

This past Tuesday, I heard that the Agudath Harobbanim had planned a meeting for Wednesday in which they were to discuss the Eruv. Rabbi Jung, Rabbi Lookstein and I contacted a number of people in order to ward off any unpleasant possibilities. Rabbi Jung spoke to Rabbi Kutler and informed him that any adverse decision by the Agudath Harobbanim would stand to benefit only the Conservative and Reformed. Rabbi Kutler's reaction was not quite clear to Rabbi Jung. Rabbi Lookstein spoke to R. Henkin who seemed to waiver back and forth. Mr. Finkelstein had R. Perotinsky speak to R. Henkin, who agreed to the publication of his announced decision, but wanted to add the fact in print that in view of the Agudath Harobbanim's position against the Eruv, he would not take the responsibility upon himself. When R. Perotinsky informed R. Henkin that it was too late for any such additions, he seemed to agree that we should go ahead as is. I called R. Feinstein. He emphasized that he was not one of the "matirim," but when I pressed him closely for his views, he replied that whereas he was not one of those mentioned, he was also not to be counted amongst the "os²frim." He maintained that he stands by his written decision, to wit, that whereas he cannot participate in the commission, those who do permit the Eruv have sufficient grounds on which to base their decision, and ^{that} ~~it~~ therefore they can be relied upon, except that a "ba^sal nefeh" should assume additional restrictions upon himself. He clearly and directly told me that he would not sign any announcement of "issur."

On Wednesday morning I called Moe Feuerstein in Malden^e asking him to intervene with R. Kutler, i.e. not to come to the meeting. He told me that Samson R. Weiss had more influence on R. Kutler. Dr. Weiss called R. Kutler and informed me that R. Kutler would want, or a delegation of those on our side, to appear and present our arguments. When I called R. Cohen of the Agudath Harobbanim asking that R. Jakobovits and I be permitted to make an appearance, he said that he could not handle the matter but that we would have to refer to R. Elberg. Despite my hesitation, I called Elberg who said that if we insist he would be glad to invite us; however, there are very many hot-heads who attend this meeting and they would make things so unpleasant that any possible benefit would be lost in the turmoil that

would ensue. I told him that I would accept his advice and not come. He incidentally spoke very harshly about R. Jakobovits though indirectly. He asked me what would happen now that we were at an obvious impasse. ^{He told me that R. Eliezer Silver was bitterly opposed to the Eruv.} I responded with a suggestion, which I indicated clearly was on my own responsibility and not with the authority of my colleagues with whom I would have to consult, that we would agree not to publicize our permission for the Eruv, on condition that the Agudath Harobbanim would not conclude with an "issur" that day, and that instead they would refer the entire matter to a committee consisting of responsible individuals who would, in the course of their deliberations, consult with us, and offer a decision within six months. R. Elberg responded that it was a most statesman-like proposal which he would be willing to accept. I said that I ^{would} first consult some of my colleagues. I consulted R. Joseph Lookstein and R. Jakobovits. R. Jung could not be contacted. I called Elberg and gave him my decision. He said he was very happy with it, and that he would see to it that the committee that would be appointed to study the matter would consist of R. Kutler, R. Feinstein, R. Henkin, and the like. It was agreed to follow this policy, and therefore I would not have to attend the Agudath Harobbanim meeting.

At 4:30 P.M. on Wednesday, that same day, I was called by telephone from R. Elberg. He said that the Agudath Harobbanim was in session, that R. Kutler was there, and that they were anxious to have me come over at once by taxi. I told them I would be there in a half an hour. When I came to the meeting I found some fifteen or eighteen Rabbis present, with R. Kutler in the chair.

R. Kutler directed his remarks to R. Moskowitz and me. R. Moskowitz had been there too, although I did not know that he had been invited. I later discovered that he had made some very rash statements, such as: you of the Agudath Harobbanim are as good as dead. The R.C.A. is the only real, vital, rabbinic body in America. He made some other similar statements, which obviously poisoned the atmosphere against me as an R.C.A. member.

R. Kutler began a very long discourse explaining the "hachlatah" that he was going to read to me and it had obviously already been signed. He maintained that

he did not suspect the intentions of our side. He believed that we did not have sufficient Halakhic ~~of~~ authority on which to base our Eruv, and that there were no significant rabbinic scholars supporting our position. He himself believed that the Eruv was invalid, and ^{that} it probably entailed a violation of biblical commandments. He said that R. Henkin had informed him that the permission he did grant was only for a ~~sick~~ sick person. R. Feinstein had declared himself in favor of prohibiting the Eruv. Furthermore, he was afraid on purely practical grounds that an Eruv would have an adverse psychological effect upon American youth. He continued in the same vain for quite a while, then read to me the decision of the Agudath Harobbanim, to which were affixed the signatures of himself, R. Feinstein, and R. Yaakov Kaminetsky, and others. During his talk there were several interruptions. R. Oschry shouted almost uncontrollably, until I commended to his attention the fact that even Rabbis were bound to observe the laws of "derekh eretz." He subsequently behaved more humanly. R. Poupko, a young man with a beard, behaved in a generally obnoxious manner, although fortunately no one paid him any heed. R. Elberg expatiated on the dangers to ^{all} ~~neive~~ American youth which would follow in the Footsteps of an Eruv. I broke in to remind him that whereas his knowledge of Talmud was well nigh unlimited, I regarded myself as a far greater authority on American youth, American mentality, and American psychology.

When R. Kutler had finished reading his decision, everyone arose as if to leave. I quickly called upon them to be seated and that they had not heard my point of view yet. When they returned to their seats and gave me the floor, I said that I did not understand what I was doing there. I had been brought down under false pretenses, and regarded it as a sheer waste of my time. R. Elberg broke into assure me that he had tried his best to refer the matter to a committee but he was overruled. I then began to explain to R. Kutler the ~~motivation~~ ^{of} those who had worked for an Eruv all this time. I corrected certain of his misconceptions. We were not afraid of our laity. We were concerned about their religious health. We did not think that an Eruv would lead them to suspect that other things are permitted too.

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On the contrary, I emphasized, we always tell them what is forbidden; ^{if} we now show them that we are also interested ~~then~~ in what is permitted, they will not question our authority when we forbid. I mentioned some of the Halakhic authorities on whose decisions we had based our Eruv, both scholars alive and scholars who have passed to their eternal reward. I maintained that R. Henkin's new interpretation of his own decision was completely untenable. One did not need an Eruv to permit attention to be given to a sick person, ~~even~~ one who is not critically ill, on the Sabbath. I expressed my open ^eamazement at the complete about-face of R. Feinstein, who had left before I came. I mentioned to them my conversation with him over the telephone on Tuesday. R. Kutler conceded that he too was surprised. I told them that they, the leaders of the Agudath Harabbanim, had misled us. We had relied upon the authorities and they too recognized, and now, at the ~~c~~ritical moment, they were abandoning us. We never would have begun on this project if they had told us so in the first place. I emphasized again that if they wanted to take over the initiative in the Eruv they were welcome to do so. We have no personal interest in this matter. There is neither money, nor influence, nor publicity at stake for us - all our intentions are "for the sake of heaven." I told them that I did not question their intentions too. I said that whenever I discuss the Eruv with people and mention the opposition ^{of} ~~that~~ ^B Rabbis Dick and Schwab, I always ^{acc}preface my remarks with a tribute to the sincerity of these two gentlemen. I certainly do not suspect people of the calibre of Rabbi Kutler and Feinstein of ever indulging in politics. My suspicions, however, were somewhat more aroused by the activities and methods of other people and especially those who immediately suspect anyone who disagrees with them of ^Conservative tendencies. I told them that having been brought down under false pretenses, nevertheless, it ~~w~~as now too late for our side to change its mind. As far as I could say, without the authority of consultation with my colleagues, we would no longer announce the permission for the Eruv. We had made a sincere attempt at accomplishing something selfless for the sake of Torah and Israel, for the sake of the Sabbath. The Agudath Harabbanim had ^{frustrated} ~~frustrated~~ ^{our} ~~their~~ efforts and announced a prohibition. Henceforth, any desecration of the Sabbath that will result from the actions of an Eruv will be on their heads, on their responsibility, and to their

eternal debit. I concluded by saying that I would like to see ~~it/annoy/it/courage~~ them exert as much courage in ~~strying~~ trying to prevent the desecration of the Sabbath as they had shown in their zeal to proscribe the Eruv.

The next morning at 8:00 A.M. R. Kutler called me at The ~~J/J/J~~ Jewish Center. He spoke to me about fifteen minutes, but it was not clear to me exactly what he was driving ^a ~~it~~. He repeated what he had said the day before: that he would work on the publication of a book "kuntres" ~~an~~ containing his opinion why the Eruv is invalid. He implied that he would like us to announce that we withdraw our permission.
I told him that
We could not do that for we had not announced any permission in the first place.

In the early afternoon Rabbi Eldberg called me by phone. He, too, seemed to be unusually ~~apologetic~~ apologetic. He informed me that the fact that his attack ~~upon~~ in the "~~Hapardes~~" did not mention my name, ~~that~~ meant that no one knew whom he was referring to. I left the matter slide by, for, as I had told him in my conversations the day before, his personal attack was completely separate from the substance of issue of the Eruv. He again emphasized that everything was being done with the greatest courtesy to our side and to me personally, and that the decision of the Agudath Harrobanim was not public property. He said that it was locked up in the safe, in a special space, so that no outsiders could have access to it. He said that the newspapers had called him for a statement, but that he brought all his influence to bear in squelching the story. He told me that R. Kutler did not ~~sleep~~ ^{sleep} speak well that night. I implied that he, too, should have complained of the same thing. He proceeded to defend the action of the Agudath Harrobanim. He implied, or rather clearly maintained, that a good part of the fault was the personal enmity incurred by the leadership of R. ~~Kahsh~~ ⁱⁿ ~~and~~ ⁱⁿ their whole project. R. ~~Kahsh~~ ⁱⁿ ~~'s~~ orthodoxy was suspect, he maintained. So, for that matter, he continued, is R. Jakobovits ^{one} ~~who~~ ^{never from the} ~~who~~ ^{has} ~~lead~~ ^{lead} a straight and true path. He said that he is preparing another editorial for the next issue of "Hapardes," and that it will be ^{written} ~~listened~~ with the greatest discretion. He explained R. Kutler's ~~call~~ ^{call} to me that morning.

Rabbi Kutler did not mean that he would write a book against the Eruv, but rather that he would study the Eruv and write a book containing his decision and the reasons for it. Actually, R. Kutler has impressions but no conclusions. In essence, R. Elberg maintained, the Eruv is for all practical effects still under study and consideration. I gathered in my own mind that this was to appease me after having accused him of bad faith; what he tried to say was that although the decision of the Agudath Harobbanim meeting was an "issur" it really meant a kind of referral to committee. R. Elberg was anxious for me to inform R. Lookstein of this conversation. I gathered very clearly that he was afraid of punitive financial effects. Later in the afternoon R. Kruger called me to give me his impressions of the entire day. We should have consulted him first, he said, so that he would have let us know of the subtleties involved. Nevertheless, he felt that I had ^{ac} acquitted myself well. He also gave me some insight into the politics concerning R. Teitz. The latter was absent from the meeting, and came up during a conversation between R. Elberg and myself at the meeting. That was when Elberg had asked why we continued with the Eruv after the last Agudath Harobbanim meeting when it was proscribed. I said that ~~he~~ I had not learned ~~that~~ of it first hand. Elberg countered that a copy had been mailed to R. Kasher. I answered that when the mail came I called R. Teitz to check on it but that R. Teitz said he was not present at the meeting and the minutes were not yet printed and so he could not say. R. Elberg was considerably shaken by this reference to Teitz. Why, he asked, should I have called R. Teitz instead of the office? I answered that I was not a member of the Agudath Harobbanim, not bound by their protocol, and certainly unaware of the oriental complexities of their politics. He maintained very strongly that I had political reason for referring the question to R. Teitz rather than to the office. I laughed it off. R. Kruger ~~now~~ now informed me that R. Teitz and R. Kasher were "mechutanim."

After consultation with Rabbis Jung, Lookstein, and Mr. Finkelstein, my feeling is that we still stand a fair chance of instituting an Eruv. I believe that after the summer we must bring ~~to~~ the greatest pressure to bear on R. Kutler,

informing him of our deep desire to see ³in Eruv in New York if at all possible. Perhaps tomorrow morning, p.G., R. Jung and ~~W~~ I will call R. Kutler to ask of him to pursue his studies with objectivity and completely without pressures. We will make absolutely no attempt at pulling strings of support for Yeshivot in order to win over R. Kutler to our point of view. Besides the fact that it would not help, we do not think it is right - I believe that is what R. Jung agreed upon.

Friday - R. Jung called Kotler.