

Jewish Federation of Greater Pittsburgh  
*Victims of Terror Fund*

Independent Committee Report

March 5, 2019

*The mourner's kaddish, recited by millions of Jews for so many centuries, does not mention death or mourning. Instead, mourners pray that the world should recognize G-d's name – not G-d, but G-d's name – and mourners pray that there be peace.*

*Kaddish does not speak of death, because in the presence of death we have no words, no explanations, no claim that we can make sense of it all. Instead, after tragedy, what we can do is respond, by praying for and working for a brighter future.*

*We pray that the world will recognize G-d's name, meaning that G-d is "the One Who Cares" about human beings, and who wants us to care about one another. And because we are commanded to care, we pray for peace, which the Talmud calls the basket filled with every sort of blessing.*

*After this tragedy, no person and no committee can ever make things "right". But we can and must respond as best we know how, to be a community of caring, and try to bring some small measure of peace to so many shattered hearts.*

*Rabbi Yisroel Miller, November 2018*

Contents

Introduction: Humane Responses to an Historic Act of Hate..... 1

The *Victims of Terror Fund*..... 3

The Independent Committee..... 4

The Committee’s Professional Advisors ..... 6

The Work of the Independent Committee ..... 6

    Listening to the Victims’ Families ..... 7

    Studying Precedent..... 8

    Respecting Donor Intent..... 8

    Taking Account of Other Available Resources..... 9

    Considering Individuals Within the Same Recipient Category ..... 11

The Distribution of Donations..... 12

    Compassion Payments to Individuals ..... 13

    Payments to Congregations..... 14

    Memorialization, Commemoration & Education for Community Healing and Safety..... 15

Process for Distribution of Payments ..... 18

How to Donate..... 18

Dedication..... 19

# Introduction: Humane Responses to an Historic Act of Hate

On the morning of October 27, 2018 an act of horrific violence was committed in Squirrel Hill, a neighborhood known for its diversity and tolerance and long the center of Jewish life in the Pittsburgh region. According to the charges that have been brought against him, a heavily armed gunman, who earlier had posted anti-Semitic and anti-refugee messages on the internet, entered the Tree of Life synagogue, which was serving as the home to three Jewish congregations – Tree of Life\*Or L'Simcha, Dor Hadash and New Light – just as Saturday Shabbat services were getting underway. Once inside, he mercilessly murdered eleven innocent Jewish worshippers and seriously wounded two. In the process, he terrorized others who were on site and reasonably feared for their own lives. He also wounded several police officers who were part of a larger group that saved lives that day by quickly responding to this emergency. It was only after the gunman was wounded himself that he surrendered and was taken into custody.

News of this tragedy inflicted wounds of its own, not only on the hearts of the men, women and children of Pittsburgh's Jewish community but also on the hearts of others -- in this region, across our country and in even more distant places. Not surprisingly, accounts of the most-deadly anti-Semitic attack in this country's history became the nation's most important news story. The stark banner-headline that sat alone across the top of the front page of the next day's Pittsburgh Post-Gazette consisted of just three words, "Squirrel Hill Massacre."

No one could hope to make sense of this senseless act. However, writers who knew Pittsburgh, Squirrel Hill, the Tree of Life synagogue and the congregations worshiping there did attempt to convey a sense of the community and to describe its anguish. David Shribman, who lives just blocks from the synagogue, not only oversaw news coverage for the *Pittsburgh Post-Gazette* as its executive editor but published two columns the following morning – "Dispatch from Squirrel Hill: Dread in a Peaceful Place" in the *Post-Gazette* and "Anti-Semitism Comes to a City of Tolerance" in the *New York Times*. He concluded the former by writing, "In our grief – shared across all faiths – we need something to lean on, to steady us. We might reflect on the passage from Proverbs that lent its name to this place of tragedy, a reference to the metaphor describing Judaism's most sacred text, the Torah, as a tree of life, or, in transliterated Hebrew, *Etz hayyim: It is a tree of life to all who hold fast to it; its ways are ways of pleasantness, and all its paths are peace.*"

Harry Litman, formerly a senior Justice Department official and Western Pennsylvania's United States Attorney and now a legal analyst and law professor living in California, grew up in Squirrel Hill and wrote sadly in the *Los Angeles Times* that "After the Tree of Life Shooting, my

children will grow up less secure than their parents” – a threat that, he said, “is not existential, but it is real and vivid all the same.” Howard Fineman, an NBC news analyst, grew up in the Tree of Life synagogue, where his parents taught Sunday school, and considered Squirrel Hill to be “a Jewish paradise.” His column in the *New York Times* was titled, “Shaking My Faith in America: The bloodshed in the Tree of Life Synagogue is a sign that hatred of The Other is poisoning our public life” and reminded us that “America’s gifts are not easily preserved – even, I know now, in Squirrel Hill.”

For all the hurt and sense of loss, there was a ray of light. Rabbi Dr. Danny Schiff, the Foundation Scholar of the Jewish Federation of Greater Pittsburgh, stated in the *Washington Post*, “While Pittsburgh represents a continuation of the same thread [of anti-Semitism] that stretches from Alexandria to Kristallnacht, it is also different. Profoundly different. Why? Because of the neighbors. Since the Pittsburgh attack, loving individuals of every background have embraced Jews tightly in multiple overwhelming ways. Government leaders, prominent religious figures, corporations, sports teams and an unprecedented myriad of fellow citizens have declared loudly and emphatically that they will stand by Jews. This breathtaking and profoundly moving reality is virtually unparalleled in the Jewish experience.”

Bari Weiss, a writer and editor at the *New York Times* and also a Squirrel Hill native, eloquently advanced that same theme. In the immediate aftermath of the killings, she wrote of “A Massacre in the Heart of Mr. Rogers’ Neighborhood” and said, “Anyone who is from Squirrel Hill, or has ever spent time in the place where I was lucky to be raised, will not be surprised to know how the community responded to this disaster. Jews and gentiles alike ran toward the fire... Squirrel Hill, Mr. Rogers’ real -world neighborhood, is full of such people. His home was three blocks from Tree of Life.” In a later column, “When a Terrorist Comes to Your Hometown,” among the many thoughts she expressed was this: “If you are lucky, when a terrorist comes to your town, you will bear witness to some of this country’s better angels.”

In Pittsburgh, the presence of “better angels” was quickly seen and felt. Their presence was felt through thousands of individual acts of compassion and through large-group expressions of sorrow for the victims and solidarity with the broader Jewish community. Their presence could be seen in the seemingly endless pilgrimage of both Jews and non-Jews to the site of the slaughter and in the “Stronger than Hate” posters and tee-shirts that combined the Star of David with the logo of the Pittsburgh Steelers and that suddenly appeared everywhere. It was seen in the way that organizations mobilized to meet the needs of the community and in the committed and creative ways that individuals and groups raised funds, both to support the victims and to implement steps that might help prevent future tragedies. Of particular

relevance to this report, it could be seen in the generosity of the donors to the *Victims of Terror Fund*.

## *The Victims of Terror Fund*

As soon as news of the massacre started to spread, the Jewish Federation of Greater Pittsburgh (Jewish Federation) began receiving inquiries from individuals who wanted to know how to make contributions in ways that would support individual victims, the affected congregations and the community. In response to those contacts and only hours after the news broke, the Jewish Federation established the *Victims of Terror Fund* (also called the “The Fund” in this report) as a vehicle to collect online and mail donations.

The Jewish Federation’s website invited potential donors to “Give Now to the Fund for Our Victims of Terror” and to “Help those affected by the attack at Tree of Life\*Or L’Simcha, Dor Hadash and New Light.” This invitation was followed by a two-paragraph description of the Fund.

Our hearts are broken. We join in mourning the victims of the attack in our community. We also pray for healing, for those who were injured and for all those among us whose pain is beyond measure. We all face tough times in the days, weeks and months ahead, but know that Jewish Pittsburgh will come together to comfort people in need of healing and to stay strong.

Funds collected for Our Victims of Terror are earmarked for psychological services, support for families, general services, reconstruction, additional security throughout the community, medical bills as well as counseling and other services that may prove necessary for victims and first responders during their recovery. Our religious and day schools will also most likely require additional resources to help our youth process this tragic episode. This fund will help both the Jewish community members and the first responders affected.

The *Victims of Terror Fund* became the largest of the funds accepting donations in response to the attack of October 27<sup>th</sup>. It was not, however, the only fund. Perhaps most significantly, the three congregations attacked also were the beneficiaries of donations, and a fund for police officers wounded in ending the attack and apprehending the suspect was established.

Donations to the *Victims of Terror Fund* came in wide-ranging dollar amounts, from individuals of all ages, and from around the world, as well as from companies and non-profit organizations. Creative and highly successful fundraising initiatives were organized by people wanting to help.

The Jewish Federation processed more than 8,500 separate donations to this Fund, which came from 48 states and at least 8 countries. More than two thirds of these donations originated outside of Pennsylvania. Because some of the larger donations were produced by fundraising efforts and collections organized by others, it has been estimated that there were more than 50,000 individual donors who contributed directly and indirectly to this Fund.

A total of \$6,302,803 arrived in the *Victims of Terror Fund* without any explicit expression of donor intent – that is, without a clear statement of how the donor intended those funds to be used. These dollars, the bulk of all donations, represent the dollars discussed in this report.

A small number of contributors made donations to the *Victims of Terror Fund* that expressed an explicit intent. These donors have been acknowledged as contributors to the *Victims of Terror Fund*. However, their donations were sent directly to their intended organization and/or set aside in funds established for their intended purpose. These dollars – in total less than \$20,000 – are not included in the dollars discussed in this report.

Furthermore, in response to the events of October 27<sup>th</sup>, the Jewish Federation received more than \$3 million in grants from 25 organizations and Foundations in Pittsburgh and around the world. These grants were not sent to the *Victims of Terror Fund* but came with an explicit expression of donor intent related to communal recovery in the wake of October 27<sup>th</sup>. These donations were handled separately from the *Victims of Terror Fund* and are not included in the dollars discussed in this report.

As of February 27, 2019, the Jewish Federation stopped accepting donations to the *Victims of Terror Fund*. Guidance for those still wishing to contribute to victim needs and community recovery is included at the end of this report.

The Jewish Federation will report in greater detail on all funds contributed through the organization in response to the October 27<sup>th</sup> tragedy later in 2019.

## The Independent Committee

At its November 13, 2018 meeting, the Board of Trustees of the Jewish Federation of Greater Pittsburgh approved the formation of a Committee (known during its work and in this report interchangeably as the “Independent Committee” or the “Committee”) charged with overseeing the distribution of donations to the *Victims of Terror Fund*. This Committee, although chartered under the auspices of the Jewish Federation, was created to function

independently from the Jewish Federation, and it has done so. In making its decision to create such a committee, Federation leadership considered the unusual, high-profile nature of the task, as well as the need to include individuals who would add broader community perspectives.

The members of the Independent Committee are listed below.

David Shapira, chairman of Giant Eagle and chair of the Committee

Susan Brownlee, former executive director of The Fine Foundation

Jared Cohon, president emeritus of Carnegie Mellon University

Steve Halpern, president of Woodland Management and Jewish Federation board member

Mark Nordenberg, chancellor emeritus of the University of Pittsburgh

Charles Perlow, chairman of McKnight Realty Partners and Jewish Federation board member

Nancy Rackoff, estates and trusts attorney at the Eckert Seamans law firm

In agreeing to serve on this Committee, its members assumed an important responsibility – to act as careful and caring stewards of the contributions that had been made to the *Victims of Terror Fund*. At every step of the process, that responsibility was taken seriously.

All Committee members served as individuals, and not as representatives of any organizations. Throughout its work, the Committee received invaluable support from Joshua Donner, the executive director of the Shapira Foundation, and Jeffrey Finkelstein, the President/CEO of the Jewish Federation of Greater Pittsburgh.

Very early in its work, the Committee invited leaders of the three congregations directly affected by the tragedy of October 27<sup>th</sup>, as well as the chair of the Jewish Federation’s Board to attend every meeting of the Committee and to actively engage in the Committee’s discussions and deliberations. These are the four people who became important additional contributors to Committee’s work.

Meryl Ainsman, chair, Jewish Federation of Greater Pittsburgh

Stephen Cohen, co-president, New Light Congregation

Jon Pushinsky, past president, Congregation Dor Hadash

Sam Schachner, president, Tree of Life\*Or L'Simcha Congregation

Although these four individuals were not formally members of the Committee, they engaged fully in the work of the Committee, contributing valuable knowledge, insights and opinions. The decisions presented in this report reflect their full participation.



## The Committee's Professional Advisors

Attorneys Christopher Farrell and Christie Tillapaugh from the law firm of Cohen & Grigsby, P.C. generously provided pro bono legal counsel to the Committee through the firm. They were a source of highly-valued counsel and were the Committee's principal link to both the Office of the Pennsylvania Attorney General, which has oversight over charitable activities, and the City of Pittsburgh Police. They assisted with research and review of distribution patterns from other funds and ensured that distributions would be made in ways that were consistent with both the law and the Committee's charge and also would be sensitive to tax implications for individual recipients.

The Jewish Federation engaged Schneider Downs to ensure appropriate levels of financial accountability for *Victims of Terror Fund* collections and distributions. Schneider Downs is providing attest services over the accounting and distribution of funds contributed to the Fund, including contributions that came with donor designations. Their report will be made available to donors, recipients and the general public. It is expected to be completed by July 1, 2019.

In addition, PNC Bank provided free account services for the donations received.

Special note must be taken of the contributions made by Kenneth Feinberg, a highly respected lawyer who is widely regarded as the country's leading expert on distributions from victim funds. Mr. Feinberg has advised or directly administered distributions from most of this country's high-profile victim funds. These include the funds formed in response to the attacks of September 11<sup>th</sup>, 2001, the BP Deepwater Horizon disaster in 2010, and the 2013 Boston Marathon bombings. Members of the Committee regularly sought advice from Mr. Feinberg, who provided perspectives on how the Committee might think about and approach its work and shared insights from his experience in structuring distributions from other funds. The Committee is deeply indebted to Mr. Feinberg for his generous contributions of time and wisdom.

## The Work of the Independent Committee

The Independent Committee met formally nine times over a period of two months, between mid-November and mid-January, and then met formally again in February to revisit and finalize decisions. Each member actively participated in Committee meetings. Members also worked between meetings, both to prepare and to discharge special assignments.

The Committee sought both to do the right thing and to do things the right way. The Committee worked to ensure that those aims characterized both the interactions of the Committee with others and discussions and deliberations within the Committee itself. Meetings were uniformly thoughtful and respectful, with Committee members remaining sufficiently open-minded that positions were sometimes changed after lengthy discussion.

Members of the Committee quickly came to understand that there is no single “right way” to distribute donations collected after such a tragedy. Instead, the Committee worked hard, as suggested by the teaching from Rabbi Yisroel Miller that appears at the beginning of this report, to “respond as best we know how, to be a community of caring, and try to bring some small measure of peace to so many shattered hearts.”

Of course, limitations imposed by the law needed to be respected, and as noted above, the Committee was well-advised on such matters. Research on other incidents of mass violence provided useful precedent on distribution patterns for the Committee to consider. Most often, however, significant contextual differences from these other events led the Committee to thoughtfully adapt those approaches to meet the needs of the victims of this tragedy.

The Committee, then, made its decisions following the law and thoughtfully applying precedent. The Committee’s decisions also were heavily dependent on the collective wisdom and good judgment of Committee members. In the end, each of those decisions reflected the strong consensus of the Committee.

What follows is a discussion of some of the relevant factors that shaped the Committee’s decisions.

## **Listening to the Victims’ Families**

In the course of its work, the Committee spoke with the families of those killed and those with serious physical injuries due to having been shot during the attack. More specifically, the Committee held an in-person meeting to which representatives from the families of all of the worshippers who had been killed or seriously wounded were invited. One of the worshippers who was seriously wounded also was able to attend. This meeting had a great impact on Committee members, because it was so impactful to learn directly from the family members whose loved ones had been killed about their sense of loss and to learn directly from the seriously wounded and their family members about the obstacles and fears they will need to overcome in rebuilding their lives.

This also was a meeting in which Committee members clearly saw how dealing with tragedy can bring out the very best in people. The family representatives were generous, gracious and thoughtful. Even while mourning their own losses, they were concerned about the losses of others. The Committee is indebted to the family members who gave of themselves during such a painful time to help the Committee become better educated and informed.

In addition to its moving in-person meeting with family representatives and the seriously wounded, the Committee also reviewed written statements submitted by family representatives, provided periodic updates to family representatives and responded to questions advanced by members of that group. The Committee further offered to advance partial payments to family representatives at appropriate points in time. Much of this work was facilitated by Meryl Ainsman and Jeffrey Finkelstein of the Jewish Federation on behalf of the Committee.

### **Studying Precedent**

The Committee reviewed extensive written documentation and media coverage of the distribution process and decisions from a number of victim funds established with charitable donations collected after other incidents of mass violence. In addition to consulting with Kenneth Feinberg, members of the Committee consulted directly with individuals involved in recoveries from the 2012 Aurora, Colorado movie theater shooting and the 2015 massacre at the Mother Emanuel AME Church in Charleston, South Carolina. The Committee also benefited from knowledge shared about the Fallen Heroes Fund, established after the 2009 killings of three City of Pittsburgh Police officers, Eric Kelly, Stephen Mayhle, and Paul J. Sciuлло II. In fact, one of the Committee's legal advisors also had been involved in that matter.

The careful consideration of such precedents was very helpful. As was noted above, however, none of these examples was factually or contextually identical to the situation presented to this Committee. These precedents, then, were not controlling, and the Committee was left to thoughtfully apply them with appropriate modifications.

### **Respecting Donor Intent**

Honoring donor intent is a principal responsibility of those charged with stewarding charitable gifts. The single most important step in the process of honoring the intent of these donors was to review all of the contributions made to the Fund to determine which had come with an explicit expression of donor intent. This first was done at an early point in the process by the Jewish Federation. Later, at the request of the Committee and out of an abundance of care, the

Jewish Federation engaged in another thorough analysis of comments accompanying donations to the Fund. That review confirmed the earlier conclusion that most donations contained no comments or expressed general condolences, leaving the \$6,302,803 remaining in the *Victims of Terror Fund* subject to the Committee's decision-making with respect to its distribution.

What became particularly important for the Committee, then, was the language describing the Fund on the Federation's website, shown on page 3. Among the noteworthy features of that language are these:

- The prominence of the word *victim* in the title makes clear that contributions would be used to address the needs and healing of this tragedy's victims.
- The prominence of the word *terror* in the title makes clear, consistent with precedent, media coverage and general understandings of the event, that those most directly affected - the worshippers who were killed or seriously wounded, as well as those trapped in the building or on site and in harm's way during the attack - would have been at the forefront of the minds of many donors.
- The breadth and nature of potential purposes enumerated in the Fund's description make clear that the term *victim*, for the purpose of determining eligibility to receive payments, should not be construed narrowly. In the judgment of the Committee, the "victims" include not only the individuals described above, but also the congregations that were attacked, the synagogue building that suffered significant damage and the broader community -- which was also injured and must heal, a process that inevitably will involve memorialization, commemoration and education.
- There is a specific reference both to "Jewish community members" and to "the first responders affected."

The Committee believes that each type of allocation it has authorized is compatible with the fund description posted by the Jewish Federation. The Committee further believes that the relative size of these distributions is consistent with the goals that drove the creation of the *Victims of Terror Fund* and with donor intent.

### **Taking Account of Other Available Resources**

Distributions from this fund obviously can be an important source of practical help, as individuals, organizations and communities work to recover from this tragedy. The very existence of the fund also reflects the best of human qualities because the donations can be seen as expressions of love, generosity, compassion and a desire to help in the healing process.

Still, in a very real sense, no matter how many dollars might have been collected, the total never would have been enough. No amount of money can compensate for the loss of a loved one's life; no amount of money can fully compensate for a life that has been violently knocked off course and suddenly filled with unanticipated and daunting new obstacles; and, no amount of money can ever completely heal our hearts or our communities. In that very practical sense, the task of distributing monies from a victims' fund such as this one inevitably involves doing the best possible job of allocating limited resources among competing needs, which also involves taking account of other available resources.

In differentiating between categories of distribution recipients and in deciding not to make distributions to certain categories of potential recipients, then, the Committee did take account of the availability of other resources. Without intending to catalogue all of those other sources, the following are some pertinent Committee findings:

- Area non-profits are in the process of jointly applying for government funding to help pay for counseling and other services they have provided and will continue to provide in response to the October 27<sup>th</sup> tragedy, in our schools and in other places. The two federal programs designed to help victims and communities recover from incidents of mass violence are the U.S. Department of Justice's Victims of Crime Act and the Antiterrorism and Emergency Assistance Program. These programs together provide substantial financial assistance and technical expertise to support non-profit organizations in their efforts to help victims recover and communities heal. The Independent Committee recognized the great importance of activities and services to promote individual and collective healing. Given the likelihood of securing substantial government resources, and the importance of completing the needs assessment now underway to better understand what services are most needed, the Committee chose not to make allocations directed to mental health and other such healing services from the *Victims of Terror Fund*.
- The Jewish Federation received more than \$1.5 million in donations outside of the *Victims of Terror Fund* that came with an explicit expression of donor intent to be used for enhanced security across the community. The Jewish Federation's Security Committee is in the process of performing needs assessments and recommending how those funds can best be deployed. The Independent Committee recognizes the importance of community security and realizes that additional funds will be required to reach the desired level of communal security. Still, given the amount of funding already available for that purpose, the Independent Committee did not feel that adding to those existing monies through an allocation from the *Victims of Terror Fund* would be appropriate.

- Each of the three Congregations received other donations in the wake of the events of October 27<sup>th</sup>. Yet the needs of the three affected congregations are substantial and wide-ranging, and their circumstances are complicated. It will take more time for them to develop plans for moving forward. With this in mind, the Committee authorized distributions to the Dor Hadash and New Light congregations in the hope that these funds will help them meet short-term needs and advance their own ongoing healing efforts. The Committee authorized a larger distribution to the Tree of Life\*Or L'Simcha congregation for the express purpose of repairing or reconstructing the Tree of Life building, so that Jewish life can once again flourish at the site. The purposes and sizes of these three distributions were thoroughly discussed with the congregational representatives who regularly participated in Committee meetings. It also was the intention of the Committee, by directing the great bulk of its distributions to individual victims, to leave the congregations with somewhat greater freedom to focus on congregational needs as they devise distribution plans for the donations that have come to them.

### **Considering Individuals Within the Same Recipient Category**

In making allocations to individuals within the same recipient categories the Committee did not make differential awards based on financial or other circumstances of either an individual victim or a victim's family. In the cases of worshippers who had been killed, it was the strongly-held view of the Committee that all lives are precious and that there was no basis for valuing differently each of the lives that was lost. In the case of worshippers who had been seriously wounded, the Committee recognized that each victim would face significant challenges in rebuilding his or her life but did not feel capable of predicting those challenges, placing a value on them and differentiating between recipients. The Committee applied this same reasoning to make uniform payments to individuals within the same recipient category for the two additional categories of worshipers discussed later in this report.

In the case of the injured police officers, as will be described more explicitly later in this report, a different approach was taken. A fund was established by the Fraternal Order of Police for the benefit of physically injured officers. The Committee will consult with the people overseeing this fund before making decisions about making payments to injured officers.

## The Distribution of Donations

The table below indicates how the Independent Committee has decided to distribute the \$6,302,803 in donations made to the *Victims of Terror Fund*. Further explanation is provided in the sections that follow. However, it is important to begin with an expression of caution. The amount that members of recipient families actually will receive necessarily will vary, depending upon the number of members within a family and the directions they have given regarding the allocation of funds within their family group. Out of respect for the privacy of each family, those amounts are not being made public as a part of this report.

<b>Summary of <i>Victims of Terror Fund</i> Distributions</b>	
<b>Compassion Payments to Individuals and Families</b>	
Payments to the families of those killed and to seriously wounded worshippers	\$4,367,523
Payments to individuals trapped in the building	\$436,752
Payments to individuals on the premises during the attack	\$48,528
Payments to physically injured police officers	<u>\$500,000</u>
<b>Total Compassion Payments to Individuals and Families</b>	<b>\$5,352,803</b>
<b>Grants to Support Congregations and Community</b>	
Congregation Dor Hadash	\$100,000
New Light Congregation	\$100,000
Tree of Life*Or L'Simcha Congregation for building reconstruction	\$450,000
Seed funds for memorialization, commemoration & education for community healing and safety	<u>\$300,000</u>
<b>Total, Grants to Support Congregations and Community</b>	<b>\$950,000</b>
<b>TOTAL DISTRIBUTIONS</b>	<b>\$6,302,803</b>

The Committee believes that each type of allocation to recipients – compassion payments to individual victims, payments to the three directly affected congregations for healing and rebuilding, and a seed payment to launch the memorialization, commemoration and education efforts so essential to the healing process and to the longer-term elimination of such attacks – is compatible with the fund description posted by the Jewish Federation. The Committee further believes that the relative size of these distributions, with the bulk of the funds being

distributed as compassion payments, also is consistent with the goals that drove the creation of the *Victims of Terror Fund* and donor intent.

## **Compassion Payments to Individuals**

The majority of donations to the *Victims of Terror Fund* - \$5,352,803 of the total \$6,302,803 – is to be distributed as *compassion payments* to those who were most tragically affected. That group includes the families of the eleven deceased individuals; the two individuals who suffered serious physical wounds requiring inpatient hospitalization; the nine individuals known to have been trapped inside the building during the shooting; those worshippers who, though not trapped in the building, were on the premises at the time of the attack; and, the police officers who were wounded in the act of saving lives. In distributing 85% of the total fund to this group, the Committee is expressing two beliefs -- that this allocation almost certainly reflects the intent of a large group of donors and that these compassion payments should be made expeditiously, while accessing other revenue sources and gaining an understanding of other communal needs will take time.

To be clear, payments to the seriously wounded victims themselves and to the families of the worshippers who were killed are not viewed by the Committee to be compensation for what are irreparable losses. For some, the payments will help cover practical expenses, such as funeral costs, medical bills or lost income, although distributions from victim funds such as this one are given without any limitations on their use. Furthermore, the Committee hopes that these payments will serve as a comforting reminder to all recipients of the expressions of compassion that came from thousands of people around the world.

The Committee has committed to distribute to the families of the deceased and to the worshippers with serious physical wounds the largest share of compassion payments. In total, \$4,367,523 is to be paid to members of the families of the eleven deceased individuals and to the two individuals with serious physical wounds. Because the injuries suffered by the two seriously wounded worshippers were life-changing, with physical challenges and ongoing costs that cannot now be accurately predicted, the Committee chose to place them in the same category as the worshippers who lost their lives.

The Committee also has approved the distribution of \$436,752 to the nine individuals who were trapped inside the building during the shooting, based on lists provided to the Committee by the three congregations. These individuals were physically trapped in the middle of a horrific scene, fearing for their own lives and, in some cases, watching relatives and friends being murdered. The Committee believes that those upon whom this special form of trauma had



been inflicted and who, as a result, will have special human needs, should receive compassion payments.

Though their circumstances were less dire, the Committee also authorized that payments from a much smaller pool of funds - \$48,528 - be made to individuals who were on site at the time of the attack but who were not trapped in the building. These individuals also may have suffered special emotional trauma because they were at risk and were very near the place where their fellow congregants were being murdered. The Committee does not have a complete list of qualifying individuals. Information about the specific qualifications and process for verifying individual eligibility to receive a share of these funds appear in the back of this report and will be further publicized by the Jewish Federation and the three affected congregations.

The officers who risked their lives on October 27<sup>th</sup> and were physically injured in doing so, are eligible for financial benefits under existing law, and in this case, as noted above, a separate charitable fund has been established to provide additional financial support to these wounded officers. However, members of the Committee strongly believed that \$500,000 should be set aside for compassion payments to injured police officers, after consulting with the people managing the *Injured Officers Fund* at the Greater Pittsburgh Police Federal Credit Union. These payments are clearly consistent with the description of the *Victims of Terror Fund*. Beyond that, these officers were life-saving heroes. In Jewish history there are too many tragic examples of situations in which those who had a duty to protect failed to step forward and discharge that duty. In this case, there was no hesitation, and because of the courageous action of these officers, lives were saved.

## **Payments to Congregations**

A total of \$650,000 is to be distributed to the three congregations affected by the tragedy. The members of these congregations have special human needs, since they were intended targets of the attack, and those killed and seriously injured came from within their midst. They also face the financial and emotional challenges of restoring or replacing the Tree of Life building, which will be a costly, complicated and extended process.

Congregation Dor Hadash and New Light Congregation are each to receive \$100,000. Tree of Life\*Or L'Simcha is to receive \$450,000. The larger distribution to Tree of Life\*Or L'Simcha is in recognition of the fact that it owns the building where all three congregations worship. These funds are to support the repair or reconstruction of the badly damaged building as a place to which all three congregations can return.

It has been said that the murdered worshippers represented the heart and soul of their congregations. These payments to the congregations reflect that the Committee seeks to aid in the healing of the congregations as well as the individuals that comprise their membership, and that the congregations themselves are better able to assess these specific needs. Also factored into these distributions is the knowledge that these congregations now are incurring additional expenses, and the Committee's intent is to help these congregations focus on healing with a lessened burden of active fundraising to cover anticipated and unanticipated operating expenses.

The tragedy of October 27<sup>th</sup> cannot be fully understood, nor can full physical and emotional healing occur without serious consideration being given, by the congregations and their members, to the building where the attack occurred. Put simply, restoring vibrant Jewish life, in one form or another, at the site of the shooting is critical to individual, congregational and communal reconstruction and resiliency.

The Tree of Life building, an older building, sustained substantial damage on the morning of October 27<sup>th</sup>. A major capital repair and restoration project will be complex in the physical sense and will be taxing on the congregations as organizations and communities. Typically, after a traumatic incident such as this, many survivors and worshipers will not want to return to a building that looks or feels the way it did on that day. There may be a need for substantial redesign. The amount distributed here obviously will not support all of this work but could hopefully be used thoughtfully to supplement other funds contributed for that purpose.

## **Memorialization, Commemoration & Education for Community Healing and Safety**

The opening passage of the *Victims of Terror* website statement reads as follows:

Our hearts are broken. We join in mourning the victims of the attack in our community. We also pray for healing, for those who were injured and for all those among us whose pain is beyond measure. We all face tough times in the days, weeks and months ahead but know that Jewish Pittsburgh will come together to comfort people in need of healing and to stay strong.

The Committee believes that community healing and community strength are directly tied to memorialization, commemoration and education and that advancing those ends, out of respect for the individual victims of the October 27<sup>th</sup> attack and for the health and safety of the broader community, also is consistent with donor intent.

It is impossible to imagine that this community could move forward without honoring the individual victims, without memorializing this tragedy to help ensure that nothing like it ever is repeated, and without addressing the hateful, anti-Semitic roots of these killings through the power of education. To this end, the Committee has allocated a total of \$300,000 to seed the formation of a lasting memorialization, commemoration and education effort.

To better understand how these funds might best be deployed, the Committee asked two of its members, Jared Cohon and Mark Nordenberg, to seek the perspectives of key organizational stakeholders and report back to the Committee. Meetings were held with representatives of the Dor Hadash, New Light and Tree of Life\*Or L'Simcha congregations; the Holocaust Center of Greater Pittsburgh; the Rauh Jewish Archives at the Heinz History Center; and the planned Resiliency Center, as well as others. These meetings yielded near universal agreement that:

- Memorialization, commemoration and education are vitally important to individual and communal healing;
- Such work will involve both short-term and long-term goals and will require thoughtful planning and careful coordination; and
- Both securing the best possible leadership and ensuring that there is appropriate representation of key constituencies at each stage of the process will be critical to its success.

The Committee agrees with each of these observations and recognizes that moving forward to advance these objectives will be a challenging task. However, the Committee is encouraged by what it has seen as it has moved forward with its own work – that the hearts of most people are good, that the human spirit is strong and that, when called upon to do so, people will put their differences aside and join together to advance a worthy cause.

Though not all of the discussions conducted by Dr. Cohon and Mr. Nordenberg reached this level of specificity, some parties to those conversations expressed the further belief that the organization best positioned to launch such an historic community effort is the Jewish Federation of Greater Pittsburgh. The Committee also agrees with that observation.

In fact, the Jewish Federation's willingness and ability to create and charge this Independent Committee can be seen as compelling evidence that it also would be well positioned to empanel a broadly representative Commission to press forward with this larger and longer-term initiative. Therefore, the Independent Committee respectfully requests that the Jewish

Federation take the lead in forming an appropriately independent, broadly representative and well-led Commission to push forward with this important work.

The Committee understands that the \$300,000 it has allocated to this purpose can only be viewed as a small start and that very substantial additional funds will need to be raised if this effort is to achieve its full potential. In that regard, members of the Independent Committee stand ready to engage in fundraising efforts or to assist in other ways that may be helpful to this new Commission.

The Committee envisions that this effort will demonstrate that Pittsburgh is far more than the community that endured the worst anti-Semitic attack in the history of our country. Instead, Pittsburgh can unite and work to become the community that set a new and inspiring standard through its efforts to honor the victims from within its midst and to promote healing and higher levels of long-term safety by developing programs to combat the hate that not only surfaced so horribly here but that also continues to claim far too many victims in so many other places.

## Process for Distribution of Payments

### Payments to the families of those killed and to seriously physically wounded worshippers

Recipients of these payments are known to the Committee and have already been contacted regarding the process for receiving payments.

### Payments to individuals trapped in the building during the shooting

The Committee compiled a list of qualifying individuals from Congregational leaders. These individuals will be contacted shortly to verify their eligibility and receive payments.

### Payments to individuals on the premises during the shooting

The pool of funds established for this group of recipients will be distributed in equal shares to individuals who were physically present on the Tree of Life Synagogue property at 5898 Wilkins Ave, Pittsburgh, PA 15217, but not inside the building, on the morning of October 27, 2018 between approximately 9:45am when the shooting began and approximately 10:15am when police took control of the site.

The Committee does not have a complete list of qualifying individuals. If you believe you might be eligible and you are interested in receiving a compassion payment if your eligibility can be verified, please email [VictimsOfTerrorFund@gmail.com](mailto:VictimsOfTerrorFund@gmail.com) or call (412) 254-4488. Inquiries must be received at this email address by April 1<sup>st</sup>, 2019. Anyone requesting funds will be asked to complete a legal document verifying that the individual falls within this definition. Completed documentation must be received at this email address by April 15<sup>th</sup>, 2019 unless alternative arrangements have been made.

## How to Donate

Those wishing to continue to support victims and promote healing are invited to do so through one of the following channels.

### **The Jewish Federation of Greater Pittsburgh**

<https://jewishpgh.org/help-jewish-pittsburgh-heal/>

### **Tree of Life\*Or L'Simcha Congregation**

<https://www.tolols.org/>

### **New Light Congregation**

<https://newlightcongregation.org/>

### **Congregation Dor Hadash**

<http://dorhadash.net/>

## Dedication

For each person involved in the Committee's work, this service came to be seen as a privilege, the chance to contribute to something constructive in the wake of an unspeakable tragedy. We are grateful to the Jewish Federation and to the thousands of donors to the *Victims of Terror Fund* for granting us this special opportunity.

We dedicate this report, as we have dedicated all of our work, to the victims of this tragedy -- including those individuals who were killed, wounded or otherwise harmed by these acts of violence, as well as the families, congregations and communities that were also victims. The names of many of those whose lives were impacted by this crime never will be known.

We especially remember the worshippers who lost their lives or were seriously wounded:

Joyce Fienberg z"l  
Dr. Richard Gottfried z"l  
Rose Mallinger z"l  
Dr. Jerry Rabinowitz z"l  
Cecil Rosenthal z"l  
David Rosenthal z"l  
Bernice Simon z"l  
Sylvan Simon z"l

Daniel Stein z"l  
Melvin Wax z"l  
Irving Younger z"l

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Daniel Leger  
Andrea Mallinger Wedner

We further dedicate this report to all of the first responders who bravely answered their own call-to-service and interceded in this still-unfolding attack in ways that clearly saved lives by putting themselves at risk. We especially recognize the police officers who sustained physical injuries in protecting others:

Officer Tim Matson  
Officer Anthony Burke  
Officer Daniel Mead

Officer Tyler Pashel  
Officer John Persin  
Officer Michael Smidga

Finally, we dedicate this report to the healthcare professionals who mobilized to treat the wounded, and the volunteer Jewish burial societies who worked diligently to safeguard the sanctity and the dignity of those who were lost, to cleanse the site, and to prepare the dead for Jewish burial.