out some kind of a "deal" so that you get back earlier. In any event, be assured of our respect and esteem for you. I do hope you continue this correspondence from time to time and that when you return to New York you come to see us as often as possible. May I express to you our best wishes for a very happy year and a future happy life with your family devoid of all these problems and difficulties which you have experienced this year.

Sincerely,

RABBI ARYEH LEV

WEDDING CELEBRATION OF SHOLOM MOSHE AND BREINA KAHANA-FREUND

SEP 8 1953

Handwritten: ~~DMC~~
~~to~~
~~the~~
for RCA

Cpl Ellis H Zirkind
Co "E", 5th RCT, APO 52
% PM San Francisco, Cal

August 30, 1953

Handwritten signature: [Signature]

Rabbi Aryeh Lev
145 East 32nd St
New York 16, N.Y.

Dear Rabbi,

I received your letter and was quite pleased that it was received in the manner it was.

I received your answer to my problem, and even though it was it was of a negative nature, I appreciate the diagnosis it was given. I accept the decision and do not wish to further my request, but I wish at this time to clarify a point (just for the record), and with that close the issue. I did not wish to request a leave be granted on the basis that if it were a boy I would have to be there and therefore under any circumstances be granted the leave, but rather that a leave should be applied for, and upon verification to the Department of Army by the Red Cross that my wife gave birth to a boy, the leave should become validated. I also did not mean that because of the leave my tour of duty in FECOM should end, but that I merely wished to be in the states for the period of time necessary and to return here to duty, I did not even mean to be given the general leave time of thirty days, but rather ten days which would have been quite sufficient. However, as I mentioned before, I merely wish to clarify the matter, and do not criticize your decision.

You had mentioned in your letter that you were consulted in regard to my letter to the President, and would like to know what their decision was. Well, I am afraid I can not help you out since I have as yet not received any answer on the matter. I am completely in the dark as to what they have done or are doing.

This Thursday I met the new Chaplain for the 9th Corps, Rabbi Goldberg, and I intend with G-d's help to attend his High Holiday services at Corps.

Once again I wish to extend to you my best wishes for a Happy and Prosperous New Year, and please convey to Rabbi Eichorn the same.

I remain,

Sincerely Yours,

Handwritten signature: Ellis H Zirkind