

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
AMICUS CURIAE ON BEHALF OF CHIEF RABBI EPHRAIM MIRVIS, THE CHIEF
RABBI OF THE UNITED HEBREW CONGREGATIONS OF GREAT BRITAIN AND
THE COMMONWEALTH, IN SUPPORT OF THE APPLICANTS, WITHOUT 10 DAYS'
NOTICE AND IN PAPER FORMAT**

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Chief Rabbi Ephraim Mirvis respectfully moves for leave to file a brief *amicus 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 *Amicus'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 *Amicus* was nevertheless able to obtain a position on the motion from Applicants. Applicants consent to the filing of the *amicus* brief. We have asked for Respondents' consent to the filing of the *amicus* brief, but have not received a reply.

Chief Rabbi Ephraim Mirvis is the Chief Rabbi of the United Hebrew Congregations of Great Britain and the Commonwealth. Previously he served as Chief Rabbi of Ireland. Rabbi Mirvis was born in South Africa. His father was a pulpit Rabbi, who preached against the Apartheid System, and visited political prisoners.

In his letter dated September 2, 2022, Rabbi Mirvis stresses the influence had by Yeshiva University graduates in countless synagogue pulpit positions and that Yeshiva University should have the “. . . right to uphold religious liberty in the Application of its Torah values . . .”

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

Respectfully submitted,

/s/ Michael C. Wimpfheimer
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September 6, 2022

No. 22A184

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**BRIEF *AMICUS CURIAE* OF CHIEF RABBI EPHRAIM MIRVIS, THE CHIEF RABBI
OF THE UNITED HEBREW CONGREGATIONS OF GREAT BRITAIN AND THE
COMMONWEALTH FOR YESHIVA UNIVERSITY AND PRESIDENT ARI BERMAN**

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ATTACHMENT 1 - STATEMENT OF CHIEF RABBI OF THE
UNITED HEBREW CONGREGATIONS
OF GREAT BRITAIN AND THE COMMON-
WEALTH, RABBI EPHRAIM MIRVIS,
DATED SEPTEMBER 2, 2022

INTEREST OF THE *AMICUS CURIAE*¹

Chief Rabbi Ephraim Mirvis is the Chief Rabbi of the United Hebrew Congregations of Great Britain and the Commonwealth. He is, consequently, the primary Jewish Rabbinical figure in those areas and is able to indicate the international position of Yeshiva University not merely for the United States but for Jews throughout the world. Yeshiva University is the flagship Jewish University, is guided by Torah values, and trains the next generation of Modern Orthodox leaders.

Amicus Chief Rabbi Ephraim Mirvis believes that Yeshiva University graduates have had great influence in countless synagogue pulpit positions and that Yeshiva University should have the “. . . right to uphold religious liberty in the Application of its Torah 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.

¹No counsel for a party authored this brief in whole or in part, and no person other than *amicus* or its counsel made a monetary contribution to fund the brief’s preparation or submission. This brief has been submitted with the consent of the Applicant and with no response from the Respondents to a request for consent to file it.

ARGUMENT

Yeshiva University is the flagship Jewish University, is guided by Torah values, and trains the next generation of Modern Orthodox leaders. 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 statement of Chief Rabbi Ephraim Mirvis indicates 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 statement of the *amicus* annexed hereto indicates 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 6, 2022

Office of The
CHIEF RABBI

2 September 2022

ו' אלול תשפ"ב

To Whom It May Concern,

I have been asked, as Chief Rabbi of the United Hebrew Congregations of Great Britain and the Commonwealth, to express a view on the centrality of Jewish religious identity in the prevailing character and function of Yeshiva University.

Yeshiva University has earned a reputation as one of the jewels in the crown of world Jewry precisely because of its leading role in cultivating Torah values and beliefs for all Jews.

Many communities and congregations in the UK and the Commonwealth have benefitted immeasurably from the theological influence and spiritual guidance emanating from Yeshiva University and I have seen at first-hand the impact that its graduates have had in countless Synagogue pulpit positions. Those of its graduates who do not choose a career in the Rabbinate, tend nevertheless to exemplify the finest Torah values in all of their endeavours.

As such, it is my view that Yeshiva University's right to uphold religious liberty in the application of its Torah values must be protected. This is essential in maintaining its leading role as a preeminent Jewish educational institution and bastion of Jewish belief and tradition.

Yours sincerely,



Chief Rabbi Ephraim Mirvis

