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**SUPREME COURT  
CRIMINAL TERM**

**NEW YORK COUNTY  
PART 71**

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THE PEOPLE OF THE STATE OF NEW YORK : **INDICTMENT #**  
2721-09  
:  
-against  
:  
RAPHAEL GOLB,  
Defendant.

-----x **Jury Trial**

100 Centre Street  
New York, New York 10013  
September 16, 2010

**B E F O R E:**

HONORABLE CAROL BERKMAN,  
JUSTICE OF THE SUPREME COURT

\*\*\*\*\* Appearances as previously noted \*\*\*\*\*

\* \* \* \* \*

THE COURT: Let's get the jury.

THE SERGEANT: Jury entering.

(Whereupon, the jury entered the courtroom.)

THE CLERK: The jury has entered and is properly seated. Is someone getting the witness? I guess that will be me.

THE COURT: So good morning.

THE JURY: Good morning.

THE COURT: Looks like I have to report the juror

1 to the disciplinary -- maybe the senior member. Yes.

2 THE JURY: Me?

3 THE COURT: Because we had a late juror. I am not  
4 asking who it was. Bet it wasn't you. So, I yell enough  
5 during the day. I will assign you that task.

6 But, good morning anyway. And while we are waiting  
7 for the witness, if you decide to go out to the San Gennaro  
8 festival for lunch, try not it get indigestion.

9 THE CLERK: Witness entering.

10 (Whereupon, the witness entered the courtroom.)

11 THE CLERK: All parties are now present. The jury  
12 is seated. The witness is reminded of his oath.

13 THE COURT: So Mr. Breibart want to stay near his  
14 table so he doesn't have to move for his papers. If you  
15 have any trouble hearing him, we will revisit that.

16 MR. BREIBART: Thank you, Judge. Good morning  
17 folks.

18 CROSS EXAMINATION

19 BY MR. BREIBART:

20 Q. Dr. Schiffman, my name is David Breibart. I am one of  
21 the attorneys that's representing of Raphael Golb. This portion  
22 of the trial is called cross examination. And I am going to be  
23 asking you some questions, sir.

24 When you introduced yourself, you indicated that you  
25 were the Skirball Department head; is that correct?

1 A. Yes, that's correct.

2 Q. And you also indicated that you had another title?

3 A. Yes.

4 Q. What was that, sir?

5 A. That's the Ethel and Irvin A. Edelman Professor of  
6 Hebrew and Judaic Studies.

7 Q. How do these people get the right to name a chair?

8 A. Well, all the people involved are dead. They donated  
9 money -- they are all dead. People you name are all dead. What  
10 happens is in years gone by, these people's foundations made  
11 contributions to the university, and established funds with  
12 which the university then selects from among its senior faculty  
13 or people whom it wishes to bring to the university and  
14 designates them with these titles.

15 Q. Does that mean, sir, that --

16 A. Can I just add one point?

17 Q. Of course.

18 A. The chair of the Skirball Department has nothing to do  
19 the Skirball donor. The Skirball donor got their name on the  
20 department by donating, but the chairship [sic] is not a named  
21 position.

22 Q. Does the fact that you have that chair, the fact that  
23 you head that department indicate that there are private  
24 individuals who have made substantial donations to NYU?

25 A. No.

1 Q. What does --

2 A. Do you want me to explain the fact that the chair  
3 exists, and the fact that someone is in that position indicates  
4 that individuals made substantial contributions to NYU. But my  
5 occupation of any role at all is totally independent of the  
6 outside donor who makes no choice regarding who the people are.

7 Q. Do you know how much money was donated so that you  
8 would have that position?

9 A. I, again, repeat no money was donated for me to receive  
10 any position at all. The positions were created independent of  
11 me. I was appointed to the position that exist. That people  
12 who didn't know me, never saw me, never even heard of me,  
13 contributed to the university, in one case I think about 40  
14 years ago. And it existed before I came to -- no, I am sorry,  
15 my third year at NYU someone else became Edelman Professor.  
16 Then the Skirball donors did donate money to NYU to create the  
17 named department. And I was then subsequently asked to chair  
18 that department after a colleague who had done it for 12 years,  
19 but he was not at the university when the Skirball donated the  
20 money either.

21 Q. Would it be fair to say, sir, that a donor donated  
22 money to pay some of money toward your salary?

23 A. No.

24 Q. It wouldn't --

25 A. No. The donor donated money to the university to pay

1 part of the salary of an individual the university would hire to  
2 occupy a chair professorship.

3 Q. Have you ever testified under oath before, sir?

4 A. No.

5 Q. So, this is your first experience with that?

6 A. Yes.

7 Q. Yes. Did there come a time when you were called into  
8 the Grand Jury?

9 A. Oh, yes, I am sorry. I did testify under oath at the  
10 Grand Jury, I am sorry.

11 Q. And when you were called to the Grand Jury, sir, were  
12 you asked this question and did you give this answer under  
13 oath --

14 MR. BANDLER: Sorry, where are you?

15 MR. BREIBART: On page 22 line 14.

16 MR. BANDLER: Okay.

17 Q. "QUESTION: What's your position?

18 "ANSWER: Well, I am the Edelman Professor Hebrew,  
19 and chair of the Skirball Department.

20 "QUESTION: What does that mean?

21 "ANSWER: A donated donated money to pay some of  
22 the money towards my salary and some of the money for the  
23 departments, so they are fancy names."

24 Were you asked those questions did you give those  
25 answers?

1 A. Yes.

2 THE COURT: Excuse me, sir. I am required to  
3 instruct the jury. So, jurors previous testimony of a  
4 witness is not referred to for its truth. It's hearsay.  
5 Rather, it's for you to help you in evaluating the witness's  
6 credibility. So, to the extent that you find an  
7 inconsistency if the prior statement, you can use that  
8 inconsistency in evaluating the witness's credibility,  
9 whether or not there's an inconsistency, what impact it has  
10 on credibility, questions of fact for you, the jury, to  
11 determine.

12 Q. When I asked you you a few moments ago before the  
13 reading the question and answer in the Grand Jury whether or not  
14 donated money paid some of the money towards your salary, you  
15 had indicated no; is that correct?

16 A. No, it pays my salary. The donor didn't select me. If  
17 you allow, I could give one paragraph and explain the whole  
18 thing. You would understand it.

19 Q. I would like you to answer my question, sir.

20 A. Okay.

21 Q. But you have no problem with the way I read your  
22 question and answer in the Grand Jury?

23 A. It sounds like I made a mistake at the Grand Jury, yes.

24 Q. Sorry?

25 A. It sounds like I made a mistake in the first part of

1 the sentence, and you read it correctly.

2 Q. Thank you. Have you had an opportunity to review your  
3 Grand Jury minutes before coming here to testify?

4 A. No.

5 Q. There was some discussion here on your direct testimony  
6 when you were asked questions by Mr. Bandler with regard to the  
7 Dead Sea Scrolls and what you described as their liberation. Do  
8 you recall that?

9 A. Yes.

10 Q. What did you mean by the Dead Sea Scrolls were  
11 liberated?

12 A. Well, I think that many people are aware that there was  
13 a very long controversy because there was a certain team of  
14 scholars that were appointed by the Jordanian government in the  
15 early '50s to prepare for publication all of the stuff other  
16 than the seven original scrolls, and a few scattered fragments.  
17 But the basic piece of it, especially the material from K4. And  
18 this team was appointed, made up of groups of Christians --  
19 basically two types of Christians, Protestants and Catholics.  
20 They were appointed in Jordan, and they didn't do their job.

21 Q. They did not?

22 A. Did not do their job. They published maybe 1/8th of  
23 what they were supposed to do. If they published eight volumes  
24 of what eventually -- they got eight volumes out and eventually  
25 there were 40. They published out of the necessary 40 volumes

1 that would eventually be published. They failed to complete the  
2 responsibility. But, they had a monopoly, and access the  
3 material. And in beginning of 1989 and running through 1990,  
4 there was a struggle to overturn this, which a generally  
5 referred to the liberation of the scrolls, in which immense  
6 pressure was put on those scholars and on the Israeli government  
7 that had come to control them after taking East Jerusalem in  
8 1967. That's generally refered to the liberation of the  
9 scrolls.

10 Q. Who is responsibility for the liberation of the  
11 scrolls?

12 A. Many people. Hershel Shanks who is a biblical --

13 Q. Herhel?

14 A. Hershel Shanks, H-e-r-s-h-e-l S-h-a-n-k-s, of the  
15 Biblical Archeology Review made a very, very strong campaign in  
16 this his journal which was very influential. And many  
17 newspapers editorialized and many scholars worked both Israeli  
18 and non-Israeli to push the Israeli government to interfere in  
19 this issue. And then, some scholars were able to get purloined  
20 copies and release them to the public, which lead to the Israeli  
21 government declaring them totally open, and appointing a new  
22 publication team that completed the task within some reasonable  
23 amount of time.

24 Q. Have you ever heard the name William Moffett, sir?

25 A. Yes.



1 Q. Who is William Moffett?

2 A. William Moffett was the director of the Huntington  
3 museum at the point when they had -- in the Huntington museum  
4 had gotten microfilm copies of the scrolls for safekeeping, and  
5 it was a copy that a woman, Elizabeth Bettel [phonetic], had  
6 gotten prepared because she donated money for a photographer to  
7 make copies, which were to go to a few other places. And she  
8 managed to have the guy purloin one for her. She deposited it  
9 into Huntington --

10 Q. When you say purloin, are you talk about somebody stole  
11 it?

12 A. There was a contract indicating where they were  
13 supposed to be made. She had them made an extra set that was  
14 outside of the contract, and the photographer was in her employ.  
15 So, they were made in violation of the contract with the Israel  
16 antiquities authority.

17 Q. Have you seen a copy of this contract?

18 A. No.

19 Q. What you are testifying to is something you heard?

20 A. No, it's material that you can find in the various  
21 history of the period and scrolls.

22 Q. Do you often give evidence or testify with regard to  
23 things that you haven't seen yourself?

24 A. I don't testify very often.

25 Q. In this particular case, though, you are talking about

1 something that you have never seen, something you heard?

2 A. I am talking about something I have read.

3 Q. Well, when was that, that the Huntington --

4 THE COURT: Mr. Breibart, can we take it as read,  
5 pun intended, that if you asked this gentleman about things  
6 that have happened in his career and over the period of  
7 history, that this will be things he has heard from other  
8 scholars or read in scholarly journals or newspapers,  
9 whatever. Maybe we can ask him about things he has personal  
10 knowledge of. Thank you.

11 Q. Do you have any --

12 MR. BREIBART: I have no objection to that, your  
13 Honor. I think that's fair.

14 THE COURT: Good.

15 Q. Did you read about this situation with the --

16 A. Well, I did, I also met Mr. -- or Dr. Moffett, and  
17 heard Dr. Moffett give a public address on this topic after he  
18 reviews the microfilms.

19 Q. Was Moffett responsible for releasing the microfilms of  
20 the scrolls to the public at large?

21 A. That's a question I couldn't answer. I know he's -- I  
22 can tell you what he said. I can't tell you what he did.

23 Q. When did that happen, sir?

24 A. I think we're in 1990 or '91.

25 Q. And would that be with regard to the Huntington

1 Library?

2 A. Yes, yes.

3 Q. The Huntington Library then took certain action that  
4 you've heard about or read about?

5 A. Well, I know it because they sent me microfilms. I  
6 actually got the microfilms.

7 Q. That's pretty definitive, right?

8 A. Yeah, I still own them.

9 Q. In 1991, though, is that the first time that you saw  
10 the scrolls?

11 A. No. We have to remember that there's 25 percent of the  
12 material had been previously published. You are referring to  
13 the unpublished scrolls.

14 Q. The unpublished scrolls, that the first time you had  
15 access to the unpublished scrolls?

16 A. To the entire corpus, yes, not to some specific items I  
17 saw before that were unpublished when editors showed me a little  
18 piece of something.

19 Q. When did you begin working on the translation of the  
20 Dead Sea Scrolls?

21 A. Can I correct the question? Because I don't work on  
22 the translation. I work on the analysis and commentary and  
23 historical analysis. I never published a translation of the  
24 Dead Sea Scrolls.

25 Q. Did the scrolls ever come into your possession or the

1 possession of NYU when you were in charge of having them worked  
2 on?

3 A. I don't know what you mean scrolls. Do you mean the  
4 actual scrolls?

5 Q. You don't know what? I mean when I am saying the  
6 scrolls, you said that you had film --

7 THE COURT: He just said he didn't know what you  
8 meant. Rephrase the question.

9 A. The -- the films came into my possession earlier than  
10 -- but, you see, the films were immediately eclipsed by the  
11 publication by Eisenman and the guy begin with an R, I can't  
12 remember his name. They published books that came out very soon  
13 afterwards from a different set of photos. Because the  
14 microfilms were terrible. We just abandoned them and went over  
15 to the books. At that point, the material was really open  
16 because the microfilms were very hard to read and use. And with  
17 the books, beginning at that point, we worked on not only the  
18 published scrolls, 25 percent that were published, also the ones  
19 that weren't published, which was the entire corpus from 1991,  
20 yes.

21 Q. When did you first have an opportunity to work on the  
22 scrolls?

23 A. Well, I began working on the published Dead Sea Scrolls  
24 in 1969 when I began to write a senior honor thesis at Brandeis  
25 University on scrolls.

1 Q. For how many years did you have access to scrolls that  
2 you worked on?

3 A. This is not access. This is published text anyone  
4 could buy in a book store.

5 Q. Anyone could buy?

6 A. Anyone. 25 percent of the text were published and in  
7 the public domain.

8 Q. What is the monopoly, sir?

9 A. The monopoly refers to the group of scholars that did  
10 not let people like me and Professor Golb see the unpublished  
11 scrolls, which was a total of 75 percent of the total of the  
12 material which was in the hands of this group that had been  
13 appointed by the Jordanian government, who failed to publish it,  
14 and wouldn't let anyone else see it.

15 Q. Isn't it a fact, sir, you had access to these scrolls  
16 during the entire period when they were controlled by the  
17 monopoly?

18 A. Absolutely not.

19 Q. Not?

20 A. Absolutely not. I could, if you want, tell you  
21 specifically those items that I ever saw before the publish  
22 release you just described. I could listed items for you. I  
23 can tell you where I saw them. But it is a very small group of  
24 texts.

25 Q. Did there come a time, sir, when you indicated to the

1 public at large that you had access to the scrolls because of  
2 your political connections?

3 A. I never had access to the scrolls, so I would doubt it,  
4 unless I referred to those specific few items which I did see  
5 before the general release.

6 Q. Did you use those scrolls or those pictures of scrolls  
7 or those films of scrolls in teaching to the students at NYU?

8 A. I only had copies. You say film. We are talking about  
9 before the release of the -- public release. Before the public  
10 release, the only text I had that I could have used to teach  
11 anybody was the MMT text. And that text was first brought to  
12 NYU by its editor, Elisha Quimron, who distributed copies. And  
13 yes, I did share those copies with students who were present in  
14 that seminar and took other seminars. I had no other text in my  
15 possession, although I was shown a total of one, two texts in  
16 their entirety.

17 Now, in order to make sure that I can't get attacked  
18 later for lying or something, at lectures we were sometimes  
19 given to look at by people in the monopoly the text they were  
20 working on. But I never had those in my possession to share  
21 with anybody else.

22 Q. Who was Roland de Vaux?

23 A. Roland de Vaux, he is the archeologist who excavated  
24 the Qumran in the '50s. And he was first head of the  
25 international team that controlled what eventually became the

1 so-called monopoly?

2 Q. The monopoly would have been a group of individuals  
3 that what?

4 A. These people were appointed to edit the scrolls in the  
5 '50s. They were a group that was invited by the Jordanian  
6 antiquities authority. In this de Vaux was in charge of this  
7 project to participate in editing sections of the scrolls.

8 Q. And is he one of the people that you say did not do his  
9 job?

10 A. De Vaux was not supposed to be scrolls editor. He was  
11 supposed to publish the excavation. The excavations have not  
12 been published. The texts were divide up among eight people.  
13 One of them withdrew. Seven remained. De Vaux was editor in  
14 chief. He was not one of the people supposed to publish the  
15 scrolls. He was supposed to publish the excavations. Up until  
16 this day only some of the excavation have been published. They  
17 were published after his death.

18 Q. He was an archeology?

19 A. That's correct. He was also a bible historian. He  
20 wrote a very important book on the history of the biblical  
21 period, actually two books.

22 Q. I believe you indicated that you played a role in the  
23 liberation of the scrolls?

24 A. I did. That doesn't mean I had the scrolls.

25 Q. What was the role that you played in liberating the

1 scrolls?

2       A.   Okay. Number 1, I stuck to the conference under after  
3 which Hershel Shanks began his campaign. We put together a  
4 conference to in certain circumstances make the point the  
5 scrolls were not published. Number 2, I conducted extensive --  
6 in '89, '90, I was in Israel for the year. I conducted  
7 extensive negotiations with the antiquities authority about the  
8 problem. The antiquities authority was still afraid to take any  
9 actions on doing anything, but we laid a lot of ground work. At  
10 that time, by the end of 1990, the antiquities authority  
11 actually appointed an oversight committee. This oversight  
12 committee sought to solve the problem. They partially did.  
13 They got some texts to be into the -- put -- not liberated, but  
14 moved to editors who do the work. And those volumes were  
15 successfully published at some point later on.

16               Then, however, the main role that I played was a rather  
17 strange one, because after John Strugnell's interview,  
18 S-t-r-u-g-n-e-l-l, he was editor in chief. De Vaux had died.  
19 Benoit came after. None these people did the job. They  
20 appointed John Strugnell. He didn't do the job. John Strugnell  
21 gave an anti-Semitic interview to Israeli paper. After his  
22 anti-Semitic interview to the Israeli paper, Strugnell, it was  
23 clear Strugnell had to be deposed. But, the question was who  
24 was supposed to depose him, the antiquities authority or the  
25 group of scholars of the editor --



1 Q. Excuse me a moment. When you say depose, he was taken  
2 down?

3 A. Yes, from being editor in chief.

4 Q. He was not put under oath and deposed?

5 A. Oh I am sorry. I mean to be removed, deposed from  
6 office. I'm sorry.

7 So, as this proceeding, there appeared a meeting at the  
8 Society for Biblical Literature, in which the editorial team and  
9 some other scholars decided he should be removed. And they  
10 approached me to serve as the go-between with the antiquities  
11 authority to make sure the antiquities authority was ready to go  
12 and make a properly appointment.

13 Q. What is the antiquities authority?

14 A. The Israeli Antiquities Authority is a successor  
15 organization for what used to be called the Antiquities  
16 Department. This is the organization which is a sort of  
17 government sponsored organization that is in charge of  
18 maintaining and supervising all archeological research, and  
19 actually anything before 1500 in Israel regarding archeology and  
20 artifacts. They are the people who became the successors, so to  
21 speak, of the Jordanian government to decide who should edit the  
22 strolls. We wanted them to be ready to step in and make a  
23 proper appointment --

24 Q. When you say we, sir, who are you referring to?

25 A. I am referring to the people who were assembled at this

1 meeting, who was no official group. It was those members of the  
2 editorial team because, at the risk of taking too much time, of  
3 the seven originals --

4 Q. We have all the time in the world, sir.

5 THE COURT: No, we do not, Mr. Breibart, because  
6 the relevance of all of -- this is very interesting, which  
7 is why I haven't stepped in before. But the relevance of  
8 this to the instant matter is really evading me. So, I will  
9 give you five more minutes. If it doesn't stop evading me  
10 by then, we will move on to something that is obviously  
11 relevant.

12 MR. BREIBART: Any time, Judge, I would be glad to  
13 take a brief break and explain the significance.?

14 THE COURT: Sir, no. We have litigated this  
15 matter and the relevance, what is relevant and what isn't at  
16 great length.

17 MR. BREIBART: Judge, I don't want to be scolded  
18 in front jury. That is not appropriate.

19 THE COURT: I am not scolding you. You asked me  
20 to take, quote, take a break. I don't want the jury to  
21 think I haven't heard counsel at great length. So, as I  
22 said you have another few minutes to led me to understand.

23 Q. This antiquities authority sir, do they have the  
24 authority to appoint people to different positions?

25 A. Yes.

1 Q. Did they appoint archeologist at this particular case?

2 A. They appointed text scholars to edit and publish these  
3 texts.

4 Q. Aside from that, did they also appoint archeologists to  
5 go to the site of Qumran?

6 A. Yes, yes.

7 Q. And did these people then go to the site and explore?

8 A. I would only know that by hearsay and reading.

9 Q. You testified yesterday with regard to someone by the  
10 name of Yitzhak Magen?

11 A. Yitzhak Magen is the one of the archeologists for the  
12 site, yes.

13 Q. You also testified there was somebody by the name of --

14 A. Yuval Peleg, yes, correct.

15 Q. Those individuals were archeologists?

16 A. Absolutely.

17 Q. They were appointed by the the archeological society?

18 A. It's -- I don't know who the archeological society is.

19 It's a new name. You mean the antiquities authority?

20 Q. The antiquities authority?

21 A. I don't know the answer to that. There's two  
22 possibilities. The way they work, I can tell you how they work.  
23 Either they ask for a licensed body, or the antiquities  
24 authority asked them to go there and do it. Either way they  
25 conducted license archeological excavation at Qumran in recent

1 years after the de Vaux excavation, and the few other people  
2 have done that as well.

3 Q. Were they the officials appointed by the  
4 archeological --

5 A. No, no. That's a totally different issue. A text  
6 scholar, Emanuel Tov, was -- what are you asking me? Were they  
7 appointed to excavate?

8 Q. Yes.

9 A. I again repeat it doesn't work that way. There's two  
10 possibilities. Either you ask for a license, you get it, or  
11 they appoint you. I have no idea whether these people were  
12 appointed or made a request. I can't answer. I am sorry. I  
13 don't know. I am not an archeologist.

14 Q. Do you know whether or not Magen and Pagel spent 10  
15 years on a dig at Qumran?

16 A. I know they spent -- that they have first of all spent  
17 ten years. Excavation, I could guarantee they didn't spend 10  
18 years there full time. They had excavations over a period of  
19 years. Of course, yes, they have published articles, of course.

20 Q. Did everything that they publish disagree with your  
21 findings or your theories on the Dead Sea Scrolls?

22 A. No.

23 Q. And Qumran?

24 A. No. Some things they published, not everything.

25 Q. Do you speak on these subjects? Did you give a

1 lecture with regard to Qumran and archeological digs?

2 A. Yeah.

3 Q. Did you talk about the digs, do you put them on the  
4 internet?

5 A. My lectures, some lectures of me, a small number of  
6 items by me are on internet. I don't usually -- I don't, I  
7 don't put things on the internet, but I have put on my website,  
8 things that others put on it.

9 Q. Did your findings disagree with the findings of Magel  
10 and Eshel?

11 A. I am not an archeologist. I don't do archeological  
12 research. Magen and Eshel investigated the site, and have  
13 published certain things, which I take into consideration. They  
14 have done this only recently. But it's not a question, I mean I  
15 think they have a different views of the site than I do. If  
16 that's what you are asking.

17 Q. Yes, that's exactly what I am asking.

18 A. They have a different view of the site than I do, yes.

19 Q. Did they spend a great deal more time at the site than  
20 you did?

21 A. Yes, of course.

22 Q. Can you go to Qumran --

23 A. Of course.

24 Q. -- and make --

25 A. Sorry.

1 Q. And make a determination based upon what you find as to  
2 the connection between Qumran and the scrolls?

3 A. No, absolutely not.

4 Q. There's no physical evidence of any of the things that  
5 we have talked about?

6 A. There's physical evidence of a site which would allow a  
7 person to make a certain forms of evaluation, but that would not  
8 lead you to know it a hundred percent from any means by what's  
9 there now because there is other interpretation of the site,  
10 such as the example of Magen and Peleg. So you couldn't prove  
11 from looking at the site what it is.

12 Q. But you can form an opinion?

13 A. Yes.

14 Q. And you have formed opinions; is that right?

15 A. Yes.

16 Q. You know that -- by the way do you know Normal Golb?

17 A. Yes.

18 Q. Have you read his work?

19 A. I have read some of his work. I don't know if I read  
20 all of his work. He's also written many other things on other  
21 subjects beside the scrolls.

22 Q. When you graduated and got your PhD, was Norman Golb  
23 already an accomplished scholar?

24 A. Yes, was an accomplished scholar. He had written  
25 articles. The articles he wrote in the scrolls when I got my

1 PhD had to do with the textual explanation of a few texts and  
2 the connection with the car -- I got my PhD before I began to  
3 discuss interpretation of the site of Qumran and the manuscripts  
4 of Qumran. I believe his earliest article on the subject is  
5 1980. I got my PhD in '74 if I remember correctly.

6 Q. Did you read the article that he published in 1980?

7 A. The 1980 article, I have only read -- I had looked at  
8 the article briefly I think once before, and I have read it  
9 carefully only now, the 1980 article. I had read the American  
10 scholar article when that one came out.

11 Q. What year was that?

12 A. I could look on a piece of paper and tell you.  
13 Otherwise I will give you --

14 Q. Please, but understand you will be obligated to show us  
15 what's on that piece of paper.

16 A. It's not a piece of paper. It's a message on a  
17 Blackberry I turned off. Do you want me to turn it on to get  
18 date of publication? I think it's '86 but you probably know.

19 THE COURT: I don't see what relevance it has.

20 THE WITNESS: I could turn this machine on --

21 THE COURT: Don't turn it on. Please, no.

22 Q. Have you taken certain liberties with describing the  
23 work of Norman Golb?

24 A. I have absolutely not.

25 Q. Have you described his work to the best of your ability

1 accurately?

2 A. I thought --

3 THE COURT: Here in this courtroom, in general? I  
4 don't understand the question, please.

5 A. I thought I did, but it's been pointed out to me I made  
6 one mistake.

7 Q. What was the mistake that's been pointed out to you?

8 A. The mistake that was pointed out to me was that I had  
9 said he believed the material came from the Temple Library, when  
10 in fact he believe it came from a number of Jerusalem libraries.  
11 Apparently I made an error.

12 Q. How many times did you make that error?

13 A. Apparently three times because I never found in between  
14 it was wrong, because no one from, like Norman could have just  
15 told me, you made a mistake. I would have fixed it.

16 Q. Did you write a book this year that came out this year?

17 A. Yes.

18 (Continued on next page.)

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1 CROSS-EXAMINATION CONT'G

2 BY MR. BREITBART:

3 Q Did you continue to make the same mistake in that book?

4 A Yes.

5 Q So you continued to attribute the theory of someone  
6 else to Norman Golb for twenty years?

7 A I made a mistake. I had misinformation and I did not  
8 know that this was misinformation and, therefore, I repeated it.

9 Yes, I made a mistake.

10 Q What year did you publish your last book with that  
11 mistake in it?

12 A I think it's the one you're holding over there right  
13 there. It came out very recently.

14 Q The stenographer can't see the holding so I'm asking  
15 you a question, what year did you publish that book?

16 A I think it's either 2009 or '10.

17 Q Nine or ten?

18 A Yes, it could be '10.

19 You got the book over there, what you're asking me for?

20 Q Because you are under oath and I have an obligation to  
21 ask you questions.

22 THE COURT: Mr. Breitbart, stop arguing with the  
23 witness. If you need the witness directed, ask me to do it.

24 MR. BREITBART: Would you please direct the  
25 witness to --

Sheila Wesley  
Senior Court Reporter

## CROSS/MR. BREITBART/DR. SCHIFFMAN

1 A I think --

2 MR. BREITBART: He doesn't listen anyway.

3 THE COURT: Professors and Judges, we're bad at  
4 following directions so wait for a question please, sir.

5 I'm still not seeing the relevance of this  
6 inquiry, counsel. Let's move on to something that we can --  
7 let's move on to something else.

8 Q Yesterday you indicated that you didn't know Raphael  
9 Golb; is that correct?

10 A Yes.

11 Q Did you ever see Raphael Golb in the street?

12 A I believe I saw Raphael Golb once in the street and  
13 that was after this whole affair started. I was sitting in my  
14 car, I saw a gentleman walk by, I was just parking, I saw a  
15 gentleman walk by holding a cell phone that I thought was  
16 Raphael Golb because I had seen his picture in the newspapers so  
17 I may have seen Raphael Golb but that's the only experience that  
18 I know of.

19 Q Did you know who he was when you saw him in the street?

20 A I thought I did because his picture appeared in the  
21 newspapers after he had been arrested.

22 Q Were you with anyone else at that time?

23 A No, I was sitting in the car on the corner there. See  
24 I park my car across the street from what is apparently his  
25 address almost everyday but only once when I happened by chance

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1 to get a parking space and not go into the garage did I see this  
2 gentleman walking by and I had seen his picture because it had  
3 been plastered all over NYU as persona non grata and because of  
4 that it looked to me it might be Raphael Golb so I simply sat in  
5 my car and allowed the gentleman to pass and then got out of my  
6 car and went about my business.

7 Q I believe you said there came a time when you got in  
8 touch with the district attorney?

9 A Yes.

10 Q Who was the first person in the district attorney's  
11 office that you spoke to?

12 A Mr. Bandler.

13 Q How did you get to Mr. Bandler?

14 A Well, some years ago I helped the F.B.I. in a case and  
15 I described yesterday the tremendous almost like the depression  
16 that I was in and a friend of mine was telling me like everyday  
17 you got to do something about it, you got to do something. I'm  
18 like what am I going to do, as I mentioned people at NYU didn't  
19 want to help me so suddenly it occurred to me, wait a minute,  
20 why don't I ask advise of the F.B.I. agent that I worked with in  
21 this stolen manuscript case some years ago. So I called up  
22 Special Agent Catherine Beckly (phonetic) and I asked her, I  
23 told her the story, I said so what should I do and after  
24 apparently a little bit of inquiry as to whether or not this was  
25 under their bailiwick or not, she told me to call Mr. John

Sheila Wesley  
Senior Court Reporter

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1 Bandler.

2 So I called Mr. John Bandler and told him what was  
3 going on. That was my only contact with the district attorney's  
4 office just with Mr. Bandler and some staff members once in a  
5 while that asked me things.

6 Q Yesterday I believe you said that you were not  
7 testifying here and making any accusations, do you remember  
8 saying that?

9 A That's correct.

10 Q Did you contact Mr. Bandler on August 21, 2008?

11 A Probably correct.

12 Q At 12:20 p.m.?

13 A Probably. 12:20 p.m.? Probably correct. I don't  
14 remember what time it was.

15 Q And when you contacted Mr. Bandler, sir, did you tell  
16 Mr. Bandler that you knew who was causing the problem?

17 A No.

18 Q Did you send Mr. Bandler a --

19 MR. BANDLER: Hold on a second.

20 Q -- an e-mail?

21 A Yes.

22 Q Did you tell Mr. Bandler in that e-mail that the  
23 suspect is Raphael Golb born in 1960?

24 A Yes.

25 Q Graduated from NYU law school in 1995?

## CROSS/MR. BREITBART/DR. SCHIFFMAN

1 A Yes.

2 Q Living at 206 Thompson Street?

3 A Yes.

4 Q You did say that?

5 A Yes, absolutely.

6 Q So you had that information on August 21, 2008?

7 A Yes.

8 Q So yesterday when you said that you weren't making an  
9 accusation?

10 A I'm still not making an accusation.

11 Q Well, you did make an accusation when you spoke with  
12 Mr. Bandler?

13 A No, I passed on to Mr. Bandler material which may or  
14 may not have been attached to this e-mail which was forwarded to  
15 me by a person namely Robert Cargill and Robert Cargill had  
16 developed some evidence which I found rather astounding and it  
17 said it's correct that the suspect of the -- Cargill's  
18 assumption was Raphael Golb.

19 Now I myself individually doubted it could be true  
20 because I didn't know that anybody would do such a thing to me  
21 and I had not had any negative or other type personal  
22 experiences with Professor Golb.

23 Q Let me interrupt you for a moment, sir. You never had  
24 any negative experiences with Professor Golb?

25 A No.