

In the Supreme Court of the United States

YESHIVA UNIVERSITY AND PRESIDENT ARI BERMAN,

Applicants,

v.

YU PRIDE ALLIANCE, MOLLY MEISELS, DONIEL WEINREICH,
AMITAI MILLER, AND ANONYMOUS,

Respondents.

**To the Honorable Sonia Sotomayor, Associate Justice of the United States
Supreme Court and Circuit Justice for the Second Circuit**

*ON EMERGENCY APPLICATION FOR STAY PENDING APPELLATE REVIEW OR
PETITION FOR WRIT OF CERTIORARI AND STAY*

**MOTION OF MICHAEL C. WIMPFHEIMER FOR LEAVE TO FILE BRIEF AS
AMICI CURIAE (i) THE CHIEF RABBI OF SOUTH AFRICA, RABBI DR. WARREN
GOLDSTEIN, (ii) THE CHIEF RABBI OF UKRAINE, RABBI MOSHE REUVEN
AZMAN; (iii) RABBI AND RABBINICAL JUDGE OF THE UPPER BETH DIN OF
ISRAEL, RABBI ELIEZER IGRA, (iv) CHIEF RABBI PINCHAS GOLDSCHMIDT,
PRESIDENT OF THE CONFERENCE OF EUROPEAN RABBIS, AND RABBINICAL
COUNCIL OF AMERICA, IN SUPPORT OF APPLICANTS, WITHOUT 10 DAYS'
NOTICE AND IN PAPER FORMAT**

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Rabbis respectfully move for leave to file a brief *amici curiae* in support of Applicants' Emergency Application for a Stay Pending Appellate Review or Petition for Writ of Certiorari and Stay without 10 days' advance notice to the parties of *Amici's* intent to file as ordinarily required.

In light of the expedited briefing schedule set by the Court, it was not feasible to give 10 days' notice, but *Amici* were nevertheless able to obtain a position on the motion from the parties. Applicants consent to the filing of the *amicus* brief. Respondents consent to the filing of the *amici* brief.

I - Chief Rabbi Dr. Warren Goldstein is the primary Jewish Rabbinical leader in South Africa. He is the Chief Rabbi of the Union of Orthodox Synagogues of South Africa since 2005. He was born in Pretoria and lives in Johannesburg. He is the first Chief Rabbi of South Africa who was born in South Africa and the youngest person to be appointed to that post at age 32. Among his degrees are an LLB, as well as a PhD in human rights and constitutional law. He also has published a book entitled *Defending the Human Spirit : Jewish Laws Vision for a Moral Society*. Rabbi Goldstein's thesis is that Talmudic Law was ahead of its time in terms of political rights, women's rights, criminal law and poverty alleviation. Yeshiva University is known for teaching and studying Talmudic Law in depth. Rabbi Goldstein has indicated that he sees Western law as coming around full circle to positions always held by Talmudic law.

II - Rabbi Moshe Reuven Azman, the Chief Rabbi of Ukraine has written a very moving introduction to his statement, which is Attachment 2. He states: "I write this letter from Kyiv, as the

Chief Rabbi of Ukraine, after 6 months of chaos, conflict and struggle. In response to this conflict we have evacuated 30,000 people and saved many more. Despite the ongoing efforts, it feels of the utmost importance that I take this time to write this letter to address the current situation at Yeshiva University.”

He stresses his support for Yeshiva University’s right to uphold religious liberty in the application of its Torah values. He hopes and prays that Yeshiva University’s right to make decisions about how to apply Torah values within its own Campus will be upheld.

III - Rabbi Eliezer Igra is a Rabbinical Judge of the Upper Beth Din of Israel and the presiding Judge of the Beth Din of Beersheba in Israel.

In his letter dated September 1, 2022, Rabbi Igra indicates that as leaders of the Jewish communities and institutions across the globe, these Rabbis are expressing their support for Yeshiva University’s right to uphold religious liberty in applying the Torah to current circumstances. He furthermore notes that Yeshiva University’s ability to make decisions after consulting its senior Rabbis about how to convey Torah lifestyle, is at the heart of what it means for Yeshiva University to be a Jewish educational institution.

IV - Chief Rabbi Pinchas Goldschmidt, President of the Conference of European Rabbis, has been Chief Rabbi of Moscow since 1993. He was born in Zurich, Switzerland, and has worked in Russia since 1989. Among other venues, he has addressed the United States Senate, the EU Parliament, the Israeli Knesset and Oxford and Harvard Universities.

In his letter dated September 2, 2022, and writing as a leader of Jewish Communities

globally, he expressed support for Yeshiva University's right to uphold religious liberty in applying its Torah values.

V- The Rabbinical Council of America ("RCA") is the largest Orthodox Jewish rabbinic membership organization in the United States comprised of nearly one thousand rabbis throughout the United States and other countries. The RCA supports the work of its member rabbis and serves as a voice for rabbinic and Jewish interests in the larger community. Many members of the RCA are graduates of, and teachers at Yeshiva University and have an interest in ensuring that Yeshiva University be run in accordance with long-standing traditional Jewish Values.

For the foregoing reasons, proposed *amici* respectfully request that the Court grant this unopposed motion to file the attached proposed *amici* brief and accept it in the format and at the time submitted.

Respectfully submitted,

/s/ Michael C. Wimpfheimer
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September 2, 2022

No. 22A184

In the Supreme Court of the United States

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*ON EMERGENCY APPLICATION FOR STAY PENDING APPELLATE REVIEW OR
PETITION FOR WRIT OF CERTIORARI AND STAY*

**BRIEF *AMICI CURIAE* OF CHIEF RABBI DR. WARREN GOLDSTEIN, CHIEF RABBI
MOSHE REUVEN AZMAN, RABBI ELIEZER IGRA, CHIEF RABBI PINCHAS
GOLDSCHMIDT, AND RABBINICAL COUNCIL OF AMERICA FOR YESHIVA
UNIVERSITY AND PRESIDENT ARI BERMAN**

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INTEREST OF THE *AMICI CURIAE*¹

I - Rabbi Dr. Warren Goldstein is the Chief Rabbi of South Africa. He is, consequently, the primary Jewish Rabbinical figure in that Country and is able to indicate the international position of Yeshiva University not merely for the United States but for Jews throughout the world. It is one of the world's leading Seminaries on the importance of Jewish Law for the training of Rabbis and other spiritual leaders, who will go on to lead communities and schools once they complete their education at Yeshiva University and other institutions throughout the world.

Amicus Rabbi Warren Goldstein believes that Yeshiva University's ability to make decisions based upon the determinations of its senior Rabbis about conveying traditional Torah values is the core of a Jewish educational institution. It is vital for transmitting Jewish beliefs and values to all who are to sustain and strengthen Jewish Communities worldwide.

II - Rabbi Moshe Reuven Azman, Chief Rabbi of Ukraine, stresses that Yeshiva University's profound impact and that of its highly respected senior Rabbis was very vital during the recent pandemic, and their influence is known “. . .throughout the world including in our own community in Ukraine.” Consequently, Rabbi Azman expresses his concern of Yeshiva University's right to uphold religious liberty in the application of its Torah values.

III - Rabbi Eliezer Igra is a Rabbinical Judge of the Upper Beth Din of Israel and the presiding Judge of the Beth Din of Beersheba in Israel. In his letter dated September 1, 2022, Rabbi Igra indicates that as leaders of the Jewish communities and institutions across the globe, these Rabbis are expressing their support for Yeshiva University's right to uphold religious liberty in

¹No counsel for a party authored this brief in whole or in part, and no person other than *amici* or its counsel made a monetary contribution to fund the brief's preparation or submission. This brief has been submitted with an unopposed motion for leave to file it.

applying the Torah to current circumstances. He furthermore notes that Yeshiva University's ability to make decisions after consulting its senior Rabbis about how to convey Torah lifestyle, is at the heart of what it means for Yeshiva University to be a Jewish educational institution.

IV - Chief Rabbi Pinchas Goldschmidt is President of the Conference of European Rabbis. In his letter dated September 2, 2022, and writing as a leader of Jewish Communities globally, he expressed support for Yeshiva University's right to uphold religious liberty in applying its Torah values. He further stated that Yeshiva University is one of the world's most preeminent Jewish Institutions, and its role in upholding Torah beliefs and traditions for all Jews is inestimable.

V- The Rabbinical Council of America ("RCA") is the largest Orthodox Jewish rabbinic membership organization in the United States comprised of nearly one thousand rabbis throughout the United States and other countries. The RCA supports the work of its member rabbis and serves as a voice for rabbinic and Jewish interests in the larger community. Many members of the RCA are graduates of, and teachers at Yeshiva University and have an interest in ensuring that Yeshiva University be run in accordance with long-standing traditional Jewish Values.

Protecting Yeshiva University's religious autonomy is crucial to safeguard those values that are threatened but are guaranteed by the Constitution, including protecting the right of religious institutions to exercise their own mission and to prevent State involvement in religious doctrine.

ARGUMENT

Yeshiva University is known worldwide as the preeminent Rabbinical Seminary for the United States and other countries in producing Modern Orthodox Jewish Rabbis and laymen. Yeshiva University, as religious organizations and institutions generally, must be free to make its own decisions regarding theological religious matters, free of government interference.

The statements of the Rabbis indicate how important it is for Yeshiva University to have the ability to determine its own policies, procedures, and practices based upon Modern Orthodox Jewish Religious strictures and requirements, which Yeshiva University has always fostered and maintained.

Yeshiva University, although located in the United States of America, is in fact, known throughout the world in the Modern Orthodox Jewish community for the leadership of its senior Rabbis and for its adherence to tradition and Torah values. Its ability to so continue is vital, and the statements of the *amici* annexed hereto indicate why this matter is of great significance, not merely for Yeshiva University in the United States of America but also for its international renown and status.

Because the court below disregarded Yeshiva's own religious explanations and its entire religious autonomy defense, the application should be granted.

CONCLUSION

To vindicate principles of religious autonomy protected by the First Amendment, the Court should grant the application.

Respectfully submitted.

/s/ Michael C. Wimpfheimer
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September 2, 2022

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2022/09/01

Yeshiva University is one of the world's most preminent Jewish institutions. The value of Yeshiva's role in upholding Torah beliefs and traditions for all Jews is, in our view, inestimable. Its rabbis are respected by Jewish leaders and communities around the world. During the recent pandemic for example, international Jewish communities looked to Yeshiva's rabbis for spiritual guidance and solace. Its graduates go on to Jewish seminaries and serve as rabbis, who are critical to maintaining our Jewish communities. Most go on to model exemplary Jewish lives in their communities and their professions.

As leaders of Jewish communities and institutions across the globe, we wish to express our support of Yeshiva University's right to uphold religious liberty in the application of its Torah values.

Yeshiva's ability to make decisions, in consultation with its Senior Rabbis, about how best to convey Torah values is at the heart of what it means to be a Jewish educational institution. It is also crucial to the transmission of Jewish values and beliefs to those who are called upon to sustain and strengthen our communities worldwide.

On behalf of these communities, it is our hope and prayer that Yeshiva's right to make decisions about how best to apply Torah values within its own campus community will be upheld.

Chief Rabbi Dr Warren Goldstein

1 Our role in this world is to be **partners** with G-d in creation. We work with Him to create a better world filled with goodness, justice, wisdom and unity.
2 It's all about **ownership**. As partners we take responsibility for the direction, sustainability and success of the world we cocreate. 3 We take **initiative**. Proactively seizing opportunities to make the world better. We do not accept the world as it is, we dream of what it could be — and we do. We are spiritual entrepreneurs. 4 The **Torah** is our map. Our blueprint, our guide, our game plan. It is the partnership agreement between us and G-d. We turn it over and over because everything is in it. It speaks the language of tomorrow.



September 01, 2022

To whom it may concern,

I write this letter from Kyiv, as the Chief Rabbi of Ukraine, after 6 months of chaos, conflict, and struggle. In response to this conflict, we have evacuated 30,000 people and saved many more. Despite the ongoing efforts, it feels of the utmost importance that I take this time to write this letter to address the current situation at Yeshiva University.

Yeshiva University is one of the world's most preeminent Jewish institutions. The value of Yeshiva's role in upholding Torah beliefs and traditions for all Jews is, in our view, inestimable. Its rabbis are respected by Jewish leaders and communities around the world. During the recent pandemic for example, international Jewish communities looked to Yeshiva's rabbis for spiritual guidance and solace. Its graduates go on to Jewish seminaries and to serve as rabbis, who are critical to maintaining our Jewish communities. Their profound impact is known throughout the world, including in our own community in Ukraine.

As the Chief Rabbi of Ukraine, I wish to express my support of Yeshiva University's right to uphold religious liberty in the application of its Torah values.

Yeshiva's ability to make decisions, in consultation with its Senior Rabbis, about how best to convey Torah values is at the heart of what it means to be a Jewish educational institution. It is also crucial to the transmission of Jewish values and beliefs to those who are called upon to sustain and strengthen our communities worldwide.

On behalf of the Ukrainian Jewish Community, it is my hope and prayer that Yeshiva's right to make decisions about how best to apply Torah values within its own campus community will be upheld.

Regards,

Chief Rabbi Moshe Reuven Azman



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אליעזר איגרא
דיין ביה"ד הגדול
ירושלים

September 1, 2022

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On behalf of these communities, it is our hope and prayer that Yeshiva's right to make decisions about how best to apply Torah values within its own campus community will be upheld.

הרב אליעזר איגרא

דיין בבית הדין הגדול ירושלים



Freiday, September 2nd, 2022

RE: Yeshiva University - Religious Identity

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On behalf of these communities, it is our hope and prayer that Yeshiva's right to make decisions about how best to apply Torah values within its own campus community will be upheld.

Sincerely yours,



Chief Rabbi Pinchas Goldschmidt
President of the Conference of European Rabbis



הסתדרות הרבנים דאמריקה

THE RABBINICAL COUNCIL OF AMERICA

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Binyam Blau, *Beachwood, OH*

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Michael Whitman, *Montreal, Canada*
Dov Winston, *Merrick, NY*
Daniel Yolkut, *Pittsburgh, PA*
Dovid Zirkind, *Riverdale, NY*

ב"ה

To Whom it May Concern:

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On behalf of these communities, it is our hope and prayer that Yeshiva's right to make decisions about how best to apply Torah values within its own campus community will be upheld.

Sincerely,

Rabbi Binyamin Blau
President

Rabbi Mark Dratch
Executive Vice President