

# THE COMMENTATOR

The Independent Student Newspaper of Yeshiva University

VOL. LXXXVII

TUESDAY, OCTOBER 26, 2021

ISSUE NO. 3

## Sheikh Mohammed Al-Issa, Muslim Leader and 2020 Combat Anti-Semitism Award Recipient, Speaks About Jewish-Muslim Relations at YU



By JONATHAN LEVIN

Sheikh Mohammed Al-Issa, secretary general of the Muslim World League and recipient of the 2020 Combat Anti-Semitism Award, and President Ari Berman addressed Yeshiva University students and staff on Wednesday, Oct. 20 regarding the future of Jewish-Muslim relations.

The Muslim World League is a non-governmental Islamic organization, headquartered in Saudi Arabia, that aims to champion moderate and tolerant Islam (“true Islam”), engage in dialogue with others and combat radicalism to achieve “peace, justice and coexistence,” according to the organization’s website. In June 2020, the Combat Anti-Semitism Movement and the American Sephardi Federation awarded the Combat Anti-Semitism award to Al-Issa for his successes, which included his unprecedented visit to Auschwitz in January of that year.

The event, titled, “Jews and Muslims: A Look Toward the Future,” was co-sponsored by YU’s President’s Forum — a new

President Ari Berman spoke with Sheikh Mohammed Al-Issa to over 100 attendees.

YESHIVA UNIVERSITY

Continued on Page 3

## Brookdale Elevator Drops Two Floors With Several Students Inside

By SHLOMIT EBBIN

This article was published online on Oct. 11.

An elevator in Brookdale Residence Hall fell two floors while carrying up several students — between five and seven — on Oct. 6.

According to one of the students in the elevator, the women were leaving an event, all going from the second to the eighth floor. When the elevator reached the fifth floor, it dropped to the third and the doors opened unaligned with that floor. The first girl who exited tripped as she got out. The rest of the girls exited safely with no reported injuries from the incident.

“We were totally fine, we were just very dizzy for a few minutes,” said Chaya Ross (SCW ‘23), a student who was in the elevator.

Gaby Rahmenfar (SCW ‘24), who was with Ross in the elevator, immediately ran down to security to notify them to shut off the elevator after she exited. She filed an official claim the next day through YU and was contacted by Assistant Dean of Students Sara Asher about her wellbeing.

Asher emailed Brookdale residents the

following night, informing them of the previous day’s situation and that the Schindler Elevator corporation — the university’s third party maintenance provider — sub-

*“The elevator keeps breaking down and I keep hearing stories of people getting stuck in it or it dropping floors and it’s really dangerous...I hope that they actually fix it because it’s a huge liability on their part.”*

Gaby Rahmenfar (SCW ‘24)

sequently inspected the elevator, which is now running normally.

“We have in place comprehensive processes to ensure our elevators are regularly

Continued on Page 4



Matt Kaldon was named assistant director of Athletics for the YU Macs in October. Full story on Page 4.

MATHEW KALDON

NEWS | 5

FEATURES | 8

OPINIONS | 11

BUSINESS | 14

New OSL Assistant Director

YU’s LGBTQ Discrimination Case

Consequences of American Gun Culture

A Crypto EFT?



# FROM THE EDITOR'S DESK

## God On My Mind

By SRULI FRUCHTER

David Foster Wallace began his address to Kenyon College's graduating class of 2005 with a parable about fish. He told the students:

There are these two young fish swimming along and they happen to meet an older fish swimming the other way, who nods at them and says "Morning, boys. How's the water?" And the two young fish swim on for a bit, and then eventually one of them looks over at the other and goes "What the [heck] is water?"

The idea, Wallace told the students, is that sometimes the most obvious realities can be the most difficult to identify. For these young fish, water is their context, literally, or perhaps metaphorically, the air they breathe. So while they had certainly experienced water, they didn't recognize it as "water." It was so present in their lives that it may as well have been completely absent. As such, one wonders if they even knew "water" at all.

Sometimes I wonder if we are like those young fish, but instead of struggling to see water, we struggle to see God.

This challenge begins with trying to articulate what discovering God in our daily living actually means, as the limitations of language make describing the extraordinary seem impossible. One of Rabbi Abraham Isaac Kook's seminal essays, "Seeds," is especially helpful in that regard. He writes that we see God through:

the divinity revealed in the world, in the world in all its beauty and splendor: in every spirit and soul; in every animal and insect; in every plant and flower; in every nation and state; in the sea and its waves; in the canopy of the clouds and in the magnificent luminaries; in the talents of discourse; in the ideas of writers; in the imagination of every

poet and in the logic of every thinker; in the feeling of every sensation and in the storm of courage of every hero.

Essentially, he says, one can see God through anything. The Kabbalah teaches that the world and life is an expression of God, which means that from the mundanity of walking to the spirituality of *tefillah* (prayer), everything has its own doorway to encounter the Divine. But that's precisely the chal-

---

*Life and our world can be so easily taken for granted that we find ourselves asking, "Who the heck is God?"*

---

lenge we face as young fish: Life and our world can be so easily taken for granted that we find ourselves asking, "Who the heck is God?"

When I watch the sun tuck its head beneath the violet horizon at sunset, or lift my voice to sing during a Friday night's Kabbalat Shabbat, I feel something ineffable. But life has only so many sunset moments. The routine of heading to work, studying for exams and attending to our many obligations can make our lives feel anything but spiritual. Our focus on the mundane often shifts our minds into autopilot, and everything can easily coalesce into one big ocean we call "life."

I used to think that because things always felt this way, they were meant to be that way. Now, however, I think differently.

Rabbi Abraham Joshua Heschel wrote that "The beginning of our happiness lies in the understanding that life without wonder is not worth living." When I think about Wallace's idea of those fish, Rabbi Heschel's words read more powerfully.

If we want to see God in life, then we need to open our eyes. The shift for those young fish began when their flow was changed;

the overwhelmingly obvious was pointed out. In that vein, we can take practical steps to change our own flow and instill our lives with greater God-consciousness. I can think of three suggestions.

First, we can live more intentionally. In Harvard Health Publishing, Matthew Solan wrote about the benefits of mindfulness. His three suggested exercises, meditation, open awareness and body awareness, allow us to align body and mind to achieve greater presence in our day. *Berachot* (blessings) accomplish something similar. When we focus on ourselves and our actions, we can feel more wholesome and aware of God.

Second, we can go to where we feel great. For myself, I feel more spiritual in areas with beautiful nature, so I try my best to join my friends on Friday mornings at Fort Tryon Park in Washington Heights. Purposefully placing myself where I know I can feel closer to God allows me to do just that without waiting for the all too rare pockets of opportunity.

Third, we can build more personal relationships with God. Sometimes, God can feel more like an abstract "What" than a personal "Who." To avoid this, I almost always refer to God as "Hashem," since names, as Joyce Russel says in the Washington Post, are powerful tools for connection. (While "Hashem" literally means "the name," it is still more intimate than the conceptual word "God.") Additionally, I try to regularly practice Rebbe Nachman of Breslov's meditation of *hitbodedut*, which acts as a free-flowing "conversation" with God.

There are many ways to "invite" God into our lives, and doing so doesn't need to be beyond our control. We are constantly immersed in the ocean of God, and we shouldn't have to wait for some older fellow to swim by and remind us of His presence. All we need to do to keep God on our minds is begin picking up our heads.

## THE COMMENTATOR

2021-2022

*Editor-in-Chief*  
SRULI FRUCHTER

### News

*Senior Editor* JARED SCHARF *Junior Editor* SHLOMIT EBBIN

### Features

*Senior Editor* DANIEL MELOOL *Junior Editor* GILAD MENASHE

### Opinions

*Senior Editor* NAFTALI SHAVELSON *Junior Editor* ARIEL KAHAN

### Business

*Senior Editor* MAX ASH *Junior Editor* ALIZA LEICHTER

### Senior Layout Editor

MICAH PAVA

### Social Media Manager

DANYA PARKER

### Website Manager

RAPHAEL ALCABES

### Business Managers

*Senior Manager* JONATHAN KATZ *Junior Manager* JAMES HEISLER

### Layout Staff

AZRIEL BACHRACH, JULIA POLSTER  
AND DVORAH RAHIMZADEH

### Staff Writers

ELLIE GOFMAN, SEFFI JONAS,  
AVIGAIL GREENBERG, RIKKI KOLODNY,  
YONATAN KURZ,  
JONATHAN LEVIN, AKIVA LEVY,  
WILLIAM MOGYOROS, RAPHI SINGER  
AND YOAV ZOLTY

*The Commentator is the student newspaper of Yeshiva University.*

*For 87 years, The Commentator has served students and administrators as a communicative conduit; a kinetic vehicle disseminating undergraduate social, religious and academic beliefs across the student bodies; and a reliable reflection of Yeshiva student life to the broader Jewish and American communities.*

*The Commentator staff claims students spanning the diverse spectrum of backgrounds and beliefs represented at Yeshiva.*

*We are united by our passion for living the ideals of Torah Umadda, and a commitment to journalistic excellence.*

Read more at [yucommentator.org](http://yucommentator.org)



**1 COVID Vaccine Booster Shots are Here**  
Fauci-Ouchie 2.0 let's go.



**2 Intramurals are Back , Baby**  
Fear the mask.



**3 Bitcoin Hits the NYSE**  
Imagine Syms bros and CS nerds having a baby... it's like that.



**4 Israeli PM Bennett Meets Comrade Leader Supreme Putin**  
Brought to you by ROGAINE®



**5 The NBA Announces 75th Anniversary Team**  
Notable snubs include Tracy McGrady, Pau Gasol and Ryan Turell.



**6 YU Open Mic Night is a Resounding Success**  
Please don't cancel Jeremy, he's a nice kid.



**7 YU Hosts Inaugural Presidential Forum Discussion**  
President Rabbi Dr. Ari Berman grills Secretary General Sheikh Dr. Mohammad Al-Issa on how to improve upon his title.

# 7 UP by Raphael Alcabes NMODZ

**49 Cases Reported on the Wilf Campus**  
And just like that we're back on Zoom.



**Dave Chapelle Does it Again**  
I'll be first in line to see SpaceJews though.



**China Tests Hypersonic Missiles**  
Related: YU announces 3-semester Mandarin requirements for incoming students beginning Fall 2022.



**Texas School District Ponders Teaching "Both Sides" of Holocaust**  
That's it, that's tweet.



**The Houston Astros Reach their 3rd World Series in 5 Years**  
Proving that sometimes cheaters do win.



**Higher Caf Prices**  
Making us pay \$14 for sushi will not pay back YU's debt.



**Brookdale Elevator Drops with Several Students Inside**  
I may or may not be a prophet. DM me for rates.\*



*SHEIKH AL-ISSA  
Continued from Front Page*

initiative of Berman engaging with global leaders — for which it was its inaugural event; the Muslim World League; YU's Rabbi Arthur Schneier Program for International Affairs; the American Sephardi Federation and the Conference of Presidents of Major American Jewish Organizations. Held in Belfer Hall's Weisberg Commons, the talk attracted over 100 attendees.

Berman opened the program, speaking about how the biblical story of Abraham, Issac and Ishmael can serve as a model for Jewish-Muslim reconciliation. He was followed by Malcolm Hoenlein, executive vice chairman of the Conference of Presidents of Major American Jewish Organizations, who introduced the sheikh, after which Al-Issa himself took the podium.

Speaking in Arabic that was then translated by an interpreter, the sheikh spoke about the responsibility of religious communities to engage in interfaith dialogue, the importance of meaningful dialogue in achieving peaceful co-existence and the need to teach values in the education system. The sheikh used the lessons of the Holocaust to emphasize why teaching values is integral, as Nazi Germany did not lack culture, knowledge nor an education system. Rather, Al-Issa said, they only lacked values to guide their advancements.

"We have a shared responsibility toward the followers of different faiths to build bridges and improve relationships ... so that we can have a better tomorrow for future generations," Al-Issa told the audience through his translator.

After the sheikh concluded speaking, he and Berman conversed together on the main stage, with Berman posing preselected questions from Yeshiva University students to him. They spoke about Al-Issa's family and his views on the Middle East today. "Of course both family and education have had a big influence [on me], but also having an open mind and a positive outlook towards the whole universe is very important to understanding the wisdom of diversity," Al-Issa told Berman. "Diversity should be a tool used for better understanding and better relationships, and not a tool to make people grow apart."

The event ended with the university presenting Al-Issa with a gift recognizing his achievements in furthering Jewish-Muslim relations.

"In the Torah, Ishmael and Isaac reunite at the funeral of Abraham," Berman said in a press release. "Today we have an opportunity to not only come together to bury our past but build our brighter future. The visit by Sheikh Mohammed al-Issa to the flagship Jewish university, reflects the enormous opportunity today of reconciliation not only between nation states but between peoples."

The sheikh told The Commentator, "It was a great pleasure to join the faculty and students of your prestigious university. It was also edifying to learn of your mission of combining academic excellence with an education of values. Such a values based approach is critical in today's world, in which we too greatly focus on scientific and technological prowess at the expense of examining our core, common humanity. We need leaders who not just push the boundaries of knowledge, but elevate our consciousness and unite humanity."

After the sheikh's visit to YU, he also met with World Jewish Congress President Ronald Lauder and United Nations Secretary General Antonio Guterres about promoting tolerance and religious freedom on a global scale.

Since taking office in August 2016, Al-Issa has promoted these goals worldwide. His achievements include convening over 1,200

*Continued on Page 4*

\*It's a joke, please don't stone me.



## Matt Kaldon Named New Assistant Athletics Director

By RIVKA BENNUN

Matt Kaldon was named assistant director of Athletics for the YU Macs in October. This position was previously filled by Carly Moss, who was promoted to associate director of Athletics in July.

Moss replaced Greg Fox, who was promoted to Athletics director that same month, a role previously filled by Joe Bednarsh, the Athletics director since 2006. On July 1, Bednarsh began his new role as associate dean of students.

*“Matt is smart, organized and prepared. He is a quality young administrator with forward thinking ideas, who will help take our overall program to the next level”*

—  
Gregory Fox

Kaldon received a bachelor’s degree in Public Relations from SUNY New Paltz and a master’s degree in Sports Business Management from Manhattanville College. From August 2013 to May 2014, he was an assistant baseball coach at Manhattanville College, according to his LinkedIn profile. In August 2014, he assumed the same position at Mount Saint Mary College before becoming a professional baseball player. Kaldon played as starting catcher for teams in the Pecos League, and soon after for the Mount Rainier Professional Baseball League. Most recently, Kaldon worked as an athletic liaison and admissions counselor at Mount Saint Mary College.

Current Athletics Director Fox shared that Kaldon will have responsibilities in several areas, including recruiting, strategic planning, scheduling, field rentals and home event management; he will also be overseeing eight of the men’s athletics programs, hiring coaches and student workers, and overseeing Athletics’ facilities.

“Matt will play a key role in helping to oversee our day-to-day operations, while supporting our incredible student-athletes,” Fox told *The Commentator*. “He is learning the nuances of this unique institution and he is proving to be a quick study.”

Kaldon expressed enthusiasm with regards to his new position. “I am very excited and [am] looking forward to working with our student athletes and getting to know the staff that we have here in athletics and across the campus,” he said. “Everyone has been welcoming with open arms and I am very happy and excited to be part of the Yeshiva family.”

“Matt is smart, organized and prepared,” Fox added. “He is a quality young administrator with forward thinking ideas, who will help take our overall program to the next level.”

Kaldon said, “I am very grateful to Greg Fox and the entire athletic staff for giving me the opportunity to join this amazing team. I look forward to continuing to build on the success of the programs here at Yeshiva both on the field and off it and giving our student athletes the best collegiate experience possible.”

### ELEVATOR DROP Continued from Front Page

inspected and maintained by our facilities personnel, as well as third-party service providers,” Asher said in the email. “We want to make sure that our community learns of incidents — and the steps we’re taking to resolve them — promptly.”

There have been several reported incidents involving Brookdale elevators in the past three years. In May 2019, the elevator plummeted from the third floor to the basement, leaving the student inside with symptoms of a minor concussion. In April 2021, the elevator dropped floor by floor from the fifth floor to the basement. The elevator then went back up to the first floor and fell again, landing between the first floor and the basement. The student, who estimated being stuck in the elevator for 30 minutes to an hour before being rescued

by The New York City Fire Department (FDNY), claimed to not suffer any serious injuries.

Outside of Brookdale, both the Beren and Wilf campuses underwent many elevator malfunctions in the past few years as well. In January 2020, seven students had to be rescued by FDNY from an elevator in the Morgenstern Residence Hall when the hoistway door didn’t open. In the following days, there would be three more episodes: two in Stanton Hall — located at 245 Lexington — and one in the Glueck Center for Jewish Studies.

These incidents came after the university was cited for numerous elevator violations between 2017 and 2019.

Ross noted that the first-year students she was with had already been worried

about using the elevator. “We actually had just been talking about it, how it’s happened before that the elevator has fallen. [The] girls were kind of nervous and I said don’t worry, it doesn’t happen so much.”

“It’s kind of crazy that this keeps happening,” commented Rahmanfar. “The elevator keeps breaking down and I keep hearing stories of people getting stuck in it or it dropping floors and it’s really dangerous. And the fact that they already had a girl get a concussion and it’s still a problem is really concerning. I hope that they actually fix it because it’s a huge liability on their part.”

As of publication, Chief Facilities & Administrative Officer Randy Apfelbaum did not respond to *The Commentator*’s request for comment.



There have been several reported elevator malfunctions in Brookdale in the past three years.

YESHIVA UNIVERSITY

### SHEIKH AL-ISSA Continued from Page 4

Islamic Scholars in May 2019 in Mecca to sign the Makkah Charter, which promoted moderate Islam and interfaith cooperation, as well as the aforementioned visit to Auschwitz with a delegation of Islamic leaders from 28 countries. He was also a vocal proponent of healing between the Muslim and Buddhist communities of Sri Lanka after the Easter Bombings in 2019.

The sheikh has visited multiple countries and leaders spanning the political divide worldwide, including at the White House, the Vatican, French National Rally leader Marine Le Pen, and the Deputy Prime Minister of Japan. He has also earned many awards for his work in fighting anti-Semitism and for promoting peace, including an honorary doctorate from the United Nations, the 2018 Galileo International Award, and the 2020 Combat Anti-Semitism Award.

Al-Issa also heads the Saudi Defense Ministry affiliated Intellectual Warfare Center, which combats terrorist and extremist ideology.

In 2020, the Institute of Gulf Affairs, a D.C. think tank that is critical of the Saudi government, accused Al-Issa of antisemitism based on his appearances on Saudi radio in 2014. The Muslim World League responded by saying that it was aware of a “small group” that was trying to “sully” Al-Issa’s achievements with Jewish organizations and would not let

themselves “be distracted by the deplorable efforts of any organization that seeks to divide Muslims and Jews.” The American Sephardi Federation, one of the groups that awarded Al-Issa the 2020 Combat Anti-Semitism award, told *The Forward* that the Sheikh has shown friendship to the Jewish people “in word and deed.”

*“The visit by Sheikh Mohammed al-Issa to the flagship Jewish university, reflects the enormous opportunity today of reconciliation not only between nation states but between peoples.”*

—  
President Ari Berman

Over the past few months, the university has engaged with different initiatives with Muslim leaders and countries. In April 2021, Berman visited Dubai for Yom HaShoah, where he spoke and met with Muslim leaders in business, education, politics, and academia. Additionally, on Oct. 5 of this year, Sheikh Abdullah bin Ahmed Al

Khalifa, undersecretary of the Ministry of Foreign Affairs for Political Affairs of the Kingdom of Bahrain, visited YU as part of a two-day trip meeting Jewish leaders across the city. According to the Bahrain Center of Excellence, he spoke about the “importance of the role of global research and academic institutions in supporting a culture of peace and religious tolerance.”

“This next generation of Muslims and Jews have a great opportunity to reconnect the personal bonds that we shared among our communities for generations, only to sadly let them fray because of politics in recent decades,” Al-Issa told *The Commentator*. “We have so much in common, so much shared history, culture, tradition and even religious practices. We must not let political issues stand in the way of our inter-communitarian relations, which have the power to do so much to heal old wounds and build a stronger alliance against the common foes of hatred, intolerance, racism and extremism.”

He added, “I see us making progress. Obstacles remain but inshallah we shall prevail.”

Toward the end of the program, Berman asked the sheikh, “What do you think prevented an event like this from happening earlier in history, and what do you think changed to make this event possible today?”

Al-Issa responded, “Maybe I didn’t receive an invitation before.”



# Herschel Hartz Promoted to Assistant Director of OSL

By ELISHA MARMON

Rabbi Herschel Hartz has been promoted from program manager to the assistant director of the Office of Student Life (OSL) for the Wilf Campus.

Hartz first joined OSL as program manager in February 2020. As assistant director, Hartz will continue to be responsible for much of what he did as programs manager, such as organizing and administering student programming, controlling OSL budgets and working with student leaders to create as positive an experience as possible for YU students. In his new role, Hartz will be doing even more in these realms to enhance the YU student experience.

*“Anyone who has worked with Herschel knows that he is a fabulous advocate and resource for student leaders and that he stops at nothing to ensure that our ideas and programs, designed to improve the student experience on campus, become a reality”*

—  
SYMSSC Beren President  
Abigail Lerman (SSSB ‘22)

“What I love most about the new role is I get an opportunity to work with students at Yeshiva and give them a good experience that

gives them warm feelings about an institution we all care deeply about,” Hartz told The Commentator. “I plan to think differently

and expansively about our programming and make sure we’re incorporating as much of our community as possible, as well as making

programs new and exciting.”

Hartz first joined the YU community in 2009, when he attended the Bernard Revel Graduate School of Jewish Studies and the Rabbi Isaac Elchanan Theological Seminary. He graduated in 2013 with semikha and a master’s degree in Modern Jewish History.

Since he returned to campus as a staff member, Hartz has been an active member of the YU community, regularly hosting students for Shabbos meals. This community engagement is a continuation of his previous involvement in helping the Jewish community in the Washington Heights area through his two non-profits, Chabad of Inwood and Omanut: Jewish Uptown Arts.

Hartz’s promotion follows many changes in the OSL over the last few years. Student Life Coordinator Avi Schwartz left YU to work for the Orthodox Union’s Jewish Learning Initiative on Campus at Rutgers University in December 2020. After Schwartz’s departure, Director of Student Events Linda Stone also stepped down. Marjorie Rasinovsky-Albert, who was formerly the student life program manager at the OSL, took the new role of associate director of student life in late August.

Student leaders who had worked with Hartz during his previous role in OSL were excited about his promotion. “Anyone who has worked with Herschel knows that he is a fabulous advocate and resource for student leaders and that he stops at nothing to ensure that our ideas and programs, designed to improve the student experience on campus, become a reality,” said Sy Syms School of Business Student Council (SYMSSC) Beren President Abigail Lerman (SSSB ‘22).

SYMSSC Wilf President Akiva Poppers (SSSB ‘22) agreed. “Herschel is a legend,” he stated.



Hartz began working as OSL’s program manager in February 2020.

HERSCHEL HARTZ

## Beren Election Results for Fall 2021 Released

By AVIGAIL GREENBERG

The results of the Fall 2021 Beren Campus elections for Torah Activities Council (TAC) vice president of Shabbat, senior vice president, sophomore president and sophomore vice president were released to the student body in an email on Friday, Oct. 15 at 12 p.m. by the Beren Election Committee. Adira Barber, Ellie Berger, Hannah Aaron and Amanda Poupko were declared new members of the student government.

Votes were cast through online ballots that were emailed to students on Thursday, Oct. 14 and counted by the Beren Election Committee. The positions of junior vice president, freshman president and freshman vice president did not have a write-in candidate that received 10% of the votes — the minimum required to have a confirmed winner — and these positions are “currently being decided by the Beren Constitutional Council,” according to the email. There were no reported winners for the Katz student council president and vice president positions. Of the 900 ballots sent out to Beren students, 353 were started and 311 were completed.

The polls were open on Oct. 14 between 9 a.m. and 8 p.m. Students had to submit their intent-to-run form by Thursday, Oct. 7 in order to begin campaigning on Monday, Oct. 11. To be eligible to run, candidates for

class council must have the requisite amount of credits to be considered in their respective class. They also must be enrolled as a full time student at Yeshiva University for both the Fall 2021 and Spring 2022 semesters, and be in good academic and behavioral standings with the university administration. The Office of Student Life is the arbiter of the Fall 2021 elections.

Many of the positions in Stern College for Women Student Council (SCWSC) and TAC for 2021-2022 academic year were already filled in the Spring 2021 elections, as well as the senior and junior class presidents. Wilf campus elections for Fall 2021 were held last week and released on Oct. 8.

“I’m excited to welcome the winners to the student council!” said SCWSC President Talia Leitner (SCW ‘22). “I look forward to getting to know the new class council members and working together this year! Students should look forward to all the class programming coming this semester!”

The Beren Election Committee does not release the detailed breakdown of their elections. The following are the results of the Beren Campus elections:

- TAC Vice President of Shabbat:** Adira Barber
- Senior Vice President:** Ellie Berger
- Sophomore President:** Hannah Aaron
- Sophomore Vice President:** Amanda Poupko

## Fall 2021 Wilf Election Results Released

By JARED SCHARF

Results from the elections for freshman, sophomore and Katz representatives on the Wilf campus were released on Friday Oct. 8, the day after elections were held. Eli Anina (YC ‘25) won as freshman representative and Jake Shochet (SSSB ‘24) won as sophomore representative, while Katz elections will be reheld due to no candidate’s meeting the requirements to win.

172 out of 452 eligible students voted in total. Anina won freshman representative with 36 votes, or 59.02% of the vote.

Shochet initially tied with David Kohanchi

(YC ‘25) for sophomore representative with 29 votes, or 26.85% of the vote. In accordance with Article X Section 5(2) of the Wilf Constitution, Yeshiva Student Union (YSU) interviewed both candidates and took a vote. Shochet received the majority of these votes and was declared the winner.

“I spoke with the tied candidates on Friday afternoon and was super impressed with both of them. Jake and David are both phenomenal guys that care about the student body and have great prior leadership experience,” shared YSU President Elazar Abrahams (YC ‘22). “Ultimately YSU decided that one was a better fit for this particular

*Continued on Page 6*



Results from the freshman, sophomore and Katz representatives elections on the Wilf campus were released on Friday Oct. 8, one day after the elections.

MICAH PAVA



# COVID-19 Numbers Skyrocket on Wilf Campus With 49 Positive Cases as YU Struggles to Enforce Mask Mandate

By SRULI FRUCHTER

This article was published online on Oct. 12.

49 Wilf students have tested positive for COVID-19 since Thursday, Oct. 7, the COVID Monitoring Team emailed students and staff on Tuesday, Oct. 12. Only three cases were reported on Beren Campus.

The email detailed how YU will be cracking down on its temporary, university-wide mask mandate, which was instituted five days after the semester began on

Wednesday, Aug. 25. While the mandate initially applied only to academic and administrative buildings, it will now include the cafeteria and “public spaces” in residence halls, such as lounges and hallways. The university did not share any disciplinary actions that would be taken against those who did not abide by the mandate. Students and staff needed to submit proof of vaccination before returning to campus, as part of YU’s vaccine requirement announced last semester and over the summer.

“It is of utmost importance that everyone follows this mandate to keep our campuses

safe, along with participating in our ongoing testing,” the monitoring team wrote.

The university will also begin randomly testing faculty and staff, and students will continue with bi-weekly testing, which began last week. Additionally, students will now need to receive approval before testing outside of YU’s program. The COVID-19 Tracker will also be available online again next week, the email said.

After maariv in the Glueck Beit Midrash last night, Undergraduate Torah Studies Dean Rabbi Yosef Kalinsky warned students that COVID-19 cases are heading in “the

wrong direction” and encouraged them to begin wearing masks. Earlier that day, students were tested for the third time since in-person classes resumed after chagim on Monday, Oct. 3. Rabbi Kalinsky made a similar announcement in Zysman Hall’s Fischel Beit Midrash this morning, and RIETS Dean Rabbi Penner spoke as well in the Glueck Beit Midrash.

The rise in cases and the subsequent announcements come as YU has struggled to enforce its mask mandate on campus since it was first instituted.

When the semester began on Wednesday, Aug. 25, there was no required testing or masking for vaccinated students and staff. Two days later, YU’s COVID Response Team notified the community about several new positive cases. That Sunday, Aug. 29, the university announced a temporary, indoor mask mandate in all campus buildings, excluding residence halls and dining halls.

In the following days, students and staff largely followed the new policy, but compliance among students significantly dwindled toward the middle of the week. On Wilf Campus, the majority of students did not wear masks in places like the campus library or the *beit midrash* and the policy was essentially not enforced. At the time, some faculty members did not wear or require masks in their classrooms, going against YU’s policy. Beren Campus experienced similar reactions to a lesser degree.

Friday, Sept. 3 was the last day of in-person instruction before classes went on Zoom for the few days of school over the break for chagim. Students and faculty returned to the classroom on Monday, Oct. 3, the same day YU reinstated its COVID-19 Monitoring Program.

Last week, the lack of masking became more widespread. On the Wilf Campus, the overwhelming majority of students did not wear masks, as well as a handful of professors and many rebbeim. On the Beren Campus, students became more relaxed with the guidelines, while more professors did not wear masks nor enforce them during class.

Rabbi Yosef Blau, *mashgiach ruchani* at the Rabbi Isaac Elchanan Theological Seminary, speculated that, until now, “many [Wilf] students were under the impression that Covid was going away and didn’t wear masks.” Since Rabbi Kalinsky’s announcement, most Wilf students have begun wearing masks in the *beit midrash*, with many doing the same in other areas, too.

“Most people [on Wilf] aren’t wearing masks, so I’m not really that surprised,” Moshe Rechester (SSSB ‘25) said.

Sy Syms School of Business Student Council President Akiva Poppers felt reassured by the university’s response. “The YU administration, which is supported by the student leaders, made a fantastic and praiseworthy decision to switch to twice a week testing for the first few weeks back after Succos,” he said. “I strongly encourage the wearing of masks, particularly KN95 and N95 respirator masks, during this spike, and YU’s extension of a mask mandate to all buildings is warranted. I trust that the administration will take the necessary, reasonable, measures to slow the spread so that we can return to normal campus life by the end of October.”

Rabbi Blau commented, “Only if the Rebbeim and faculty jointly both wear masks themselves and demand that their students wear them can there be meaningful enforcement.”



Wilf students in the beit midrash before the mask mandate took effect.

YESHIVA UNIVERSITY

Advertisement



## IT'S A HIGHER CALLING

**Working one-on-one with people who have special needs, gives you tremendous sipuk. It gives you extra income too, at hours that works for you.**

**Contact Devoiry Lichtman:**

**Call: 718-387-8400 ext. 236**

**Email: [dlichtman@hamaspikings.org](mailto:dlichtman@hamaspikings.org)**

### WILF ELECTIONS Continued from Page 5

role, but the runner up has been offered an important spot on the Student Life Committee where I’m looking forward to seeing [him] accomplish big things.”

A total of three students voted for a Katz representative. Because no write-in candidate received the required 20 votes required to win, the race did not have a winner. According to Article X Section 5(5) of the Wilf Constitution, a new election must be held, and will be held at a later date; according to Sy Syms President Akiva Poppers (SSSB ‘22), the date has not yet been determined.

Commenting on the results of the election, Canvassing Committee Chair Natan Ehrenreich (YC ‘23) told The Commentator, “It was a pretty unique fall election. We had three write-in candidates who made strong showings, one of whom forced a tiebreaker.”

He added, “All in all, it was nice to see pretty decent turnout, and the candidates campaigned well. The down to the wire finish underscores the chief rule of elections: every single vote counts.”

Below is the breakdown of each election:

#### Freshman Representative

**Eli Anina: 36**  
**Isaac Silverman: 11**  
**Write-In: 14**  
**Total: 61**

#### Sophomore Representative

**Jake Schochet: 29**  
**David Kohanchi: 29**  
**Jacob Sundel: 23**  
**Other Write-Ins: 52**  
**Total: 108**

#### Katz School Representative

**Write-In: 3**  
**Total: 3**



Got something to share?  
Email [ifruchte@mail.yu.edu](mailto:ifruchte@mail.yu.edu)



**NEVER. STOP.  
COMMENTATING.**



# Everything You Need to Know (So Far) About The LGBTQ Discrimination Case Against YU

By NATAN EHRENREICH

Let's be honest: Very few of us pay close attention to the news stories covered in the campus newspapers. Sure, it's nice that we have people writing about new master's programs and falling elevators, but these things do not (in my experience) spark ferocious debate on campus. That said, there is *one* relevant news story that *every* YU student has thought about at some point in time: the pending lawsuit brought by the YU Pride Alliance against the university and its chief representatives. Filed nearly six months ago, the lawsuit has attracted national attention. Yet it seems that despite considerable interest on campus, few students have an idea of the major claims and issues at the heart of the case. This article will attempt to remedy that in light of an order signed by Judge Lynn Kotler on Oct. 12 and filed on Oct. 18.

It should be noted that I am not a lawyer, law student or legal expert. The analysis in this article is derived chiefly from consuming the vast amount of material relevant to this case, as well as research and discussion with those who possess requisite knowledge about applicable issues. As far as I can tell, no lawyer has taken the time to analyze the case in a matter relevant to YU students, so you're stuck with me.

## What's Happened So Far

Before we examine the issues currently under adjudication, let's take a look at some of the main developments over the last six months. After YU repeatedly rejected official club status to a collection of students known as the "YU Pride Alliance," the informal group sued YU for relief pertaining to discrimination on the basis of sexual

orientation, which is prohibited under New York City Human Rights Law (NYCHRL). The Pride Alliance, represented by civil rights attorney Katherine Rosenfeld, also requested that the court issue an injunction forcing the approval of the club while the lawsuit is pending. Also filed were various exhibits and affidavits from the plaintiffs that centered around an issue that remains essential to the case: Is YU a religious corporation?

Why does this matter? Because the entire lawsuit stands *solely* on the answer to this question. That's because "religious corporations" are *exempt* from the relevant provision in NYCHRL. If deemed a religious corporation, YU would be legally entitled to reject the Pride Alliance as an official club even if such efforts would normally fall under the banner of illegal discrimination. The plaintiffs submitted documents dating back to 1970 describing YU's "non-sectarian" nature in an attempt to prove, for legal purposes, that YU is *not* a religious corporation.

It was therefore apparent almost immediately that this was going to morph from a discrimination case into a religious freedom one. That became "official" when attorneys from the Becket Fund for Religious Liberty, which describes itself as "a non-profit, public interest law firm defending the freedom of religion of people of all faiths," signed on to represent YU back in June. For those unfamiliar with the Becket Fund, here's some relevant information: Becket is the single most important non-profit law firm in the country that deals exclusively with issues pertaining to religious liberty. They have argued and won several cases in front of the United States Supreme Court. This year's most notable Supreme Court case, *Fulton v. City of Philadelphia*, was successfully argued and litigated by the Becket Fund (the case has some pretty stark parallels to our own).

So, if you're paying attention, these guys are the real deal. They chose to take on this case because they believe in its national importance, and they are right. Regardless of where you stand, it's important to understand that the outcome of the Pride Alliance's lawsuit could conceivably impact religious liberty jurisprudence beyond this case alone.

The biggest developments came in late August, when the court rejected the plaintiffs' request for a preliminary injunction, and converted the defense's motion for dismissal into one for summary judgment. Essentially, this boils down to the court deciding that, while the case is litigated, YU will *not* be forced to approve the Pride Alliance as an official club on campus. If the plaintiffs want relief, they are going to have to wait until the final decision. Furthermore, the lawsuit would not be decided on a traditional timeline, but in a fast-tracked manner. Summary judgment is used when the facts of a case are not in dispute, but the law's application to those facts is unclear. There is no beating around the bush; This was (and likely still is) a significant victory for YU. The order in late August made it very hard to predict a favorable outcome for the plaintiffs.

However, things changed when the plaintiffs filed a motion for continuance (essentially a pause in the court proceedings). No, the Pride Alliance claimed, YU's religious character was not a settled matter. Further discovery (internal documents, depositions, various other inquiries) was needed to determine YU's religious or secular character. Judge Kotler had declined to decide the issue in her August order, but she did seem to suggest that the law would likely view YU as a religious corporation. The logic was pretty clear. A reasonable bystander would be forced to acknowledge YU's "religious character," and how YU has represented itself

from a *corporate* standpoint is probably not relevant from a *legal* standpoint.

## Where We Are Now

This week, Judge Kotler granted the plaintiffs' motion for continuance. As she put it, the order allows for "discovery regarding factual issues necessary to resolve the central question ... whether Yeshiva University is exempt from the New York City Human Rights Law because it is a religious corporation..."

What does this mean? It means that YU is probably going to have to turn over a number of documents that pertain to how it has represented itself from a corporate perspective, and that a number of YU's current and past employees will be deposed by the plaintiffs' attorney.

*Regardless of where you stand, it's important to understand that the outcome of the Pride Alliance's lawsuit could conceivably impact religious liberty jurisprudence beyond this case alone.*

Judge Kotler noted in her order that "discovery must be limited to the issue of whether Yeshiva is a religious corporation within the meaning of the NYCHR." She also noted that discovery might allow the Pride Alliance to argue that "summary judgment is premature."

## What Comes Next

The decisions from August and October give us a much better idea of where the lawsuit stands than the one we had back in April. The August order was undoubtedly favorable to YU, and it seemed that they had the law on their side. The October order doesn't necessarily change that, but it does extend another opportunity for the Pride Alliance to dig into the key facts of the case. They will have the opportunity over the coming months to compile evidence proving that YU is not a religious corporation. If they are successful, the outlook of the case will shift dramatically. It would be an enormous accomplishment, one that would put them very close to a favorable ruling. However, doing so will *not* be easy. The orders from Judge Kotler suggest that they have quite a bit of work to do.

In summary, I offer the following comment. So far, this case has moved slowly in favor of YU. There is a very real, perhaps likely, possibility that they will be deemed a religious corporation, which would all but end the Pride Alliance's chances. However, we still have plenty of time to wait. Deadlines for future surreplies extend well into 2022, and who knows what they could bring to light. The timeline underscores the nature of litigation: It's slow, it's expensive, and it's unpredictable. But while we don't know when this case will be decided (it might not be for many more months), we do know that one question is going to reign supreme in future deliberations: Is YU a religious corporation? How Judge Kotler answers that question will be the crux of resolving the issue that has consumed campus discourse this past year, and will continue to do so as long as the lawsuit hangs in limbo.



A courtroom



# France and Feminism: The Passions of Prof. Rachel Mesch

By FLORA SHEMTOB

All her life, Professor Rachel Mesch knew that she was a feminist. “[Feminism] was not really discussed the way that you guys have it in your generation, on social media, and just being really articulated,” she stated. For Mesch, it was only when she was in college that she encountered feminism in academia, and realized that she had something she wanted to say.

*The part of teaching that [Prof. Mesch] loves most is connecting with students, “whether they like it or not.”*

Growing up in the small college town of Gainesville, Florida, her parents, who were both educators, were clearly feminists too, but it was never really discussed at home. During her college years at Yale, Columbia and then UPenn, Mesch realized that, as a woman, her ways of understanding and personal experiences were different from everyone else’s and that her voice “counted.” When she went to Paris for a semester in college, she realized that it wasn’t just being a woman that made her interesting, but that as a Jewish woman, she had a different background than most other writers. “If you bring these different disciplines together, you invariably see something different,” she explains.

When Mesch was in first grade, her father got leave from the University of Florida, so the entire family packed up and moved to Israel for a year. It was there that Mesch learned about her love of languages. Even though she grew up speaking English in America, by the end of first grade she was speaking Hebrew fluently. Mesch’s love for language led her to continue studying other languages in high school and, although she was expected to learn Hebrew, she chose to take French instead.

Although Mesch didn’t take Hebrew in high school, she still feels a deep connection toward Judaism. For her senior year thesis Mesch wrote about the connections between secular literature and the *midrash*. She sees

literature through the Jewish eye. Mesch’s grandfather received *semikha* from both RIETS and Rav Kook. Back in Gainesville, her family was one of only two that were *shomer* Shabbat, the other being that of the community rabbi. The Mesch family was always proud of their Jewish observance. In school, they would purposefully not sing the Christmas songs everyone else was singing and instead invite people over to see their “funky traditions,” like sitting in the Sukkah. As she grew up, she chose to get her graduate degree in New York to be surrounded by more Jews. Throughout college, she did face a lot of ignorance regarding Jews, but she always tried to educate rather than judge. After receiving her doctorate from UPenn, she started to look for jobs. After looking extensively at a list of French Literature jobs, she found an opening at Yeshiva University. To her, that was exactly where she felt she needed to be.

Other than being a professor at YU, Mesch has also authored several books. She sets most of her works in the Belle Epoque period, the mid-to-late 19th century. In her first book, “The Hysteric’s Revenge: French Women Writers at the Fin de Siecle,” Mesch talks about the rise of French women writers during the fin-de-siecle (the end of the 19th century). In Mesch’s second book, “Having It All in the Belle Epoque,” she writes about the effect that the French women writers have on today’s modern American and European societies. In her most recent book, “Before Trans,” which was released last spring, Prof. Mesch takes a different approach to feminism. She explains that before the term “transgender” was created, there were female writers who appeared to be transgender in the way they wrote and dressed. Some women stood beside their husbands in suits and short hair, which according to Mesch led her to the idea of the book in the first place; she saw pictures of these French women writers and how they broke gender boundaries to create something beautiful.

While Prof. Mesch enjoys writing, she also loves teaching, “I get to perform, it’s very creative ... and it’s connecting with students.” According to Mesch, the part of teaching that she loves most is connecting with students, “whether they like it or not.”

This connection goes both ways. “One

of the aspects of her classes that always enriches the classroom is the open atmosphere she creates ... her assignments are engineered to allow students a great degree of individuality and self expression, says student Josef Kahn (YC ‘22). She creates an open classroom where students have room to be themselves. Mesch explains that with masks, it’s a little harder because you can’t see a facial expression, only eyebrows, and that when she teaches, she can no longer tell when a student is not interested or is completely spacing out. “[Masks have] been one of the biggest challenges,” she notes bluntly. But she continues by saying that while it’s difficult, masks are crucial for controlling

the virus, and she will happily wear one to keep everyone safe.

Prof. Mesch brings to YU a unique background and singular teaching style. She creates an open classroom where students feel comfortable not only with being themselves but with pursuing their true passions. The one piece of advice she gives students when they approach her with a problem is that they shouldn’t care about money or prestige if they know what they like and are following their dreams. She tells them not to do something they don’t enjoy even if it seems to make more sense. Writer, teacher, Francophile and now life coach. What can’t Professor Mesch do?



RACHEL MESCH

FROM THE COMMIE ARCHIVES

## YU In the Supreme Court

Editor’s Note: Yeshiva University is currently dealing with several lawsuits. The outcome in these cases remains to be seen. Below are two articles covering a case involving YU that went all the way up to the Supreme Court. The Court’s ruling in *NLRB v. Yeshiva University* ultimately went in favor of YU.

**(February, 28, 1979;  
Volume 89, Issue 2)**

### High Court Will Hear Appeal Of YUFA Case

By YITZHAK TWERSKY

FEBRUARY 21 - The Supreme Court has agreed to review the refusal of the United States Court of Appeals for the Second Circuit, in New York, to recognize the Yeshiva University Faculty Association as a bargaining unit representing the university’s full-time faculty members.

Today’s action by the Court, brought by the National Labor Relations Board stems

from YUFA’s 1975 application to the NLRB for certification as a unit entitled to bargain with the university. The Court has yet to make an actual decision on the merits of the case. The case is not expected to be heard till October at the earliest, with a decision expected several months afterwards.

The National Labor Relations Board in asking the Court to review the case, told the justices that the lower court’s reasoning that the faculty are managerial workers, would deprive most other faculties of other universities of their right to organize.

The University administration contends that a faculty union would create an atmosphere inconducive to Yeshiva University. The faculty union wants to bargain with the university on three basic issues: retirement, tenure, and salaries.

**(March 12, 1980;  
Volume 91, Issue 3)**

### US High Court Designates YU Faculty as Managers

By COMMENTATOR STAFF

On February 20, 1980, the United States Supreme Court announced its decision in the Yeshiva University Faculty Association (YUFA) case. The Court found that the members of YUFA are considered managerial professionals and therefore cannot be protected by the National Labor Relations Act (NLRA). This 5-4 decision was an affirmation of the

decision given in the Court of Appeals of the Second Circuit on July, 31, 1978.

The issue in the case of YUFA v. YU was whether the faculty is instrumental in making managerial decisions at Yeshiva. According to NLRA, professional employees can form a union protected by law since the decisions they make in the execution of their jobs are in their own interest. They must be expected to exercise “independent professional judgement” if they want their union to be protected. In Yeshiva’s case, the Supreme Court found that the faculty interests as they reflected in their decisions cannot be separated from the University’s.

The faculty at Yeshiva, according to the Court, largely holds the power to determine admissions standards, graduation requirements, grading systems, and budget allotments.

Continued on Page 10



## We Asked, Y(O)U Answered

# Shabbat Experience on Campus

By **ETHAN SCHUMAN**

As life at Yeshiva University returns to normalcy following the COVID-19 pandemic, many new students are finally able to fully experience Shabbat at YU. Since many students have had significantly different experiences than others, The Commentator reached out to various students questioning them about their Shabbat experiences on campus.

*“Shabbos at YU is a very enjoyable experience and an opportunity to meet new people. There’s lots of singing during the meals and it is a truly uplifting weekend.”*

Tzvi Sabo (YC ‘22)

**Moshe Wolberg (YC ‘23)**  
Major: Computer Science

“I enjoy Shabbat on campus. I think that the core programming which is provided every week is all that I’m really interested in. The meals are very good, and I feel very much at home at the *Minyanim*. Further programming, however, current or potential, doesn’t really interest me all that much. I like to do my own thing on Shabbat.

“I usually eat meals either in the Caf or more commonly at a friend’s apartment. A significant amount of my time is spent hanging out with friends. In terms of *Minyanim*, I’ll go to one of the YU offerings (whatever is convenient) or often to Shenk where there’s a bunch of alumni that I’m friendly with. I also like to have space and time to myself during Shabbat - I spend time reading and

then take a nap during the afternoon.”

**Avraham Walkenfeld (YC ‘23)**  
Major: Sociology

“YU has awesome Shabbos programming. There are many minyanim to choose from, the food is always great (speaking as a waiter), and there is always an interesting speaker. As a bonus, this past Shabbos they served Tofutti Cuties for dessert during the Shabbos day meal, which was one of the three pillars of my student council campaign last year (albeit for dessert at *Shalosh Sheudas*), so I say that I filled a campaign promise in a campaign that I lost.

“I usually *daven*, eat, sleep, repeat. However, if there is an interesting speaker I try to go, and I usually try to find someone to take a walk with on Shabbos day.”

**Sigal Import (SCW ‘23)**  
Major: Speech Pathology and Audiology

“This year Shabbos on campus improved on so many levels. Now that more people are on campus, there is more of a community on Shabbos. From *Kabbalat Shabbat* with a *Minyan* to meals at a set table to *schmoozing* at *Seudat Shlishit*, the Shabbos atmosphere is much more alive. I’m so excited to meet more people and enjoy the future programming Stern and YU have to offer.

“Something I love about staying in on Shabbos is the amount of people I meet. I love meeting new people, and when I stay in, not only am I able to finally catch up with my friends, but I also have the opportunity to meet more. I spend Shabbos participating in the programming and mainly hanging

out with friends.”

**Tzvi Sabo (YC ‘22)**  
Major: Sociology

“Shabbos at YU is a very enjoyable experience and an opportunity to meet new people. There’s lots of singing during the meals and it is a truly uplifting weekend.

“I go to Beren as a *‘minyan man’*. I have done it since my first year at YU three years ago. It’s an enjoyable experience just hanging out with 10 guys who you can get to know better and more easily than when surrounded by 40. I also enjoy *‘minyan men’* because it’s how I met many of my female friends who I am still close with to this day.”



YU students praying with a minyan.

YESHIVA UNIVERSITY

COMMIE ARCHIVES  
Continued from Page 9

### Problems Still Exist

Although the decision has defined the legal status of the faculty of Yeshiva, other problems still remain. According to Ronald H. Schechtman, of Schechtman and Gordon, P.C., counsel for YUFA, the basic problem was that faculty at YU have been “alienated from decision-making.” He contends that the Court has “taken away needed protection from the faculty” and left them “naked.” Members of the Yeshiva University administration concede that there are still problems to be worked out, but Dr. Norman Lamm, President of Yeshiva, said that he hoped that the final decision of the court would remove the “nexus of emotion” from the dealings between the faculty and administration. He expressed the hope that the faculty would understand the “given constrictions” in which the University must deal. The administration is trying their “darndest,” says Dr. Lamm, “the will is there; the problem is the ability.”

Members of the faculty realize too that the court has only solved the legal aspect of the problem. Dr. Manfred Weidhorn, professor of English at Yeshiva College and a member of the Executive Council of YUFA, states that the court “left untouched” what he calls the “systematic ailment that gave rise to the legal problem.”

### Others Affected

The court’s decision is likely to affect the status of faculties in schools aside from YU. In Boston University, the BU chapter of the American Association of University Professors (AAUP) has gone to the First Circuit Court of Appeals to gain protection for its union. That court granted the union protection under the NLRA in 1978. The Supreme Court has, since the YUFA decision, remanded the Boston case back to the Court of Appeals for further consideration.

Robert Bergenheim, the vice-president for Labor and Public Relations at BU, has said that the Boston case is about identical to Yeshiva’s, and that he is very optimistic about the outcome.

James Garland, the President of the BU chapter of the AAUP and a professor of sociology at BU, has said that he feels that there are distinct differences between the status of the faculty at Yeshiva and that of the faculty at BU. But, if the Court decides against the AAUP, and if the “administration presses, it will be left with a hot potato,” the faculty will be forced to “radicalize.” They are “absolutely determined to preserve academic integrity” according to Dr. Garland. The president of the AAUP, Ms. Martha Friedman, has stated that her organization is “dismayed” over the decision. She announced that if the decision

is interpreted to apply to other colleges and universities, then her organization will seek an amendment of the NLRA to provide protection for all faculty members on all college campuses. Mr. Woodley Osborn, counsel for the AAUP called the decision “miserable.” Mr. David Rabban, another attorney for the AAUP, declined to comment on the decision. Mr. Warren Pyle, who argued for the Boston University Chapter of the AAUP in the First Circuit Court, said “we wish we never heard of Yeshiva.”

The legal controversy at Yeshiva began when, on December 15, 1976, the National Labor Relations Board (NLRB) issued a decision stating that the faculty at YU conformed to the legal requirements for a collective

bargaining unit. They then elected a union to represent them in the fall of 1976, but Yeshiva refused to recognize it as the official bargaining unit of the faculty. In February 1977, YUFA charged that YU was engaged in unfair labor practices and the NLRB later directed the University to recognize and bargain with the Union. YU continued to refuse, and the NLRB applied to the US Court of Appeals for enforcement of its order. Instead, the Court received the Board’s evaluation of the faculty’s status and ruled for Yeshiva University against the NLRB. YUFA and the NLRB petitioned for a writ of certiorari on December 19, 1978 and that writ was granted on February 21 1979.

## US High Court Designates YU Faculty As Managers

On February 20, 1980, the United States Supreme Court announced its decision in the Yeshiva University Faculty Association (YUFA) case. The Court found that the members of YUFA are considered managerial professionals and as they are reflected in their decisions cannot be separated from



## From the YSU President's Desk

### United in Our Mission

By ELAZAR ABRAHAMS

A wise woman once said that “August slipped away into a moment in time.” And indeed, this past summer flew by, leaving us right in the thick of our first semester back on campus.

*There is no YSU without SOY, and there is no SOY without YSU. SYMSSC needs YCSC and vice versa.*

I've been meaning to write this column for a while now, but, like many of you, have gotten hit hard with the transition back to in-person classes. Papers, tests, Canvas discussion boards and the like have prevented me from properly welcoming back all the returning students and newcomers. Finally, three issues into this year's volume of The Commentator, I had the time to sit down and write. Let's imagine this article had actually been published around Sukkot time.

Halakhically, if you don't have all four of the *arba minim*, the four species we wave during Sukkot, your partial set cannot be used. For example, if you have a *lulav*, *hadassim* and *aravot*, but no *etrog*, then you can't shake the three species present. This law is unique to this *mitzvah* — we know that regarding things like tefillin, if you have just your *shel rosh* but not your *shel yad*, you should still put on what you have. Clearly, there is something inherently spe-

cial about the *arba minim* such that they can only work in unison. We know that each of the four species represent a different kind of Jew, and I'd like to suggest that this halakha is emphasizing a message of unity and coexistence.

Similarly, the four Wilf campus student councils need and rely on each other.

There is no YSU without SOY, and there is no SOY without YSU. SYMSSC needs YCSC and vice versa. The four of us are all interconnected and constantly working together to give YU students a phenomenal year. SOY facilitates spiritual growth and Jewish experiences outside of shiur, while YCSC and SYMSSC fight for students' academic success. YSU oversees all the social and communal aspects of campus life, and it represents our diverse study body to the university administration.

It's important to remember that Yeshiva University is not Brandeis with kosher food. This is a whole different ball game. And your student councils are here to make your time in Washington Heights the best it can possibly be.

I'm blessed to be working with the greatest group of guys possible to achieve this. My fellow council presidents, Yoni Laub, Jonah Chill and Akiva Poppers, are extremely passionate about their roles and

have already accomplished so much in the two months we've been working together. Within YSU, the university as a whole is so lucky to have Baruch, Michael, Joey, Yisroel, Menachem, Eli and Jake representing them, planning great events and enacting change where it matters. I also want to shout out our Beren counterparts, Talia Leitner, Abigail Lerman and Suzanne Rabinovitch, not only because I will never hear the end of it if I don't, but because they continue to kill the game every day.

There's so much coming up that I'm excited to share with you. Chanukah week is going to be insane. The Seforim Sale is finally back. Swag is in the works. Club

events are popping. Unfortunately, the Dunkin still closes at 4 p.m., so I guess we can't have everything we want. But more than anything, it's been so amazing seeing everyone back in one place. I didn't realize how much I missed the packed second floor of Glueck until my shiur was finally in person before Rosh Hashanah. Let's continue to stay safe, and hope for the day when restrictions can be completely loosened.

I can be reached at etabraha@mail.yu.edu with any questions or concerns. YSU is here to help, and no problem is too small. Looking forward to a great year!



Students at Wilf Campus orientation

YESHIVA UNIVERSITY

## The Pundit

### America's Gun Culture and its Ramifications

By RUCHAMA BENHAMOU

The Second Amendment and resulting debate over its interpretation and application has been a contentious topic for centuries among American citizens and political leaders alike. On the one hand, the right to bear arms against oppression and unlawfulness exemplifies a foundational right the Framers of the Constitution emphasized as being crucial to liberty and justice. On the other hand, today many believe gun culture in America no longer represents that important value and is now predicated on simply displaying power and even inspiring fear and hate.

According to the BBC, the United

States not only retains and circulates the world's most guns overall, but with over 390 million guns, is in fact at the high end of countries in firearm ownership per capita. As for gun-related deaths, in the last few years gun violence and mass shootings have risen immensely, with total deaths involving guns reaching 38,355 in 2019 alone. As for mass shootings, between 2000 and 2018, active- and mass-shooter incidents have peaked at about 277 total accounts, as per FBI information. Additionally, some of the worst mass shootings to have occurred globally happened in the United States. For example, the Route 91 Harvest music festival in Las Vegas (2017), The First Baptist Church Shooting in Texas (2017) and the Marjory Stoneman Douglas High School in Florida (2018) all oc-

curred in America and reflect a disturbing rise in mass shootings.

Though many believe that the pandemic somewhat halted gun violence, data

culture in America and advocate for stricter gun laws both in receiving a license for a gun as well as in purchasing one. There must be stricter laws and more thorough

*Contrary to popular belief, instituting appropriate gun control measures does not negate the right of self-defense as outlined by the framers.*

obtained by the Gun Violence Archive reveals that this was unfortunately not the case. In 2020, over 20,000 people in the United States fell victim to incidents of gun violence despite COVID-19. Evidently, this exemplifies the heightened rate of gun deaths and gun violence in the 21st Century United States.

Some claim that the combination of intense conditions of unemployment, poverty, homelessness and economic depletion have caused this peak in gun violence nationwide. While the heightened tension as a result of this pandemic is likely a prominent cause of increased gun violence, I believe the emphasis on gun culture is equally to blame. Gun culture in America is often predicated on the concept of owning firearms for personal gain, pleasure or self-defense. Unfortunately, these fundamental reasons for owning firearms have seemingly been forgotten.

Instead of firearms' being utilized for self-defense or leisure activities, they are often used to promote power and incite fear, leading to an increase in mass shootings and gun violence all around the country. As such, I believe it is important to spread awareness regarding the gun cul-

background checks for individuals who wish to obtain a license to carry or possess a firearm. Stringent background checks allow for fewer firearms to be circulated to citizens who may threaten the greater public and who may utilize weapons to inspire fear or commit violence. Stricter gun laws can make our society safer, as they will limit gun access to people who are unfit to carry or possess firearms.

Contrary to popular belief, instituting appropriate gun control measures does not negate the right of self-defense as outlined by the Framers. Establishing stricter gun laws does not mean slowly diminishing the rights of individuals to bear arms for self-defense purposes. Rather, these laws can decrease the number of gun violence attacks nationally as well as reform what has become a dangerous gun culture in the United States. If states worked together to create stricter laws that still upheld the intent of the Framers when they wrote the Second Amendment, the United States would not only be safer and engender a healthier gun culture, but would also be able to reduce the number of tragic gun attacks that have plagued our nation for far too long.



The 2018 March for Our Lives in Washington, D.C.

PHIL ROEDER VIA WIKIMEDIA COMMONS



# Journey to the Center of the Mind — the Magic of the Theater

By YONI MAYER

Disney Pixar's movie "Luca," the tale of a young sea monster who visits an Italian town with his new friend in search of a new life, fires on all cylinders. It is a modern fairy tale with as much heart and insight into the human condition as any Pixar movie, and deserves a spot in the upper echelons of Pixar's classics.

However, there was one major flaw with "Luca" that had nothing to do with the movie itself: I watched it alone, in my bed, on my laptop.

The streaming service model of releasing new movies simultaneously in cinemas and on streaming platforms is problematic in my eyes for two primary reasons. First, the viewer isn't primed to appreciate the movie the way movies were meant to be enjoyed: in a dark theater, on a big screen, as part of a collective experience. Second, the movie does not receive the amount of attention and acclaim that it deserves. The conversation about the movie is resigned to the home; coworkers, friends and theatergoers don't speak about the movie as much because it isn't an experience they shared with other people. It is a personal experience. In a recent interview, Patty Jenkins, the director of the Wonder Woman films, said about the streaming service model: "All of the films that streaming services are putting out, I'm sorry, they look like fake movies to me. I don't hear about them, I don't read

about them. It's not working as a model for establishing legendary greatness."

For this reason, I don't think "Luca" was given the recognition it deserved, and fear that it will be forgotten in a few short years. Disney, an organization founded on revealing "magic" in the world, really missed the mark on this one. It devalued its slate of releases this past year by including them in straight-to-home releases. The "magic" of the movies that Disney claims to promote was gone.

*The theater is a place of connection, a place of shared experience with like-minded enthusiasts that's capable of transporting its audience to a galaxy far far away. But it is also a place that feels unusually close to home, a place that unveils the extraordinary within the ordinary.*

I know it's been a long time, but as any fan of the movies knows, a trip to the theater can be an otherworldly experience. You arrive at the theater, wait in line at the marquees to buy a ticket and anticipate and discuss what you're about to see. The air inside the waiting area is electric, bubbling with the excitement of fans and cinephiles who have been anticipating the movie for months. This effect is intensified by the people coming out of the theater who have witnessed something incredible, something only possible in the world that movies and theatres create.

You walk into the theater in a procession of

people who are bolstering your excitement, take your designated seat, smell the popcorn scent wafting through the air, and, as the lights go down and the trailers begin, you know you are entering an alternate universe for the next hour or two. This is when the magic of the movies begins.

The theater is a place of connection, a place of shared experience with like-minded enthusiasts that's capable of transporting its audience to a galaxy far far away. But it is also a place that feels unusually close to

home, a place that unveils the extraordinary within the ordinary. The movies are the medium through which we believe in the supernatural, the mystical and the magical. The director is the wizard and the artist, crafting a magisterial tapestry that captivates our eyes and hearts for two hours.

We know this isn't just a screening or an escape from responsibilities. There's some indescribable quality and characteristic of the movies that allures even the most rational and the most intellectual of minds.

Movies speak the unspoken thoughts of man and answer the questions prefaced with "what if." They are the sandbox of artists and visionaries who, thankfully, allow us to partake in their crazy fantasies. We see reality through the eyes of the creative and we are better off because of it.

We become better dreamers, better thinkers, better doers. We can be motivated to change the world, stand up for the little guy and try something we'd never otherwise fathom.

More simply, the movies teleport us back to our childhood. For those who have unfortunately lost the childhood sense to see the world not as it is but what it could be, the movies grant that passion and that absolute gift back to us. We believe in a greater good, in an underdog, in a hero. Movies thrill us. They excite us. They make us feel love, pain, heartbreak and excitement.

Movies are a combination of all other art forms: the amalgam of millions of frames as

deliberate as Renaissance frescoes, bouts of music as beautiful, complex and revolutionary as the great classical symphonies and choreographed dances between camera and actors as meticulous as romantic ballets. Movies engage us. Movies transfix us with their splendor, and for those two hours, if you let them, you dive into their world and come out a changed person.

After around two hours, the credits roll and you remember you're still just in a theater. You sit in your seat for a few minutes so you can digest and process the trance you've just entered. Then you turn to your friends to gauge their reactions. You can see in their facial expression whether the movie impacted them just as much as it impacted you. You end the experience by standing up, stretching your legs, adjusting your eyes back to the world outside of the screen, and eventually, you venture home. Even though you've left the theater, the movie comes home with you.

I haven't even really comprehended the lack of theater-going experience wholeheartedly, but I think life is not complete without it. Without it, how would we peer behind the magician's curtain and wholly understand why we think the way we do or act the way we act? I think the best way to truly understand our basic emotions and characteristics is by looking at them in the extreme, through the trying situations movies manifest. Humanity has always understood the world and conveyed important messages through stories, and cinema, although it is the latecomer to the party, is perhaps the most complex and possibility-ridden iteration of storytelling. To reduce all movies to just passive entertainment is myopic at best.

I see the light at the end of this tunnel. Already, many movie studios are returning to movie theater-exclusive releases. Although it may be fundamentally from a financial motivation, I like to see it as a pure-hearted return to the theaters for the sake of film. The floodgates have opened and all the movies that were corked up due to the pandemic are now rushing into the theaters. Hopefully, the crowds will run back as well, and I don't think it's naively optimistic to believe that with the incredible slate of movies being released in the coming months, they will. Call me a dreamer, but the magic of the cinema will soon be back.



A cinema at night

UNSPASH

## Dune: An Overdue Allegory for Our Imperfect World

By ZACHARY NOTKIN

The novel *Dune*, written by Frank Herbert in 1965, is a science fiction cult classic that served as inspiration for franchises like *Star Wars*, *Game of Thrones* and *Flash Gordon*. Despite the success of its imitators, *Dune's* own journey to the big screen has been legendarily fraught with difficulty.

The first attempt at a movie adaptation by filmmaker Alejandro Jodorowski failed because it was too ambitious for any studio to support. Director David Lynch's 1984 version was panned by critics and audiences because it was terrible. Then, in 2016, Filmmaker Dennis Villeneuve and Warner Brothers Studios announced that they had decided to adapt the book into two movies, the first one slated for release in the fall of 2020. Dedicated fans waited through more than a year of pandemic-related delays until finally, on Sept. 3 of 2021, the film premiered at the Cannes Film Festival, with a U.S.

theatrical release planned for Oct. 22. I, a longtime *Dune* fan, saw the film at the New York International Film Festival on Oct. 9.

*The film's story is both intelligent and gritty while seeming realistic enough to draw the viewer into its fantastical setting.*

Before I proceed with the review, I feel that I must explain what exactly the novel, and indeed the movie, are about. *Dune* takes place thousands of years in the future, when humanity has spread so much throughout the galaxy that all memory of Earth has been forgotten, and the government has reverted to a feudal system. The story centers around the noble Atreides family, primarily the son

and heir, Paul, who has been assigned by the Emperor to take control of the planet *Dune*, which is the only source of spice, the most important substance in the universe. While doing so, they must contend with the land's previous rulers, the Harkonens, and its native inhabitants, the Fremen, as well as other mysterious forces.

Without getting into spoilers, the book explores themes of destiny, religion and messianism while serving as an allegory for imperialism and exploitation of natural resources. Particularly, it can be viewed as a metaphor for the dependence Western countries have for oil located in undeveloped areas. The movie glosses over the more philosophical aspects of the book in favor of streamlining the story, perhaps because the medium film doesn't lend itself well to long discussions where nothing happens. While I, as a longtime fan, may have objected to this, Villeneuve's love and

Continued on Page 13



Dune (2021)

IMDB



# Biden's COVID Vaccine Mandate is Unconstitutional

By NAOMI ROSE

"My message to unvaccinated Americans is this: what more is there to wait for? What more do you need to see? We have been patient, but our patience is wearing thin. And your refusal has cost all of us."

These words, spoken on Sept. 9, 2021 by President Biden, seem to me less like the words of an American president striving to protect the life, liberty and property of the American people, and more like the words of an undemocratic authoritarian trying to control the personal freedoms of the citizens of our nation.

Over the past couple of months, vaccine mandates have been infringing more and more upon personal liberties involving our freedom of choice. First, they were aimed just at federal employees. Then just the healthcare workers. Now, it is any business with 100 or more employees. This includes private businesses that do not even accept government funding. These businesses must mandate the COVID-19 vaccine or insist on weekly testing for their employees. Otherwise, they risk being fined about \$14,000.

The Constitution was a document written in order to limit the power of the President to do such things without the consent of the legislature. I believe that this mandate is in direct contradiction with the Constitution.

First, under the Administrative Procedure Act, rules or mandates issued by executive or administrative agencies, are invalid if they are "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." This vaccine mandate clearly falls under this category, as it is for businesses with 100 or more employees, with no clear answer as to why the "science" specifically points to this number. Does this mean that companies with 99 employees are not at risk of COVID, but those with one additional employee are? Maybe a business with 50 employees is at higher risk because its workspace is smaller and more confined! As no answer has been provided to us by the Biden Administration, we can only assume that this number is arbitrary, and therefore the mandate is unlawful and invalid.

But that is only one problem with the mandate. Another exists with the major rules doctrine, which assesses the legality of this vaccine mandate. This doctrine states two conditions. The first is whether the rule is considered a "major rule." As this mandate encompasses all businesses with 100-plus employees, covering about 80 million total workers, this is quite plainly a major rule. The next condition is whether Congress has clearly authorized these actions, which it has not.

Additionally, Biden is issuing this mandate through the Occupational Safety and

Health Administration (OSHA), using an ETS (Emergency Temporary Standard). However, to do so, he is taking the OSH Act of 1970 completely out of context. The OSH Act states that in order to even issue an ETS, OSHA has to determine that "employees are exposed to grave danger from exposure to substances or agents determined to be physically harmful or from new hazards." Notice the language of this law. Substances. Agents. Hazards. The OSH Act was designed to pro-

Jacobson refused to get the vaccine because he stated that he had gotten sick from a previous childhood vaccine, and did not want to undergo similar trauma. The state fined him, so Jacobson sued the state. The Supreme Court decided that "in every well-ordered society charged with the duty of conserving the safety of its members, the rights of the individual in respect of his liberty may at times, under the pressure of great dangers, be subjected to such restraint, to be enforced

state's powers is somehow relevant to the issue of federal mandates, then surely this court case at the federal level is even more important.

Biden has been flip-flopping on the issue of mandates all year. Last December, he said that although he encourages vaccination and masking, he does not support mandates. In July, Press Secretary Jen Psaki said that there will be no mandates as it is "not the role of the federal government." But now, the Biden administration has completely changed its tune. Even though what they are doing is plainly unconstitutional, they seem not to care. They are perfectly willing to override the foundation of American law in order to achieve their goals.

It is astounding that the same people who chant "my body, my choice" are suddenly not in support of this when it comes to the other side of the issues. In fact, the very day that Biden issued this unconstitutional health mandate, he sued the state of Texas for its so-called "unconstitutional" health mandate regarding the fetal heartbeat law. Vice President Kamala Harris said then, "when people are able to make choices without government interference for themselves-in terms of their well-being and the well-being of their family in consultation with whom-ever they choose-we are a stronger society." Apparently, these words do not have the same meaning when talking about vaccines.

Every person should have the right to make their own personal decisions. When the federal government starts to get involved in our freedoms and nobody fights back, it sets a precedent for future leaders to infringe upon our liberties even more. If we do not stand up and fight against unconstitutional overreaches of power, we are effectively losing what the American people fought so hard to gain with pen and sword back in 1776.

*When the federal government starts to get involved in our freedoms and nobody fights back, it sets a precedent for future leaders to infringe upon our liberties even more.*

tect employees from things such as toxins, which we see from the Benzene limits put in place, and from employee actions, such as the operation of heavy equipment. *Never* has this been used to refer to vaccinations. Furthermore, Congress stated that the OSH Act was motivated by "employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment." Congress did not say that the OSH Act was designed to protect workers from a risk anywhere in the world. It specifically states that it was only designed to protect them from health risks *in the workplace*. As COVID is not something that only targets workplaces, it clearly does not fall under the rules that OSHA can dictate. The Biden Administration is purposely misconstruing this.

Many people in support of Biden's new proposal cite the famous 1905 Supreme Court case *Jacobson v. Massachusetts*, to explain how this mandate is lawful. In 1905, the smallpox vaccine became mandatory in the state of Massachusetts.

by reasonable regulations, as the safety of the general public may demand." This case is often championed as proof for the legality of vaccine mandates. However, what people completely ignore is that this case only gives authority to the *state* (and even that is not completely black and white, as we see from the case of *Buck v. Bell*). Nowhere does this concern the federal government at all. This court case is completely irrelevant when assessing the lawfulness of Biden's vaccination mandate.

Another point as to the unconstitutionality of Biden's mandate concerns the 1992 Supreme Court case *Riggins v. Nevada*. This case, concerning whether a prisoner can be forced to take an antipsychotic drug to stand trial, clearly states that "the forcible injection of medication into a nonconsenting person's body represents a substantial interference with that person's liberty." Here is a clear-cut statement issued by the Supreme Court that shows that what Biden is proposing is completely and utterly illegal. If people can pretend that a court case concerning a



The US Supreme Court at sunset

UNSPASH

DUNE

Continued from Page 12

deep understanding of the source material shines through as he boils the story down to its essence. He particularly focuses on young Paul's complicated struggle with his destiny. Something not often realized on the first read of the novel is that author Frank Herbert is actually subverting tropes associated with the genre by showing throughout the book the harmful effects the concept of destiny has both on society and individuals. The film, especially in its many dream sequences, mainly focuses on the conventional aspects of the hero's journey, but hints towards the future negative consequences, presumably for further exploration in the

sequel.

The film's story is both intelligent and gritty while seeming realistic enough to draw the viewer into its fantastical setting. This is helped by the excellent acting, particularly from Timothée Chalamet, who seems to breathe as his character, the Paul Atreides. The same goes for Rebecca Ferguson, who plays his mother like a master violinist plays the violin. The main villain, played by Stellan Skarsgård, is a combination of cunning and violent that viewers won't soon forget.

The film's score, written by Hans Zimmer, is a masterpiece, using Wagner-esque motifs to reflect what is happening on screen. The

cinematography was striking and inspired, while the special effects put the recent Star Wars movies to shame. I would be surprised if "Dune" did not win multiple Oscars, and rumor has it that Warner Bros. feels the same way. The one reservation I have is that the film's many dream sequences and complicated story may seem convoluted to casual audiences.

I feel like I should tell the reader that seeing this film was the first time I was inside a movie theater in a long time, certainly since before the pandemic began. The entire entertainment industry has shifted massively since then. While several films have been released in the interim, none were particularly

successful at the box office. It seems that even Disney, which could once reliably make a billion dollars in movie tickets for every Star Wars and Marvel movie they pumped out, has shifted its focus to online streaming through Disney Plus. In light of this, "Dune" is being released on HBO Max at the same time as in theaters, something nobody would have expected when the movie was in production, as the movie's grandiosity simply cannot be conveyed on the small screen. Studios are definitely looking at "Dune's" results to help determine the future of entertainment. If any movie deserves to bring audiences back to theaters, it is this one.



## First-Ever Crypto ETF, Now What?

By NATHAN LEHMAN

The first cryptocurrency exchange-traded fund (ETF) was just approved. What does this milestone mean for the future of cryptocurrencies?

Before examining the effects of this new milestone, let's first break down the facts of this approval. On Oct. 1, Silicon Valley-based investment firm Volt Equity issued a statement about newly-approved Securities and Exchange Commission (SEC) fund Volt Crypto Industry Revolution and Tech ETF, which the firm will manage. This fund is unique in that its companies engage in direct crypto-trading and mining. Although this new fund, trading on the Nasdaq under the ticker (BTCR), will not directly invest in bitcoins or in other cryptocurrencies, it is the first approved ETF that will invest in companies that have a majority of its funds in Bitcoin and other cryptocurrencies. Examples of the companies that the Volt ETF will contain are MicroStrategy (NASDAQ: MSTR), which has a majority of its net assets

in bitcoin, and Marathon Digital Holdings (NASDAQ: MARA), which most of its net profits are from crypto mining. The SEC's approval of Volt's ETF was a major surprise as just a week prior many other crypto-based ETF approvals were rejected.

Now that this ETF has been approved, what does this mean for the everyday investor? Why wouldn't an investor prefer to invest directly in the various cryptocurrency markets as opposed to this indirect crypto ETF?

*Although this ETF will not include any direct cryptocurrency-related stocks, indirect investing is still a major step forward in SEC-authorized crypto investing.*

The first benefit would be an available diversified investment opportunity in an already volatile industry. This diversification provides a secure and safe approach when investing in cryptocurrencies. A crypto ETF will motivate and encourage a whole new wave of crypto investors who have a more

conservative approach.

Another benefit would be outsourcing the crypto research to market professionals. The valuation methods for selecting a crypto stock can often be overly complicated and unpredictable. By purchasing stock in a crypto ETF, one is effectively leaving the research-intensive end of picking crypto stock to the "professionals."

Although this ETF will not include any direct cryptocurrency-related stocks, indirect investing is still a major step forward

in SEC-authorized crypto investing. For the past years, the SEC never gave an inch in authorizing these types of investments due to their volatility as well as their insecurity.

The SEC's cautious stance on regulating cryptocurrencies is well-grounded due to the recent rise in cyber attacks on

cryptocurrencies. Unlike credit theft, crypto-hacking is often untraceable due to the complex and discrete nature of each type of currency. In the past several months, these hacks have been put on full display. First, crypto company Poly Network, known as Decentralized Finances (DeFi) and made popular for getting rid of the "middle man" in cryptocurrency transactions, lost \$610 million to hackers. Around the same time, a Japanese cryptocurrency exchange disclosed that they were hacked for \$97 million.

From these two prime examples, it is understandable that the SEC remains hesitant to permit direct trading of cryptocurrencies. However, with the steady development of crypto investing being slowly introduced under the SEC's umbrella, we can be optimistic about the future of cryptocurrency trading on more conventional platforms. The approval of Volt's ETF created a spark in indirect crypto ETFs seeking approval. There is potential for a rise in crypto investing among not only the bold and risky but even the long-term, low-yield investors.



Crypto and the markets

PIXABAY

## Sitting Down with Swimply Founder and CEO, Bunim Laskin

By MAX ASH

I was fortunate enough to sit down (over Zoom) with Bunim Laskin, founder and CEO of Swimply, an online marketplace for swimming pool rentals. What started out as Bunim using Google Earth to find houses with pools, and then knocking on their doors to ask if they could rent them out, has turned into a booming startup that has raised a \$11.2MM Series A in a round led by Norwest Venture Partners. Swimply is mutually beneficial for hosts and guests alike; swimming pool owners can capitalize on their backyard's underutilized yet in-demand amenity, while locals have the opportunity to rent them out. Over 20,000 pools are available on the platform across the United States, Canada and Australia. Similar to other business models within the

sharing economy, Swimply profits through a 15% booking fee from hosts and another 10% from guests.

**Max Ash: What were some obstacles that you faced with Swimply at the onset, and what iterations did you make to the product as you grew?**

**Bunim Laskin:** There were iterations that we had to make throughout the process. A lot of it was just learning what users wanted and what questions users would have. Like, people are booking a pool, what do they care about? Turns out, lounge chairs are really crucial for booking a pool; we never thought they would be. Then, we found out a lot of swimmers don't even get into the pool, so the area around the pool became important. So, we started incentivizing hosts to put more effort into that area and put in furniture

around the pool; a lot of that had to do with the space as opposed to the water.

A big element was also pricing. There was A) What were people looking for in the listing? So, we made that transparent and are constantly learning what users are looking for... so that transactions were more fluid. In terms of pricing, we were faced with the question of how much were people willing to pay for this, because it's a new brand. How do we compare it? Do we compare it to what people are willing to pay for public pools, beaches and willing to pay for Miami? Where do we fit into these local experiences? And so, we had no clue and had users do what they wanted; we monitored who was successful and who wasn't. Who was getting the repeat rates, and who wasn't? Who was getting the one and done, and who was getting the return customers? We saw there was no universal answer for that, because

depending where the pool was, people would pay more. In New York, it is like a Ferrari — people are willing to pay a ton of money. In L.A., Miami, Texas, Arizona, it's more like a Toyota — people were paying different things, so we realized that since people were paying different amounts, we can't just come up with one generic price across the board. What people were willing to pay [was] based on cold markets, warm markets [and] how much competition there was. Then, we started gathering data and educating hosts; there was a big difference. A smart host priced well is going to earn 20 times more than a host that charges \$10 more. When people see a Swimply, they're seeing something that's going to be a part of their life. It's not a one-time experience. If they see something that's \$100 an hour, they see

*Continued on Page 15*



## SWIMPLY

Continued from Page 14

something that's going to be a fun one-time experience, but it's not going to be something that I'm going to be doing regularly.

We're still in the learning phases of what users want, what they're willing to pay and how to make it dynamic. Like families are willing to pay so-and-so dollars an hour, but parties are willing to pay much, much more. But if you price it for parties, then it's going to be too expensive for families; but if you price it for families, then parties are going to book it for that [lower] price. So, how do we find ways to make it dynamically priced for parties, families, photoshoots?

What we noticed was that everyone was negotiating like crazy and we wanted to get rid of that; we wanted to make it intelligent.

It's been product mostly until now. What should we show? What should we price for? The other thing was, we initially built Swimplly with the plan that people would have one or two bookings a week, maximum. The whole concept was that pools would pay for themselves, and we found out that owners were earning a ton — they were earning over a hundred grand. They're having thousands of people in their backyard, and are renting out their pool from 7 a.m. until midnight — it was starting to affect neighborhoods dramatically. People felt like they were living next to Hurricane Harbor in their suburban area. We had to figure out, how do we make sure owners are not just thinking about the money but the neighborhood itself? We implemented a neighborhood-friendly policy where you had to agree to a bunch of things about having communications with your neighbors, and we gave the neighbors tools — we gave them a product where they can report their host. Swimplly is a community-driven platform and we wanted to keep it that way. We had to figure out, how do we maintain the integrity of the neighborhood? That was probably the other big element we had to focus on.

#### What do you look for in a co-founder or a potential employee? How do you factor in the concept of homophily?

So, I'll tell you what I've done and what

I've regretted. In the beginning, I looked for friends. I figured, this is going to be hard and lonely, so you better do it with someone you want to be lonely with. The allure of starting with a friend is so attractive. It's you two against the world, but it won't be.

*And they both don't realize that real life is not played by the same rules that school and sports and games and drinking were.*

Give it time, and it will be you and the world versus your friend. The best thing to do is keep your friends as supporting figures in your life. People you can talk to and vent to the way you won't vent to employees or co-founders or investors; that's what friends should always be. I completely disagree with the idea of partnering up with friends — almost every CEO I know has lost friendships trying to build businesses with them. In the beginning, I looked for friends; now, I will passionately stay far away from them. I have friends that don't love me because they want to be at Swimplly. I'm like, I know how this starts and I know where this goes. I'm here to be your friend, and I'm not here to be your boss. That may not be the case for everybody — some people are really agreeable, but if both of you are passionate enough to be good entrepreneurs, then you're probably going to collide. The one time I'm going to say it's an exception is if your skill sets are so grossly different; when there's no overlap whatsoever. It's almost industry standard that it's going to be 50/50. Industry standard is that CEO and CTO, for example, are both equally respected in the industry. He'll be able to have his respect and his dominance, and you'll be able to have yours. That is the one time where I'll say it's okay.

Now, I'll look for people who don't like to be comfortable. You see multiple values that people are willing to be uncomfortable in order to get stuff done because professionals love to be really comfortable and really accommodated, so I can't stand that. I enterprize [someone who] gets what you need done and diversity. People who come from different cultures and different backgrounds.

Different perspectives. At Swimplly, we're ridiculously diverse as far as women, people of color, people from around the world. That's something we've kept in mind from day one. You never want to overlap on perspective.

The biggest challenge is that some people

see startups as a game. Most people start startups in the phase of not-real-life yet. You don't have much to lose, and that's why people totally overlook the real life dynamics of it. Like, "Hey, we both drink together or go to class together. Let's go into real life together." And they both don't realize that real life is not played by the same rules that school and sports and games and drinking were. It has an entirely different set of rules, and it's not as fun doing it with your friends. It's a lot more fun doing it with people that bring new things to the table, and your friends can be there as friends.

#### What was your thought process in terms of brand partnerships, specifically the Swimplly mansion?

Ultimately, I think TikTok is the future of marketing and we needed a way to get land grab there quickly. We thought about this two weeks before the summer started. How can we do this really fast and how can we do this really innovatively? It's easy, or relatively easy, for influencers to become relevant on TikTok, but how will a brand gain traction? How will we be a company but also about content? We saw one brand called Wish that was doing this very corporate-style house. It was an e-commerce company, publicly traded, huge, they had this half-a-million-dollar a month property. But it was super corporate... nobody cared about the house; people came over for the gym, for the views, but they had no engagement. Then you had the content houses, people that stayed in tune for the next video. We wanted to merge the two and take the corporate side of Wish... but

also the content house of these influencers so you get the fans and the followers and the engagement and the hype. So we did that. We got a house in the [Hollywood] Hills, and we invited a bunch of influencers to live there and we switched them out. In order for them to come to our events, they had to post... We got about 150 thousand followers over the summer, and got a hundred million views on our videos on TikTok. We have a pretty strong brand there.

#### What were other forms of marketing or other initiatives that you took beyond the natural word of mouth and your Shark Tank appearance?

We're very hyper-local. Meaning, we're marketing in L.A. for people to build pools in L.A.. We did a lot of offline stuff for Swimplly that wouldn't necessarily work for a company if they were publicly-traded. We did billboards in local towns. A lot of what we did was mobilize our hosts. What's really unique about Swimplly is that our pool owners can market to their guests; you can't do that on Uber and you can't do that on Airbnb. But our hosts are selling services to their community and their neighborhood. A lot of what we did was have a team that could train our hosts to mobilize and make Instagram accounts, for example. We don't see Swimplly as an Airbnb-type product; we see them as franchises, as businesses. Each one has their own group of guests. Every host that joins the platform is their own business essentially, and they're incentivized to market to everyone within five miles. We have a pool team that will help you fund ideas to pitch your pool. We have all these franchises that are partners with us in how to grow their market. On a hyperlocal level, the two things we did were billboards/flyers and hyper-mobilization.

#### What advice would you give to new founders who are going out there with just an idea?

There's no objective advice when you're just getting started. Ignorance, for me, was incredibly bliss. If I knew all the work and challenges, and the mockery that would come with getting started, and the amount of failures and rejection, I would have never gotten started. I'm very into learning what you need to get to the next step, and, once you get to the next step, figure it out then. You want to make sure there's a light somewhere. What's your North Star, your light at the end of the tunnel? Once you're okay with the vision and you know that it's a destination, go and figure out, okay, that's point 10, so I need to go from point 1, 2, 3. People think: that's point 10, how do I get from 1 to 2, and then 3, and then 4, before they even get to point one. They're just mapping out the entire road and they'll never start. Even if you do start, you'll get exhausted by the time you're at point 2 and you'll be like 'Oh my G-d, I'm only at point 2.' Just shut up and get it done. Think about 1 and get it done. Think about 2 and get it done... The more you learn the more you'll think, which will just give you more reasons to not get started. Ignorance is bliss. Take that destination and find the first step needed to get to that destination.

#### So where's that fine line between going with the idea/ignorance is bliss and doing enough due diligence to know that your idea is legitimate?

What I would focus on is, what is the vision? Does the vision make any sense? Do people care? If that [idea] was real, would that be awesome? And then, I would figure out steps on how to get there.

Swimplly

Escape locally.

Enjoy your own private pool by the hour.

SWIMPLY

Bunim Laskin, Founder of Swimplly





# SHARE YOUR VIEW FROM YU.

Write for the Commentator!  
Email [ifruchte@mail.yu.edu](mailto:ifruchte@mail.yu.edu)