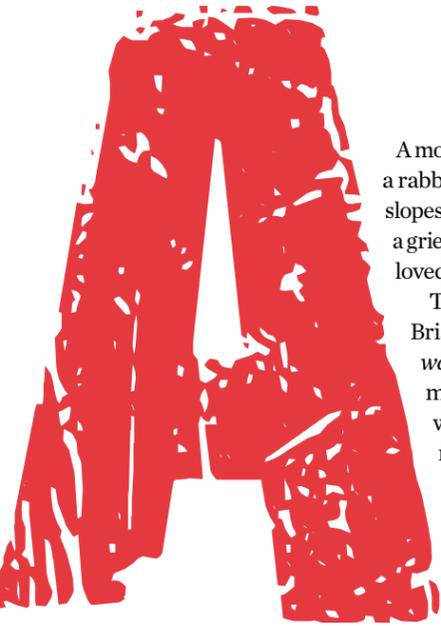




TRACKS OF FAITH

DR. BRIAN GROBOIS WAS AN AVID HIKER, BUT SOMETHING WENT WRONG DURING HIS DREAM EXCURSION ON THE SOUTHERN SLOPES OF MOUNT RAINIER. WHEN HIS LIFELESS BODY WAS RESCUED FROM AN ICY CANYON, HIS FAMILY WAS GRATEFUL THAT AT LEAST HE WOULD COME TO *KEVER YISRAEL*. BUT ANOTHER DAUNTING OBSTACLE STOOD IN THEIR WAY — WOULD THEY BE ABLE TO FIGHT THE MEDICAL EXAMINER'S DEMAND FOR AN AUTOPSY? A SOON-TO-RETIRE PARK RANGER AND A LOCAL *KIRUV* RABBI BECAME UNLIKELY ALLIES IN THE FIGHT TO PRESERVE SANCTITY OF LIFE EVEN IN DEATH

BY *Rachel Ginsberg*
PHOTOS *Reuters, AP*



A mountain ranger's prophetic dream and a rabbi's unyielding focus near the snowy slopes of Mount Rainier intersected to help a grieving family fight a battle to bury their loved one in accordance with halachah.

The tragic death of 54-year-old Dr. Brian Shaul Grobois (pronounced *Grob-wah*) of New Rochelle, New York, on a mountain hike in Washington state was a shock to his Young Israel community, his professional psychiatric associates, and those who knew him as an avid, responsible outdoorsman. But side by side with the heartbreak, there was a parallel story of courage, perseverance, and determination to do the right thing. The players in the ensuing drama were

Rabbi Shneur Zalman Heber, a Chabad *shaliach* in Tacoma, Washington, outside of Seattle; Chesed Shel Emes activists in New York; and Mount Rainier's law enforcement ranger Uwe (pronounced *Uva*) Nehring in his last heroic act before his retirement last week.

Tragedy Turf On Sunday, December 11, Dr. Grobois set out for an expedition he'd wanted to do for years. He was in Seattle for a relative's bar mitzvah, and took the opportunity to hit Mount Rainier (about 60 miles southeast of Seattle) for a snowshoe excursion at a breathtaking spot called Paradise, about 4,500 feet up the mountain.

Paradise, Mount Rainier's national park, is famous for its glorious views and wildflower meadows in summer, and its snowshoeing, cross-country skiing, and tubing in winter, when it gets over 600 inches (50 feet) of snow. Hikers can choose from many paths that take them past rundown sheds, virgin forests, waterfalls, beaver dams, mountain goat ridges, and the silence of the snow. But on a windy, cloudy day when all the snowy surfaces looked equally confusing, something went wrong for the hiking enthusiast. By nightfall, long after the national park closed, his rented car was still in Paradise's parking lot. When he missed his flight back to New York, his wife Susan called the Seattle relatives — and



the park authorities. On Monday morning, a helicopter rescue crew set out to look for Dr. Grobois, only to spot his lifeless, snow-dusted body late that afternoon lying face-down on the ice at the top of a drainage known as Stevens Creek canyon. Because of poor weather conditions and dangerous terrain, the rescue team waited until Tuesday morning to retrieve the body.

Shock and grief spread quickly across the Jewish community of New Rochelle. Dr. Grobois, a prominent addictions psychiatrist and lecturer at the Montefiore Medical Center, had been deputy chief psychiatrist for the Jewish Board of Family and Children's Services in New York before opening a private practice in Manhattan. Rabbi Reuven Fink of the Young Israel of New Rochelle described him as a "very, very warm and very loving person" who was generous, outgoing, had a love of life. He stayed in shape by doing weekly hikes. Tragically, this was his last.

Ranger Uwe Nehring spent Monday and Tuesday on the search for Dr. Grobois, directing the ground team that pulled him out of the creek bed and prepared the body to be flown out to Madigan Army Medical Center. He has been on the front line of many rescue operations, and has seen many tragedies in his more than three decades with the service. Dr. Grobois's death is the third under his purview this year alone. Earlier this year, Nehring and his crew retrieved a drowned 11-year-old boy in the nearby White River. The boy was camping with family when he tried traversing the river with his uncle, each holding onto opposite ends of a

A HIKER'S DREAM
Paradise national park on Mt. Rainier offers majestic trails, but even the best hikers can get lost when visibility is low

SEARCH AND RESCUE
Ranger Uwe Nehring (right and bottom) has seen many tragedies in three decades of service



A helicopter rescue crew set out to look for Dr. Grobois, only to spot his lifeless, snow-dusted body late that afternoon lying face-down on the ice



walking stick. When the boy suddenly lost his footing, his uncle grabbed him by the sweatshirt. Although they were both swept downstream and pulled under logs, he was able to hold onto the boy for a quarter of a mile before he lost his grip. In the same area this last summer, a two-year-old lost her life when she wandered away from her parents and within seconds was swept down the river in front of the eyes of her horror-stricken family.

“These tragedies unfortunately go with the turf,” Ranger Nehring told *Mishpacha*. Between the Coast Guard, from which he retired this summer after 34 years, and the National Park Service, he’s had more than three decades of search-and-rescue experience on all seven continents, a career he calls “one wild ride.”

The Empty Car “This is a strikingly gorgeous resource, but after more than 30 years here, I’ve seen many tragedies too. This recent tragedy with Dr. Grobois was very painful for everyone involved — especially since he was very competent, very responsible, and very experienced. On Monday morning, when we realized he was missing, I was the one who opened up his rental car to try to preserve scent items for possible search dogs and to look for ID or clues to find where he might have been heading or what his itinerary was. We found guide books and maps of the area, so we know he was prepared.”

Nehring said that due to poor visibility and tough terrain, Dr. Grobois must have veered off the trail and gotten lost. “The terrain is confusing because of the highly lacerated ridges. And he did strike out from the trailhead on a day when it was foggy at that elevation.” Both the rescuers who retrieved the body and the hospital medical team who examined the body later agreed that Dr. Grobois likely lost his way, spent the night on the mountain, and froze to death. The cause of death was listed as hypothermia/cardiac arrest; the medical team said that even though the cause of death might never be proven, an autopsy would probably not be necessary. It was clear to the doctors that there was no foul play involved.

Did the rangers realize someone was missing when there was an unclaimed car in the parking lot of the trailhead on Sunday night? Didn’t anyone notice that it was



SNOWSHOES AND STICKS Dr. Grobois was an experienced pro; he had maps and guidebooks, and was prepared

ACTIVATED CONTACTS Rabbi Zalman Heber opens the state legislature with a prayer service, joined by Lieutenant Governor Brad Owen

still there after dark? “Yes, that’s part of our protocol,” Nehring explained. “We close the gate every night at Paradise, and yes, the car was still in the parking lot. But we couldn’t be sure if it wasn’t someone who planned to camp overnight and didn’t bother registering for an overnight permit, or if they were delayed and were coming back late. So in



such a case we leave a note on the car and check again first thing in the morning. Our staff was waiting well into the night to see if anyone was coming back, but without a solid lead and no visibility, you can’t initiate a search at night.”

Meanwhile, Susan Grobois and her son and daughter booked a flight to Seattle (a

second daughter is studying in seminary in Israel), after notifying the city’s *chevra kadisha* of the tragedy. Rabbi Moshe Kletnik of Seattle and the local *chevra kadisha* immediately contacted Rabbi Zalman Heber of Tacoma, since he is closer to Mount Rainier and Madigan Medical Center, where the body needed to be identified; and because over the last eight years in the area he has managed to establish strong state and municipal connections. Dr. Grobois’s host in Seattle met the distraught family at the airport and took them to Rabbi Heber’s home. From there they went to the hospital where together they would make an identification. They assumed they could prepare the *niftar* for a flight back to New York on Wednesday morning and continue on to Eretz Yisrael for burial before Shabbos.

But little did they imagine what an ordeal the next 72 hours would bring.

On Tuesday afternoon, Pierce County medical examiner Dr. Thomas Clark told the family that he would be performing an autopsy on the *niftar*.

According to Jewish law, invasive autopsies are forbidden unless there are public health or public safety issues involved. Yet Washington state law doesn’t allow families to prevent autopsies on religious grounds, if the medical examiner feels there is a need, and Dr. Clark was insistent that an autopsy was needed to answer unresolved questions about how Dr. Grobois died.

However, Dr. Clark said that due to its severely frozen state, the body would not be ready for an autopsy for another 48 hours.

Rabbi Heber and the Groboises knew they would have to act fast. But they also realized the gift of time was on their side. Would they be able to fight the ruling by Thursday?

The Vision While Rabbi Heber and his company were trying to figure out their next move, Ranger Nehring, unaware of the developing drama at the medical examiner, was heading back to his duty station. It was already after dark on Tuesday, and his role, he thought, was finished. But that night, he had a dream that shook him up so much he awoke in a sweat.

“In my dream, I was in Israel,” Mr. Nehring remembers. Nehring’s wife, Pat, has a Jewish background, and he said Jewish customs are not foreign to him. “I was at the funeral of Dr. Grobois. It seemed to be a

“We begged the ME to settle this out of court,” Rabbi Heber continues. “We asked for some sort of compromise”

proper Orthodox service, although I’ve never been to an Orthodox Jewish funeral before. Men were on one side, women were on the other, and there was a body on a bench. And the family was there, although I had no idea who they were because I hadn’t met them, but I just knew they were associated with the doctor. Then they started eulogizing Dr. Grobois, and people were thanking me. I had no idea what that was all about, and then I woke up.”

Meanwhile, Rabbi Heber was busy turning his own home into a command center. His wife, Miriam, was tasked with trying to ease their guests’ emotional state; Rabbi Heber was in charge of keeping everyone focused on the goal — to have the *niftar* released and brought to *kever Yisrael* quickly and with dignity.

Rabbi Heber knew he would need to enlist professionals familiar with these issues. And he also knew that the family’s constitutional rights were at stake. So he immediately contacted the Chesed Shel Emes organization in New York, which has a track record preventing autopsies, and Rabbi Elchanan Zohn of the national association of Chevra Kadisha. They knew an attorney would have to fight the case before a judge by Thursday, so Rabbi Heber enlisted the services of his friend Barry Wallis, a local attorney who would be coached by the experts.

On Wednesday morning, Rabbi Heber and Mrs. Grobois went back to the medical examiner to again try to plead their case while their people were working on several legal fronts. To their dismay, Dr. Clark reported that the body had defrosted significantly. “I just checked the body, and am going to proceed with the autopsy right now,” he declared.

“I told the doctor, ‘The purpose of this meeting is for the family to explain why they can’t allow an autopsy,’ but he was about to go into the examination room,” Rabbi Heber said. “So I got Attorney Wallis to run over as fast as he could with a temporary

restraining order, and kept the doctor in the conference room as long as I could, while I was simultaneously texting emergency messages to all my contacts. We were pleading with him — ‘There are religious issues here, it’s waivable in other states, you won’t be the first to honor family wishes, maybe we can talk about noninvasive measures’ — but nothing helped. He was walking into the examination room, when the lawyer came running in with the restraining order and stopped him in his tracks.”

Time to Let Go “We begged the ME to settle this out of court,” Rabbi Heber continues. “We asked for some sort of compromise. We were willing for satisfactory noninvasive procedures — blood tests, an MRI or other imaging.” But the medical examiner was adamant. For him, a principle was on the line: the office of the medical examiner did not want to set a precedent that an investigative autopsy could be stopped in the name of anything, including religion.

The state of Washington gives medical examiners broad authority in investigating deaths, and Dr. Clark said the circumstances of Dr. Grobois’s death provided him plenty of reasons to use that authority. The hiker had been in good health but died suddenly, and no one witnessed his death. Furthermore, Dr. Clark said there were bruises on the body.

“I asked the intake doctors at Madigan about the bruises when we came to identify the body,” said Rabbi Heber. They had a straightforward explanation: “He was stumbling in the dark all night. They found him fallen in a creek. So that surely could account for the bruises. There was no other set of tracks, so that means no one else was in the vicinity. No one killed him. There was no prowler in the area. There was no blood. No gunshot wound, no signs of violence, nothing was stolen. No one 5,000 feet up a mountain could kill someone and not leave tracks.”

UNDER THE KNIFE

According to Rabbi Mayer Berger, Chessed Shel Emes's director of operations, Dr. Grobois's death was the newest addition to a list of cases where *askanim* have managed to prevent autopsies at the last moment.

"We've been able to prevent autopsies even when foul play was suspected, and even in states where there is no religious objection clause," said Rabbi Berger. "I was once involved in the case of a murder-suicide, which means that the murderer committed suicide after he killed the victim. So we were able to prevent the autopsy because there was no criminal case — since the perpetrator himself was dead."

Berger said there are times when halachah does permit an autopsy — if foul play is suspected, or if there is fear of an epidemic or other health issue. Of course, noninvasive procedures are preferred so as not to defile the body, but they aren't always possible. "When there is a homicide, the medical examiner will have to use the autopsy to collect hard evidence to build the case against the perpetrator, like extracting bullets or fragments, which cannot be done with imaging itself. Of course, if there is no hard evidence and the medical examiner accepts the imaging, we would try to advocate for it to be used," Berger explained. "In a case of an epidemic, imaging would also not be sufficient because a toxicology is necessary, as well as biopsies from the infected organs, none of which can be done by imaging."

Do government officials say, "Oh, here come those *nudnikim* again," or do they honor an *askan's* dedication and respect his religious values? "In most cases they are extremely respectful and understanding," Rabbi Berger said. "My experience has taught me that if we explain respectfully what our concerns are, and we show them that we are not trying to impede their investigations, they will go out of their way to accommodate. And this is said on the local level, state level, and even federal level. We've had meetings with the NTSB regarding autopsies on plane crash victims, and with the Department of Homeland Security and FEMA regarding autopsies after natural or man-made disasters, and they were all extremely accommodating."



Rabbi Meyer Berger (L) at the scene of a shooting where a former employee killed nine coworkers including the Jewish manager



By Wednesday afternoon Rabbi Heber's attorney and Dr. Clark's lawyer were standing in front of a judge, who ruled for an emergency hearing to be arranged the following afternoon. So in one night, a team of lawyers and *askanim* — including attorneys Nathan Lewin and his daughter Aliza; Mark Kurzman and John Meningolo; and Agudath Israel's Rabbi A.D. Motzen; and Rabbis Mendy Rosenberg, Tzvi Gluck, and Mayer Berger of Chessed Shel Emes — wrote briefs and researched previous cases based on freedom of protection of religious rights, and planned strategy based on the fact that Mount Rainier is considered federal grounds and not bound by state law and the conditions of the state medical examiner. The main case was built on the state's constitutional article on protection of religious freedom.

Tzvi Gluck, CSE's director of government operations, used his connections with the US Department of the Interior, which oversees all federal parks, to speak with the presiding superintendent, who arranged for Uwe Nehring and his partner — the park rangers involved in retrieval — to testify in front of the judge; the superintendent said that as far as National Parks office was concerned, in this case an autopsy could be waived.

Nehring, for his part, knew nothing of the legal proceedings going on; of the rabbis across the country trying to bring Dr. Grobois to a speedy, honorable, and halachic burial; or of the family in their limbo state of *onen*, not yet being able to mourn or sit shivah.

On Thursday morning, Ranger Nehring received a call from Rabbi Gluck. The Grobois family needed his testimony.

"I was shocked," said Mr. Nehring. "Could this be linked to that mysterious dream? Rabbi Gluck explained the fight over the autopsy and Orthodox religious law, and frankly, I didn't understand why there was a need for a full autopsy given what we found over there in the canyon. I couldn't understand why the ME was pushing this thing so aggressively. I discussed it with my superintendent, and he felt comfortable that we testify, that we do what we think is right, even if it goes against the medical examiner with whom we have a working relationship. It was tough being there in that courtroom, seeing what the family had to go through. The tragedy was bad enough, and then to go through the brutalization of those ridiculous court proceedings..."

Thursday afternoon, the judge listened to both sides of counsel — attorney Barry Wallis and Dr. Clark's attorney, who insisted that there was compelling reason to go ahead with the autopsy. Rabbi Heber (who

After a career spanning three decades of rescue work, was this his last act of heroism before retirement?

managed to retrieve key medical records on the spot, bypassing the usual mail protocol) and Mrs. Susan Grobois submitted affidavits in front of the judge, and other witnesses, including Uwe Nehring, were on standby. The judge ruled in favor of the family and ordered the body to be released by Friday morning. But no sooner did the gavel come down, than Dr. Clark's lawyer entered a motion for appeal. So the judge scheduled another court appearance with the Superior Court judge the next day, Friday morning at 9:00. Thus the entire group was back at the courthouse on Friday morning for over two hours of testimony from all parties and their respective witnesses. When the Superior Court judge too ruled in favor of the family, the ME lawyer considering bringing the

case to the next level of appeal, but soon called it off.

"We were afraid that if we lost the second level of appeal it would set a precedent that would be dangerous not just for us, but for every other medical examiner system in the state," Dr. Clark told Tacoma's *News Tribune*.

There is another version, though. During those tense few days, Rabbi Heber activated the Washington state senators and the state attorney general, while various *askanim* contacted senators across the country who directly contacted Governor Christine Gregoire. On Friday morning she picked up the phone herself and let the ME's office know that they should back down.

"She called and said, 'This is embarrassing to our state. It's enough. Pull out from any further appeal and release the body immediately,'" said Rabbi Heber.

The body was released at 3 p.m., an hour before Shabbos, to the *chevra kadisha* in Seattle, who guarded the *niftar* over Shabbos and facilitated the transport. Dr. Grobois was buried in Israel the following Monday.

Afterwards, Ranger Nehring called Rabbi Gluck and told him about the dream. "I'm a private person," he said, "but I thought it would give comfort to the family."

Stay Focused Rabbi Heber and his wife, Miriam, came to Tacoma eight years ago, establishing Chabad of Pierce County, the first Orthodox Jewish presence in the town, drawing their community from unaffiliated Jews interested in exploring their heritage further. Two years ago he won a zoning variance when neighborhood activists protested the groundbreaking of a shul in their residential area. That battle, and his natural outgoing, politically savvy personality, helped connect him to the municipal and state leadership that he later harnessed for the Grobois family.

The family, whom the Hebers had no connection with previously, were their guests for close to a week, under traumatic conditions.

"Miriam took care of their emotional and

physical needs," says Rabbi Heber, "and my job was to keep Mrs. Grobois focused. I said to her, 'Now we have a mission to accomplish; soon there will be a time to properly mourn. Now we need to be in working mode, to prepare the papers, the court briefs, and get the body out. Now we have to stay totally focused until we see your husband on a plane on the way to *kvuras Yisrael*.'"

Rabbi Heber said that after this episode, the Jewish community intends to ask state lawmakers in the upcoming legislative session to amend the law giving the medical examiner blanket power to authorize autopsies, in order to accommodate religious sensitivities. The medical examiner will probably dig in his heels; he has already stated that such a change could jeopardize the integrity of death investigations in the future.

"We are not trying to create something new here," Rabbi Heber explained. "Eleven states already have such laws enacted. We hope to become the twelfth state."

Ranger Nehring's wife's background, and his own providential encounter with Rabbi Heber, helped make him more sensitive to the family as well. "I think I was just more aware of some of the traditions and requirements of Orthodox Jews," he says. He's also taken a personal interest in the Grobois family. "I did a follow-up call last week. I wanted to find out how it went in Israel. The family was grateful for how it was resolved and were very appreciative of our efforts to recover Dr. Grobois."

Last Saturday was Ranger Nehring's last official day on the mountain. After a career spanning three decades of rescue work, was this his last act of heroism before retirement? "I wouldn't call it heroic. It's just part of our job. There were a lot of players in this one. Just this afternoon we were reviewing the case with our superintendent. There is always the question of where we stand. We don't want to get in the crosshairs of the Pierce County medical examiner because we still have to work with him. Our superintendent said, 'That doesn't matter. What matters is that you do the right thing, and as I review this I think you did the right thing. You went with your conscience. No apologies necessary.'"

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