

1 MR. BREIBART: May I approach the witness and
2 point I him to a portion of the article?

3 THE COURT: Sure.

4 MR. BREIBART: Thank you.

5 Q. Here (indicating).

6 A. Well, that's where I started looking. I am not sure
7 what I was finding. There. Here we go. I will read and
8 translate, is that okay with you?

9 Q. My preference is you answer my question.

10 A. Well then the answer remains no, absolutely not.

11 Q. Is there a writing in the article that says, but you
12 also in different articles that you published have not hesitated
13 to appropriate portions of Golb theory --

14 A. That's why you want to interpret the word to
15 appropriate as opposed to --

16 Q. May I finish my question, please?

17 A. Sure.

18 MR. BREIBART: Would you ask the witness to allow
19 me to finish the question?

20 THE COURT: No, sir, because I don't care what the
21 article says. It is not evidence. It is hearsay. So, you
22 want to ask him does this article accuse you of committing
23 perjury -- excuse me, plagiarism, then ask that question
24 because that was the subject matter of the direct testimony,
25 and accordingly it's appropriate to ask him about that. But

1 to read from the article --

2 MR. BREIBART: All it requires is a yes or no
3 answer.

4 THE COURT: Counsel.

5 A. The answer is no. I answered it yesterday. I will
6 answer it again.

7 Q. It's your testimony that it doesn't say that you
8 appropriated portions of Golb's theory?

9 A. Repeat. If you -- the Judge says I can't translate it.
10 It does not say I appropriated his theory.

11 Q. Not only that, without acknowledge the fact and without
12 giving him appropriate credit?

13 A. Oh, the latter sentence is in fact in the article. The
14 latter part of your sentence is in this article.

15 Q. Is there a writing with regard to your response?

16 A. Yes.

17 Q. Does it say that isn't the issue, there's no innovation
18 in Golb's theory?

19 A. That's correct. That's what it says.

20 Q. And Golb can say what he wants, the idea we're not
21 dealing with a sect is self-evident. Does he think he wrote the
22 bible.

23 A. It says that, although that's an incorrect -- the text
24 incorrectly got my comment, which I could explain if the Judge
25 wants me to.

1 THE COURT: I would like to leave this article,
2 which is hearsay, and once again, I am in that fog bank
3 trying to understand why we are doing this.

4 MR. BREIBART: May I explain?

5 THE COURT: No, I gave you a chance during the
6 break. We will not keep going with it.

7 Q. Why don't you translate for us what what the portion
8 that you were directed to says?

9 A. Here it is. He says (speaking Hebrew) --

10 Q. She can't take down Hebrew.

11 A. So, she won't take down Hebrew.

12 THE COURT: Just the translation.

13 Q. She can't take down Hebrew.

14 A. But you also in various articles that you published did
15 not hesitate to adopt pieces of the theory of Golb, without --
16 then the second part you correctly stated.

17 Q. Why don't you finish it.

18 A. Without admitting it or acknowledging it, and without
19 giving him appropriate credit.

20 Q. Doesn't that exactly fit into the definition of
21 plagiarism from the NYU handbook and the NYU rules and
22 regulations that we just spoke about a moment ago?

23 A. I have no idea.

24 MR. BREIBART: May we have a moment, your Honor?

25 THE COURT: Sure.

1 Q. Does this refresh your recollection about what Avi
2 Katzman had written when you read it in 1993?

3 A. Well, I read Avi Katzman article about a week ago. So,
4 I don't need you to erase my time, refreshing my recollection.
5 I don't believe this is an accusation of plagiarism. It's an
6 accusation of too few footnotes to a guy.

7 Q. Sorry?

8 A. It's an accusation of too few footnotes to a guy.
9 Norman Golb is footnoted in everything I written. I have
10 written seven books on the scrolls. I have written 139
11 scholarly articles. No one has ever accused me of plagiarism,
12 and Norman Golb is footnoted in them. I have an article being
13 edited right now which is coming out soon, this week, about the
14 contributions of Norman Golb in the given subject. I have
15 never plagiarized Norman Golb. And if I mistakenly didn't made
16 some mistake about his theory of plagiarism in a letter from
17 him, I would have fixed it right in the future.

18 Q. The footnotes you are talking about, sir, didn't you
19 make those up?

20 A. Make them up? What does it mean?

21 Q. Where is there an article written by Norman Golb that
22 says what you say it says?

23 A. I repeat, I have made one error regarding Norman Golb's
24 theory. That error is -- I confused it from the guy whose
25 entire theory, Norman Golb admits in his book, it is almost the

1 same, he didn't know about when he wrote his, and I confused the
2 two, and there is one library or several libraries. That's what
3 happened, because the whole theory of Norman Golb is this an
4 article published 1960, except Norman Golb says one or more than
5 one library, and Rando [phonetic] says one library. And if you
6 call that mistake plagiarism or misappropriation or whatever you
7 call it, go ahead, what can I do. It's not -- it's an honest
8 mistake.

9 Q. Did you know whether or not Norman Golb wrote a book
10 about the Dead Sea Scrolls?

11 A. Of course.

12 Q. Do you know what it's called?

13 A. Yes, Who Wrote the Dead Sea Scrolls.

14 Q. Do you know whether or not he discusses this --

15 A. Yes, I do.

16 Q. -- article? He does not excoriate you in this article?

17 A. Once again, I don't think -- look, he got 20 pages in
18 there about my theory, in which he debates it. And he does what
19 we are supposed to do in scholarly -- I don't agree with him.
20 He's doing what he's supposed to do. In there, he simply
21 repeats the same, but doesn't even -- but he never uses the
22 word plagiarism. Simply says, again, that the guy should have
23 been given me more credit.

24 Now, I don't agree with him because I can argue that
25 all these theoris are commonplace in the field, that everything

1 you are telling me I took from Golb, Golb took or did by
2 accident or on purpose, from Rengstorf. And Rengstorf took it
3 from other people. And in 1955, Sparks published an article.
4 You know, you have to listen to me. You are not asking me to
5 stop. Spark published articles in which he says the material in
6 the Qumran collection does not come from one sect. And you are
7 sitting here and telling me I plagiarized that from Golb.
8 Future get it. No chance.

9 Q. Then you plagiarized it from Sparks?

10 A. No, of course not. I footnote him in the same way I
11 footnote Golb. You don't like the Golb footnote because there's
12 a mistake in it. Everyone makes mistakes.

13 Q. Do you generally make mistakes?

14 A. I usually don't but I sometimes do.

15 Q. Is Sparks supposedly a major contributor in this field?

16 A. No.

17 Q. Is he a minor contributor in this field?

18 A. Well, he wrote a -- he put together a collection of
19 texts that didn't sell too well that Oxford published. He wrote
20 a small article which discusses these issues.

21 Q. About the scrolls?

22 A. Yes, about -- yes, about the Qumran collection.

23 Q. How long was the article?

24 A. About four pages. You are holding it there. You ask
25 me. Four pages, five pages.

1 Q. Because what I do is not under oath.

2 THE COURT: Mr. Breibart, since I don't understand
3 the relevance of this, this gentleman is not on trial here
4 for plagiarism. You are really pushing my buttons. So
5 could we move on to something relevant because I am done.

6 Q. Well let me ask you a question. Who wrote the book the
7 Encyclopedia of the Dead Sea Scrolls?

8 A. It was written by 400 authors.

9 Q. Were you one of them?

10 A. Yes.

11 Q. Were you the chief author?

12 A. I was one of two editors of the encyclopedia.

13 Q. Anywhere in there do you refer to Sparks?

14 A. Probably not.

15 Q. When did you write that encyclopedia?

16 A. I didn't write the encyclopedia.

17 Q. When did you put it together, sir?

18 A. Truth is I don't remember the date. I don't want to
19 give a false date.

20 Q. In the '80s or '90s?

21 A. I think it was early '90s, the '90s.

22 MR. BREIBART: May I just have another moment?/

23 Q. There came a time, sir, when you interacted with NYU or
24 the hierarchy of NYU with regard to the accusation of
25 plagiarism, correct?

- 1 A. Sorry, I didn't hear the first couple of words.
- 2 Q. There came a time --
- 3 A. Yes, yes, the answer is yes.
- 4 Q. -- when you interacted with NYU?
- 5 A. Yes.
- 6 Q. Did they do an investigation of you?
- 7 A. They told me they did. That's hearsay, actually. I
- 8 only know I was asked to submit a document in connection with an
- 9 investigation, and I did. It's all in there.
- 10 Q. Did you submit a document?
- 11 A. Yes, I did.
- 12 Q. That document was your position with regard to these
- 13 offenses?
- 14 A. It was my response to what was being written about me
- 15 in those letters to the university.
- 16 Q. As a result of that writing, did the NYU take any
- 17 action?
- 18 A. I can't answer that question.
- 19 Q. Did anyone at NYU ask you any questions under oath sir?
- 20 A. Under oath, no.
- 21 Q. Did anyone ask you any questions?
- 22 A. Yes.
- 23 Q. Who was it that asked you the questions?
- 24 A. Dean Richard Foley.
- 25 Q. What is his job?

1 A. Sorry?

2 Q. What is his job?

3 A. He was the dean, the faculty, of arts and science, and
4 I believe also Dean Catherine Stimpson who is the dean of the
5 graduate school of arts and science.

6 Q. Did there come a time, sir, when you were asked
7 questions by interviewers with regard to these circumstances?

8 A. Are you referring to newspaper interviewers? What do
9 you mean interviewers?

10 Q. How about AM New York, did you speak to them?

11 A. I don't have a list of the people I spoke to, but I
12 spoke to various press people, yes.

13 Q. Did you tell the press people that you spoke to that no
14 one believed the E-mails?

15 A. I can't tell you now what I told them. I can only say
16 if you say it says so, it says so. I don't have any memory of
17 everything I say.

18 Q. Isn't it a fact AM New York reported that you said no
19 one believed the E-mail?

20 THE COURT: I don't care what they reported.

21 Q. Did you tell --

22 THE COURT: You ask him a question about a prior
23 statement. He answered it. And now we are moving on.

24 Q. Did you tell anyone, sir, that you know that no one
25 will take this seriously?

1 A. As I said, I cannot remember now what I told to news
2 reporters. I talk to news reporters about a that lot of things
3 at various times. I hope that most of them record the truth.
4 That's all I know. And I hope that when they write things down,
5 I really said that. I don't remember what I said to some AM New
6 York reporter and some non-date.

7 Q. You have been testifying about events that occurred in
8 1960s and '70s --

9 A. Correct. But reporters, I talk to too many of them to
10 remember this stuff. It's not worth remembering what you told
11 to a reporter. And sometimes I even tell things to the reporter
12 I shouldn't have.

13 Q. If you are asked, sir, now, today --

14 A. Yeah.

15 Q. Now, would it be fair so say that you mentioned that no
16 one will take these comments seriously?

17 A. You just read me a different sentence.

18 Q. This is the sentence you have to respond to.

19 A. I believe no one would ever believe I'm plagiarist
20 because I did write 199 scholarly articles and 14 scholarly
21 books. And I believe no one will ever believe I'm plagiarist.
22 That the university took the accusation seriously is a totally
23 separate issue because of their obligations which go way, way
24 beyond. And, therefore, it's not whether they believe it or
25 not. It's whether they investigated it or not, and whether I

1 could have lost my job because of what this gentleman did. That
2 has nothing to do with whether or not the general public would
3 be crazy enough to believe these ridiculous accusations.

4 Q. Would you say now that no one believed the E-mails,
5 sir?

6 MR. BANDLER: Objection.

7 THE COURT: Sustained.

8 MR. BREIBART: Thank you for your help
9 Dr. Schiffman.

10 THE WITNESS: Thank you.

11 MR. BREIBART: I have no other questions.

12 THE COURT: Thank you. Mr. Bandler?

13 THE WITNESS: I hope none of this is personal.

14 MR. BREIBART: Never is, sir.

15 THE WITNESS: Okay, good. Who gets this
16 (indicating)?

17 THE COURT: I do (handing).

18 THE WITNESS: You can learn Hebrew.

19 RE-DIRECT EXAMINATION

20 BY MR. BANDLER:

21 Q. Dr. Schiffman, you referred to a mistake you made about
22 Dr. Golb's theory?

23 A. Yes.

24 Q. Just briefly, could you clarify what that mistake was
25 in your attribution?

1 A. Yes. Dr. Golb feels that now I see from writing, from
2 rereading a lot of his articles, which I have been doing because
3 of this entire event and his book again, he feels that the
4 collection of libraries, that there was a collection of
5 libraries, several libraries that came from Jerusalem, several
6 book collections that were hidden in the Judean desert, of which
7 some were found in the Qumran collection. He assumes there
8 would have been other ones according to the book. I mistakenly
9 attributed to him the notion in Rengstorf's article, which
10 suggests that there was one library, which was the temple
11 library which came to Qumran.

12 Now, I tried to figure out why I made that mistake.
13 And in examining some handouts which Professor Golb had given,
14 and perhaps people should know I spent an entire time in
15 Molitajny [sic], which is in Poland, discussing Professor Golb's
16 theory, and I thought we understood his theory. I actually had
17 a very pleasant time with him and his wife at that time.

18 In any case, I made a mistake here. Because
19 Renogastric said it was the temple library, and Golb said it was
20 several libraries.

21 Q. So, you are telling the jury are you not perfect?

22 A. Yeah I am not perfect.

23 Q. Now, some people have --

24 A. I just found that out. I thought I was until I found
25 the mistake.

1 Q. Some people think of you an expert on the Dead Sea
2 Scrolls. Have you ever held yourself out to be an expert on
3 Dr. Norman Golb's theorys?

4 A. No, never.

5 Q. Defense counsel asked you about search warrant
6 affidavit. You did not sign any search warrant affidavits, did
7 you?

8 A. No.

9 Q. But you did talk with Investigator McKenna, correct?

10 A. Yes.

11 Q. Defense counsel showed you Defense Exhibit B Haaretz
12 article. I would like if you could briefly explain for the jury
13 to clarify I guess, 1, whether the author Mr. Katzman correctly
14 attributed your statements, and 2, whether your internet accuser
15 of August 2008 correctly attributed Mr. Katzman's writing?

16 A. Yeah. Okay. So let me answer the second one first.
17 Mr. Katzman describes himself as an aggressive journalist, and
18 that's rather true. He, like, attacks you when I interviews
19 you. And that's how he works. So, anyhow Mr. Katzman, in terms
20 of the second one -- I am getting -- remind me which is the
21 second one. I started with an introduction. I got confused a
22 little.

23 Q. The second one was whether the internet accuser of
24 August '08 correctly attributed Mr. Katzman's article?

25 A. That's correct. So, the second one is that the person

1 who wrote the internet accusation has it correct until he makes
2 the evaluation that what Katzman was doing was an accusation of
3 plagiarism. This is what I was beginning to say. He describes
4 himself as an aggressive type of journalist. I don't think that
5 he misses any words at all. And if he was talking about
6 plagiarism in any real sense, he would have said it. That's
7 what he's all about. I mean, he's like, I don't know how to
8 describe. That's my answer to that. The second question.

9 Now, the first question, I think it's necessary to have
10 a little bit of background, and to understand that from the
11 entire history of the studying the Dead Sea Scrolls, especially
12 the studies done by the Judaic study scholars, beginning when
13 before Qumran was discovered, the place where the scrolls, I am
14 sorry if I take a little time here, but there was a discovery in
15 medieval manuscript in the collection of the thesis to which
16 Professor Golb made many important contributions. Now, they
17 found some manuscripts. The Judaic scholars who on them already
18 understood from the very beginning that there's information here
19 about the wider constellation of Judaism in the second temple
20 times, and even though they took the view it was a set, they saw
21 the material as having wider ramification.

22 Second of all, ready in the Genizah, that's the name
23 for the collection for from Cairo where the manuscripts were.
24 Already there, there was a pluralism of ancient second temple
25 period documents, some from a so-called sect, and some, ones

1 that are known from the Apocrypha, which are other documents.
2 The bottom line is from 1911 it was known that in this
3 collection there are works that don't belong to a particular
4 sect. Now, the comment about the bible was incorrectly either
5 transcribed by him, or perhaps misstated by me, I don't know,
6 but here's what the comment means. Did he -- did they write the
7 bible is what he means, meaning what Sparks points out in his
8 article is from the very presence of biblical manuscript, and I
9 will add now apocryphal manuscript, it's clear the Qumran
10 collection does not contain only the works of one sectarian
11 group. Now, for any scholar to claim patrimony over that notion
12 today is absurd. This has been there since 1911 until today.
13 And if you follow the whole history of this thing, you will see
14 that a number of scholars began in the '80s to talk about this
15 more and more. I denied the connection as it's seen, which Golb
16 denies, already in my doctoral dissertation in 1974, published
17 in 1975. And in 1976, after review of an article by J.D.
18 Millick [phonetic], who is the greatest example of a consensus
19 scholar, where he showed the same thing, I pointed this out and
20 agreed to it in '76 before Golb had written one word about the
21 Dead Sea Scrolls. And then I continued working that way in the
22 same way Golb did, and he quotes over there now. What the, what
23 the article on internet does the misrepresent the Golb book, and
24 Katzman is to introduce the word plagiarism, which never appears
25 and doesn't even appear in Norman Golb's book.

1 REDIRECT-EXAMINATION CONT'G

2 BY MR. BANDLER:

3 Q And just following up on another question of
4 Mr. Breitbart, after you became victim of this internet campaign
5 and without saying whatever anyone told you, but were you
6 contacted by someone by the name of Robert Cargill?

7 A Yes, I was.

8 Q And without saying what he said, did he provide you
9 with some information?

10 A Yes, he did.

11 Q And did you forward that information to the district
12 attorney's office?

13 A Yes, I did.

14 MR. BANDLER: No further questions.

15 MR. BREITBART: Just one or two, Judge.

16 RE CROSS-EXAMINATION

17 BY MR. BREITBART:

18 Q Would it be fair to say just the taking of someone's
19 ideas admitting that and using them without giving credit to the
20 individual whose ideas were taken, does that constitute
21 plagiarism?

22 MR. BANDLER: Objection beyond the scope.

23 MR. BREITBART: That was the whole redirect.

24 THE COURT: Sustained.

25 Q Is that in fact plagiarism even though you don't use

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RECROSS/BREITBART/DR. SCHIFFMAN

1 the word plagiarism?

2 MR. BANDLER: Objection.

3 THE COURT: Sustained.

4 MR. BREITBART: Is that with regard to form or
5 substance, Judge?

6 THE COURT: Beyond the scope.

7 MR. BREITBART: Beyond the scope of the redirect?

8 THE COURT: Beyond the scope.

9 MR. BREITBART: I have no other questions except
10 that one.

11 THE COURT: Thank you.

12 THE WITNESS: Thank you.

13 (Witness excused.)

14 THE COURT: Before I forget jurors and just in
15 case I misstate later, I'm just informed tomorrow morning
16 just in case my life is not difficult enough, there is going
17 to be a fire drill at ten o'clock so you'll come in at 10:30
18 and you'll avoid the fire drill, okay. And somebody will
19 remind me if I slip and say ten o'clock because that's my
20 usual habit.

21 Mr. Bandler.

22 MR. BANDLER: People call Dr. Catharine Stimpson.

23 THE COURT: Counsel, while we're waiting for the
24 witness can you just come up for a minute?

25 (Discussion held at the bench, off the

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