

Rabbi Avremi Zippel; Impact Statement

March 12, 2020

Thank you, Your Honor.

Human beings can and often do, spend a lifetime contemplating the impact of their own actions on the world around them, most of the time to no avail. What we do or don't do, may seem largely significant or completely pointless to us in the moment, while we remain blissfully ignorant to the ripple effect it creates around us, whether intended or not. How much more so to try and describe the impact that someone else's actions may have had on us, is surely an exercise in guesswork at best. Nonetheless, I appreciate the opportunity granted to me by the Court, to do my best and attempt to share the effects of my abusers' actions on myself and those nearest and dearest to me.

If I may, I'd like to attempt and frame this conversation through the prism of several comments made at the trial. But first, a thought about the trial experience, and the impact that it has.

The statistics surrounding the secrecy about childhood sexual abuse are astounding. Suffice it to say, that most survivors, whether male or female, don't want to talk about it to anyone, let alone press charges. Why is that? Because of the voices in their heads, that stroke their fear and anxiety out of control. They won't believe me. They'll call me a liar. They'll mock me. They'll say I liked it; I asked for it even. They'll call me all sorts of disgusting names. On and on it goes. When someone works up the courage to find one token soul in this world, another human being that they feel safe with, to share their deepest and darkest secrets, we applaud them. Call them courageous. Remind them how brave they are. Inevitably, at some point, the conversation gets steered towards the possibility of involving law enforcement, and pursuing the path of the criminal justice system. At that point, the young person in question shares the fears mentioned above, certain that their decision to come forward, will without a doubt actualize their anxieties! Nonsense, we tell them! No one would EVER say such things. We live in the United States of America, it's 2020, look how far we've come as a society. Those sorts of spiteful attitudes are a relic of the past, never to be returned to again. Okay, they say. I'll make the call.

Your Honor, after having been sexually abused for a decade, and making the decision to come forward about it, I was subjected to another form of abuse. This time, it didn't take place in the secrecy of a cramped basement bathroom, rather it took place in this courtroom, from this very podium. During the course of the trial, among a litany of hurtful, hateful and insensitive comments, I was referred to as "the rapist" by Chad Steur. Comparisons were made from my behavior to that of Jussie Smollet. During defense counsels closing argument, Chad Steur wondered aloud, why I wasn't being charged and prosecuted for forcible sodomy, only after he had performed a gesture miming masturbation in front of the jury. And in a courtroom, full of Jews who had lost members of their families to the atrocities of the Holocaust, reference was made by defense counsel, to Adolf Hitler. In the United States of America. In 2019.

As obscene and offensive as some of these comments may have been, they are not, by a long shot, the most painful part of the trial process. During closing arguments, there was a moment where Chad Steur turned to the jury, and put forth the following question: "Mr. Zippel wants you to believe that he was sexually abused for a decade. Typically, abuse victims have all sorts of behavioral challenges, drug and alcohol issues, etc. He seems fine to me?" Thankfully, the jury in this case had enough common sense to realize that pain, scars and disabilities are not only expressed by walking sticks, translators and

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headphones. It is for that reason that we are thankfully, by the grace of G-d, where we are today. However, with Your Honor's permission, I would like a moment to address that comment, to answer that question:

To really understand the lifelong pain and torment suffered by survivors of childhood sexual abuse, is to properly peek behind the curtain into the psyche of a survivor. There is a glaring misconception about sexual abuse, that I feel desperately warrants correction. The reality of sexual abuse, as counter intuitive as its name may be, is not solely motivated by sex. At its core, sexual abuse is less about sex and more about power. The sexual high that a perpetrator enjoys while violating a child may last only a moment, but the power trip that they enjoy every moment of every day that they know that they have shunned an innocent soul into silence, can last a lifetime. This provides powerful context into the entire dynamic of sexual abuse, and is a fact that easily answers a misinformed question at the heart of any sexual abuse trial. Why would a seemingly happily married, 50-year-old mother of 3 want to engage in sexual activity with an 8-year-old boy? Was there something lacking in her relationship at home, that she somehow thought this child could supplement? I don't know the answer to that question, but what I do know is this: there is a serious lack of feeling of power in the life of every sexual predator, and it is that, that they try to supplement by taking advantage of the most innocent and vulnerable in our society, by stealing power and control from those most unable to protect themselves.

How indeed does this dynamic play out? How does a sexual predator exert that kind of influence over a child, that can all at once scare them into silence and give the predator that feeling they crave? In my experience, it comes down to two things: fear and powerlessness. The more they can create those experiences, in their victims, the more powerful they feel. But it's a process, and one that needs to be very carefully cultivated. It starts with what experts now call grooming. How do you take a child, born into a loving and caring family, a devout believer in a faith, and get him to remain silent regarding behavior that literally flies in the face of anything and everything he has ever stood for? You start with isolating him. You groom him into this behavior. You start creating cracks in his family dynamic, and find ways to slowly pull him away from his support structure. If you can see that he'll keep a small secret on your behalf, and not scurry off to tell his mommy, about some gray area behavior you engaged in, then you can rest assured that he'll do the same after you pull him into the black. Each small episode, each tiny secret, each bond that brings the victim a little closer to his abuser and a little further away from his family, this is what sets the stage for sexual abuse to grow and flourish. As the abuse begins to get more and more bold, the victim experiences unbelievable amounts of fear. At trial, I testified about the fear of being discovered, what OTHER PEOPLE would do if they found out what I was up to. Truth be told, the fear that one has of others, pales in comparison to the deepest and darkest fear of all. The fear of oneself. As a child, more than I was petrified of my parents, or friends, or teachers discovering my secret, I was paralyzed with the terror of myself. What kind of monster inhabited my mind, and lived in my body? What kind of gross, perverted, sexual deviant, remained silent in the face of this behavior, not once or twice or ten times, but on a regular basis, and did nothing about it? Really, what was wrong with me? What world did I come from and what world did I belong in? I nauseated and disgusted myself to no end, and felt more alone and isolated than I can put into words. So, I did what seemed like the only logical thing at that time. I ran back into the waiting and patient arms of my abuser. She was the only one in the entire world who could somehow legitimize what I was doing. She presented a purpose for what I was going through, a reason that she made an attempt to rationalize at every turn. She was the only one that

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really knew what was going on with me, and the adult-like feeling that she brought to me when she abused me was the only antidote to the intense pain that otherwise could not be numbed. It was at that point that she had found the second key that unlocked the next crucial dynamic of sexual abuse. Powerlessness. My abuser had set up a system where not only had she assured that her secret was safe with me, and that I would never in a million years betray her trust because of what that would mean for me, but more than that, I was now seeking out the abuse as much as she was. She had successfully and completely cut me off from every support system that was naturally given to me, and created a vacuum of safety and security that she was only too happy to fill. Sexual abuse is not so much about the momentary touching of a child's most private areas, or the purported romantic connection between abuser and abused. It's the feeling that the abuser gets after the encounter is over, and for every day and night that then passes, knowing that they have put a child into the ultimate winless situation. There is no chance that the child will tell, because the child is afraid of telling. In fact, the child is afraid of everything in their world at that point, themselves included. With one exception. The child is not afraid of the abuser. And so they come back. Time and again. Hating and detesting themselves in that moment for doing it, but only doing it because of how much they hate and detest themselves for having done it last time, and hoping that this time, this will be the last time, we promise ourselves, and this time will rid us, once and for all, of all the pain in our lives, just this one last time...until the next time, and the next time and the next time.

And you know what, Your Honor, that pain doesn't fade. That self-loathing doesn't slow down. No, on the contrary, it grows and metastasizes and avalanches out of control with time. And as the years go on, that self-doubt, and inadequacy, and shaming and self-loathing...it rears its ugly head in every facet of our lives. Shame is the most pervasive negative emotion that we struggle with as human beings, and the toxicity that we have been buried under as children, makes us carry that burden, everyday, everywhere. In every relationship. In our personal lives. In our professional lives. In any and every choice we may have ever omitted or committed, that voice stays with us. That voice, born in a basement bathroom at a tender age, finds a permanent home within us, and uses the opportunity to speak up, welcomed or not, at any and every turn. You did this, it's your fault, you're a loser, you can't get your freaking ducks in a row, you're a pathetic excuse for a human being, always have been and always will be to be honest. Your lack of character and conviction and inability to simply discern between right and wrong has been your Achilles heel for as long as you can remember and shows no sign of slowing down at all anytime soon.

Sometimes we're fortunate to talk down that voice. Some of us are lucky to re-engage with healthy support systems when we come forward, and are blessed with loving spouses, parents, siblings and friends that give us the ability to quiet that voice down. But we're never able to shut it out. It never goes away. It sits and waits, most patiently, for a spark, for a kindred spirit, another voice that it can latch on to, and remind you of it's constant presence. And then it finds it. In all places, in a court of law.

"Throughout this trial, the evidence will show that Mr. Zippel in fact initiated several of these encounters over the years", insinuates John Nish. "You WELCOMED these little encounters, didn't you? Over 25 percent of the time, that was YOUR testimony!" sneers Chad Steur. Yes, yes, I did gentlemen. And trust me that not a day has gone by, or will ever go by that I won't be reminded that at a tender age, I had the power to choose, stripped from me by a sexual predator. From as far back as I can remember I had been put into a situation where I had the simple choice between what I was sure was right and very wrong taken from me by a person who had such a power deficiency in her own life, that she needed to take that

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power from a young child to feel whole again. Yes counselors, I was sexually abused and rendered powerless at 8. Thank you for so eloquently bringing that voice in my head back to life, and in the presence of my family and friends to boot. These, Your Honor, are the most painful moments of the trial process, liberally dousing salt into the wounds that we have been made to carry for a lifetime.

And yet, Your Honor, life moves on. And not just does it move on, with you or without you, but if you look closely enough, you have the good fortune, by the grace of G-d to see precisely why each and every encounter happens in your life just the way it did. In fact, in light of all that has transpired in my life to this point, I consider myself the most fortunate human being alive on G-d's good earth, by virtue of the fact, that I have had a front row seat to see how I can be G-d's messenger in this world to bring about good from the abyss of negativity, to snatch joy from the jaws of despair. From very early on in this process, I was given the opportunity to realize that being a victim or a survivor of childhood sexual abuse is an intentional choice, which needs to be made regularly, and as I look around the courtroom today, how can I feel anything less than blessed to be a survivor. The staunch and unflinching support of my family, the remarkable heroes that I've had the chance to meet and form relationships with along the way, the superhuman public servants who have inspired me to passionately care for others in ways they'll never know, and the brave souls that I've had the merit to come in contact with, and be a stepping stone in their journey as survivors. I've learned firsthand and remind myself daily, that my life is as good and wholesome as I'd like it to be that day, all it's really up to is how I want to see it.

It is with this in mind Your Honor, that I ask the Court's permission to address my abuser at this point.

Vina, I must've been asked close to a thousand times, if I was ready to see you in a jumpsuit and shackles this morning. Would that finally signify my victory and overcoming, reclaiming the upper hand after so many years. I never adequately answered that question to all those that had asked, but let me share with you what I was going to say to them.

The imbalance of power between us has been corrected for quite some time now. I say that, as I remember, that for close to 18 years, from when you started abusing me, up until recently, I could never look you in the eye. As a child, I remember getting a pit in my stomach, each morning when you arrived for work, each time that you would show up at my house, after I'd returned from months at school, the same humiliating sensation, the same hot flush in my cheeks, and the same meek look down at my shoes, because I knew I couldn't meet your gaze. I always knew why, yet I could never put it into words. I knew then that if I would look into your eyes, I would see in myself what you saw in me. Your opinion and perception of me was the most valuable one I had in the world, you, you were teaching me to become a better husband one day, you alone who knew the deepest and darkest secrets of my soul....if I were to be reminded what you thought of me, there was no way I could ever think any different of myself.

May 9, 2018. Your initial appearance before this Court. Everybody, and I mean everybody that was advising me had told me it was absolutely pointless to come to Court that morning. Your appearance before the Judge would last all of 90 seconds, it was just a scheduling formality. But I had to be there. There was no way I was going to miss it. Because I was ready to meet your gaze once and for all. I finally felt enough about me, that my opinion of me, meant more than your opinion of me. I saw myself for who I was, and not for the version of myself you had created in both of our heads.

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Where you had once looked at me and saw weakness, I looked at myself and saw strength.

Where you had once looked at me and saw terror, I looked at myself and saw courage.

Where you had once looked at me and saw shame, I looked at myself and saw hope.

Where you had once looked at me and saw powerlessness, I looked at myself and saw a reason to keep on fighting.

I came to court, ready to look you in the eye, and reclaim my image and self-worth. And on that day, and every day since then, for almost two years, you averted your gaze. Every single time. I don't need a jumpsuit and shackles to know that I've come out on top. The fact that I can look you right in the eye, and you can't look back at me, that is a victory that can and will NEVER be taken from me.

Vina, you and I have been through a lot together over the years, but I want you to know this. Regardless of the duration of the sentence the Court hands down today, this is the very last time in my life that I ever hope to see you. And it is with that in mind, that I want you to hear what I am about to say in the loudest, clearest and most direct way possible, because I really and truly mean it with every fiber of my being.

Vina, I forgive you.

Now, I want to clear. You have never asked for my forgiveness in any way, shape or form. In fact, you have never remotely accepted any accountability for your actions, or owned anything you've done. Empowered by counsel, you lied and tried, shamed and blamed, told tales and sold stories, obfuscated and manipulated, and cast fault on anyone in the world aside for yourself. For the record, I have no doubt that even today, 4 months after a unanimous guilty verdict, you'll still try and pull one last one over on the Judge.

But through it and notwithstanding it all, I forgive you.

I forgive you because I've learned that forgiveness is less about you and more about me.

I forgive you, because I realize that in addition to the access to my body that you allowed yourself to for a decade, you've been living rent-free in my head for way longer than that. And I'm ready for that to stop today.

Vina, I'm certain, beyond any reasonable doubt that at some point in your life, you were deeply hurt by somebody, pain that far surpasses the normal parameters of suffering. And like so many in this world, and probably just like the person that hurt you, whether knowingly or unknowingly, you perpetuated that vicious cycle of violence. Like most hurt people, you went on to hurt people. And so on, and so on it continues. Until today. I refuse to let the cycle keep on spinning. The endless buck stops with me. Pain is a reality, but victimhood is a choice, and while I've been the recipient of the pain that you have passed on, I refuse to live another minute, with the resentment, and anger, and frustration, and anxiety, and all of

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that, that comes with it. Today, I make the conscious choice to replace ALL of that negative energy with the dedication and commitment to more positively enhance the lives of others, specifically those whose life journeys look similar to mine. Instead of pain, I will find power to bring to others; instead of resentment, I will fight for myself and others with a renewed purpose; instead of being hurt, I make a choice to be healed.

I don't know, nor do I think I will ever, why G-d chose for this to happen to me, and why he chose for you to be the one to do it, but that's not something I'm going to worry about anymore. To be perfectly frank Vina, I've got way too much good that I want to accomplish in this world, then to waste my energy being angry at you, and so, I forgive you. I am done thinking about the impact you have had on my life, and now I want to start thinking about the positive impact I can have on the lives of others. That is my impact statement.

Your Honor, if I may, I'd like to conclude with one last thought.

In Jewish Scripture we're taught that the best way to hope for another's forgiveness, is to be merciful and forgive others when asked. With that in mind, I'd like to use this opportunity to ask for someone's forgiveness today. This is someone I'm not exactly able to address directly, so I've chosen to write them a letter, which I'd like to read now. The letter is dated September 1, 1999 and is addressed to an 8-year-old boy. This 8-year-old boy.

And it reads as follows:

Dear Avremi,

I am so, so sorry.

Let me be the bearer of bad news. Today, your life is going to change forever, and not in a good way. Today, a person entrusted with your care is going to wreak havoc on your pure and innocent 8-year-old soul, havoc from which you will never recover.

Why am I sorry? Because from this day forward, I've blamed you, my dear 8-year-old self. I've screamed at you, cried at you, cursed you for doing what you did, and blamed you for your choices. I'm sorry, because I've finally learned, IT WASN'T YOUR FAULT. YOU DID NOTHING WRONG. For some reason, G-d Almighty decided that this is the path that you will own through this life. You were a child, and blindly trusted an adult; an adult, who violated that trust and violated you forever.

I'm sorry little buddy. Today, the real culprit, the once who deserved all the screaming and shouting, the shaming and blaming that you've subjected yourself to over the past 20 years; today, she finally pays the piper.

You're a great kid, and I'm sorry. I'm ready to let justice take it from here.

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