



A visit with
**MOISHE
BANE**,
incoming
president
of the
Orthodox
Union

By Rabbi Yitzchok Frankfurter

THESE TRANSITIONAL TIMES

Many of us are looking forward to noon on January 20, when we will finally bid Barack Obama goodbye and President-elect Donald Trump will be sworn in as the 45th President of the United States. However, five days before that, on January 15, the world will witness another transition of power, when my venerable host, Mr. Moishe (Mark) Bane, will formally become the president of the Orthodox Union, more commonly known by its acronym, the OU. As one of the oldest Orthodox Jewish organizations in the United States with the largest kosher certification operation in the world—supervising the *kashrus* of more than 400,000 products—the position is not of minor significance.

However, unlike Donald Trump, who will be forced to give up his business interests after he becomes President, Moishe Bane will keep his day job as a senior partner and chairman of the Business Restructuring Department at the international law firm Ropes & Gray. The firm's New York office is located in historic Rockefeller Center, at 1211 Avenue of the Americas on 48th Street in Manhattan, and that is where we meet on a mild December day.

Mr. Bane has somehow always managed to balance his legal career with public service within the Orthodox community. Currently chairman of the OU's Board of Governors, he previously served as chairman of its Institute of Public Affairs, and before that he was national chairman of NCSY. In addition to his involvement in an array of *kiruv* and educational endeavors, Mr. Bane has also written and lectured extensively and is a founding editor of *Klal Perspectives*, a journal addressing contemporary public policy issues in the American Orthodox community. Indeed, I find out soon enough that he is a thinking individual whose ideas and insights are worthy of consideration.

When I point out that although out-



reach has broadened the Orthodox tent, some *gedolim* have striven to create a more insular community, his insightful response takes me by surprise.

“My perception is that there has always been debate as to which strategy is the most effective to retain Torah identity. One camp has historically held that the best strategy is to create the biggest tent, in which case you’ll have the most survivors. The other camp says that the key to survival is having the smallest, purest group, which will then be able to retain its authenticity and continue to exist. It goes back to the time of the *Tanna'im*, when there was a *machlokes* between Rabban Gamliel and Rabbi Elazar ben Azaryah as to which *talmidim* should be allowed into the *beis midrash*.

“It’s clear that we need both camps to ensure that we survive. I think that’s very healthy, and from my perspective the OU can only serve as the ‘broad tent’ if there’s

another group that plays the insular role. If anything, I'm concerned that the insularity of the insular group isn't as strong as it should be. I'd like it to be even more intense so I can be more comfortable having a broader perspective as a balance."

"Where do you feel that you belong?" I ask him. "Because if I bumped into you on the street I'd think that you belonged to the insular group."

"I don't think that's the case. And the OU really encompasses everyone, which is an enormously broad spectrum."

ASKANUS

"Let me explain a bit about my background," he starts. "When a person wants to get involved in *askanus*, it's a little like graduating from Harvard Business School. There are certain choices to be made; you have to decide if you want to become an entrepreneur or if you want to join corporate America. Either route can end up as an incredible success or a dismal failure, so each person needs to evaluate himself and decide which path is more likely to lend itself to his skill set. *Askanus* works the same way. You have to decide if you want to be an entrepreneur or if you

want to join 'corporate *klal Yisrael*.' By nature, I'm an entrepreneur.

"In 1985, when I was still in law school, my friends and I decided to launch our first national project. It was called Kayama, a project intended to convince non-observant Jews to give their wives a *get* when they got divorced. *Baruch Hashem*, we've arranged for thousands of *gittin* over the years. Part of what we did was to convince a segment of the Reform 'rabbinate' that they should at least advise their congregants that there's such a thing as a *get*, and if they don't get divorced according to Jewish law, they may subsequently have a child who won't be able to marry the person he or she wants to marry. We also told them that we would make it available and cover the cost. The project was very successful, although not as much as I'd hoped.

"Another thing I discovered is that in order to be successful you not only need a good product, but you also need to have a good distribution system. That's why I got involved with the OU, because it has the best distribution system in the country. I figured it would be perfect: I would do the product development, and they would take care of the distribution. We've created a lot of different programs together over the years.



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What I would like to see now is the OU increasingly serving as the distribution center for other people's products, by which I mean identifying products that others are creating that need to be disseminated."

"I thought they were already doing that type of thing," I interject.

"They were, but on a much more limited basis than what we hope to do in the future."

EVALUATING PRIORITIES

"Here's an idea for you," I say. "How about developing something like Ami's BizTank? You could make *shidduchim* between people who have ideas for *peulos* or charities with philanthropists."

"We're actually already developing something like that. The way it's being structured is that we're identifying venture capitalist-type people in the community who will each commit a certain amount of money that the OU will match, after which they'll create a panel and invite submissions. We will then choose the finalists and have the community decide on the winners."

"I have two goals in mind. The first is to see great ideas being developed that can benefit the community, and the second is to simply foster a greater appreciation for the importance of being creative for the sake of *klal Yisrael*. We have enormous numbers of young people who are very eager to be creative and do well financially, but those same *kishronos* should be used for *klal Yisrael* as well. Unfortunately, community work isn't too highly regarded right now, and I'd like to change that. Just as the level of appreciation for Torah study has increased over the years, an appreciation for *askanus* also has to be raised, at least as an option for those whose inclination runs in that



Satmar Rebbe of Kiryas Joel with Simcha Katz, former president of the OU, and his grandsons

direction."

"In other words, '*vesalmud Torah k'neged kulam*,' I say. "And if not, then at least one of the other options mentioned in the Mishnah."

"Exactly. One of the problems today is that not everyone in the workforce has the capacity to learn for six hours a day, but they still have time. We have to encourage people to use their talents for *avodas Hashem* in other ways that they are capable of."

"When will we see this take off?"

"Our staff is still putting the pieces together. We're actually looking to hire someone and we also need to find people who will partner with us and fund it. Of course, this might not be hashkafically acceptable to everyone, but we're becoming very results-oriented. There are some people who believe that an effort is worthwhile even if only one person benefits, bearing in mind that every Jew is a whole world. I fully acknowledge that, but if I have a limited amount of resources, isn't it my responsibility to make sure that they have the greatest impact on the largest

number of people possible? We're constantly creating criteria to determine if we're being effective. If we don't periodically reevaluate ourselves we run the risk of becoming overly invested in our own ideas without stopping to consider if we should be doing something else. Just because a project could be helpful doesn't mean that it's the most appropriate way to allocate resources."

"So you're going to be taking a look at everything once you take office?"

"This isn't anything new. I've been on various committees reallocating resources for the past 15 years."

MISSION

"What would you like the OU to accomplish during your presidency?" I ask him.

"I would like it to provide religious opportunities and allow greater access to *Yiddishkeit* in a more intimate way. I think there's an enormous yearning for inspiration, and the local *shuls* and *rabbanim* often look to the OU for help in giving them the tools to respond. As

I said before, not only do we ourselves manufacture some of those tools, but we need to start identifying tools that are manufactured by others and introduce them to our larger constituency. In general, I believe that there's a greater thirst than the community is acknowledging."

"Are you also going to be involved in the OU's Kosher Division?"

"I'm going to be the president of the entire organization. I don't have much expertise in *kashrus*, but the way it works is that every division has a parallel laymen's group called a commission. So there's a *kashrus* commission, an NCSY commission, a Jewish Action commission, etc., and then there's the staff that runs the division. Rabbi Genack is the head of the staff, and there's also a chairman of *kashrus* on the lay side. The president is the senior layperson of all the commission chairmen."

"You have a long history with the OU. Which programs were you involved in?"

"I was chairman of NCSY for four years, chairman of OU Advocacy for six years, and chairman of Synagogue Services for four years."

"How many chairmen are there?"

"Eight or nine, including *kashrus*, NCSY, Yachad and OU Advocacy—our political division that has been growing enormously over the last few years. We have an office in Washington for federal issues and offices in various states to deal with state issues. I've also been heavily involved in efforts on behalf of parochial school tuition in New York State."

"I know that Simcha Katz was very involved with that. Has there been any progress?"

"Very much so. Then we have Israel Free Spirit, which is one of the largest Birthright providers today. Birthright is a national organization, but it works mainly through conduits. The OU runs an enormous number of Birthright programs to make sure that the experience

being instilled is religious and not just an Israeli one."

"That's not part of NCSY?"

"No, because it's a different and older crowd; it's only for after high school. Another program we have is the Jewish Learning Initiative on Campus. We discovered many years ago that while we would prefer that day school graduates continue their education in a *yeshivah* environment, an enormous number are going to regular universities. This is already a *fait accompli*. So we created a program in which we take *kollel* couples and place them on campuses to serve as *chavrusos*, *rabbanim* and mentors to the students. It's not a *kiruv* project; it's a retention project to at least make an attempt to help them remain *frum* on campus."

"This isn't associated with Hillel in any way?"

"We have a relationship with Hillel because we work with the establishment, but these are our people. We hire them and they report to us, and their agenda is to make sure that a person whose parents and community invested so much that he or she could be *frum* stays that way."

"What do they do? Invite these kids for Shabbos?"

"Shabbos is only a small part of it. They learn *b'chavrusah*, give *shiurim* and answer their *shailos*. They live on or near the campus."

"So it's a little like a Chabad House."

"Yes, but it's much more learning-oriented. We only do it if we have a couple, because we need to have a husband and wife to be able to deal with the boys and girls."

"So it's basically a whole network."

"Yes, and it's massive. And that's just one division of the OU."

"All the data about the OU are available in our annual report. One of the decisions made by our leadership in recent years is that unlike some *mosdos*

that work from the perspective that institutional and financial transparency is a threat, we believe that it's quite the opposite. We think that a lack of transparency is an enormous burden on a *mosad*, because people are reluctant to invest in black holes. Our annual report is an attempt to show the way in this regard. We clearly indicate the budget of each division and where its funding comes from."

"We didn't discuss synagogues yet; how many *shuls* are members of the OU?"

"I don't know the exact number off-hand, but it's in the hundreds. Many if not all of the larger Young Israelis are also members of the OU."

"I assume that as an attorney you'll be getting involved in OU Advocacy again."

"I was its chairman for six years, and I can tell you that it was much less enjoyable for me than NCSY. A lot of *balebatim* love it, but for me it wasn't enjoyable at all. The problem I have as an *askan* is that I don't usually get to see the fruits of 99% of my labors. The only exception was when I was involved in NCSY and I could see a child develop into a *ben Torah* over the course of a couple of years. That was a real *geshmak*."

ENDS AND MEANS

"Some changes have been made since Steven Savitsky was president, when I first became acquainted with the OU. How long did Steve serve as president?"

"Six years. There's a term limit. Each term is two years long, and each president is entitled to three terms."

"Right before Simcha Katz succeeded Steve we did something very interesting," I tell him. "I arranged a visit with Rabbi Genack to KJ Poultry, which is under the auspices of Rav Aharon Teitelbaum of Satmar. Simcha Katz also came along with some of his grandsons, and we all spent the day together with the



Satmar Rebbe. There were some great photos of everyone walking around in white coats and helmets. The OU's publication, *Jewish Action*, ran a piece about the visit and it was also on *Ami*'s cover. By the way, who took over as president after Simcha Katz stepped down?"

"Marty Nachimson. He's been president for the past four years. I'd hoped that he would serve another two-year term, but he decided that he didn't want to continue, so I'll be filling his shoes."

"Being the president of the OU is a very big undertaking. How will you manage to simultaneously continue your law practice?"

"I suspect I'll have to pull back a bit in order to have more time to devote to the OU. I'm going to have to figure out the right balance."

"Do you usually have to appear in court as part of your practice?"

"Yes. I'll just have to make sure that

everything is scheduled properly. Court dates are usually scheduled well in advance, so you can plan around them. It's very rare to be called in on the spur of the moment. But I've been balancing my community work and legal practice for decades.

"Just to provide you with a bit of background, I'm a Ner Yisroel graduate. I learned there for many years and I'm still involved in the *yeshivah*. I was a *talmid* of Rav Yaakov Weinberg and was part of a *chaburah* that was very idealistic and ambitious in terms of helping *klal Yisrael*. Of the group, I was probably the least disciplined. I was a normal *yeshivah bachur*, but my peers were learning for 18 hours a day and were all headed toward becoming tremendous *talmidei chachamim* while I was headed toward becoming a *balebos*. Still, I was equally idealistic, so I decided together with another fellow that we would take

a different track to accomplish the same thing in a different way. We both went to law school and we're both involved in all different kinds of community projects, but the primary goal was the community impact rather than the law practice. That's why I've always been able to find a balance, because the community has always been my primary focus. It happens to be that I needed to have a certain amount of success as a lawyer in order to have that impact, but it was always a means rather than an end."

BETWEEN BALTIMORE AND NEW YORK

"Were you born in Baltimore?"

"No. I was born in Montreal and I went to *yeshivah* in Baltimore when I was 14. I was there for the next several years, with the exception of one year

in the middle when I went to Eretz Yisrael to learn in Alon Shvut by Rav Aharon Lichtenstein. Admittedly, that's a bit of an inconsistency in the classical Ner Yisroel 'career path.'"

"Do you consider yourself a *talmid* of Rav Aharon?"

"Not really. I was very young and I wasn't there for very long. But we did become friendly over the years, primarily during my OU period, because he was an incredible source of guidance. He was the most articulate proponent of Torah Judaism, a *moradike iluy* and the quintessential *anav*. Just to give you a sense of what I'm talking about, I'll tell you a story:

"We once had an issue at the OU that needed rabbinical guidance, and it had to be someone who understood our community. We found out that Rav Aharon was coming to America so we made an appointment with him and he gave us 45 minutes. I took Rabbi Tzvi Hersh Weinreb along with me. For the first 15 minutes we presented the issues, which left him with a half hour to respond. Incredibly, he spent the first ten to 15 minutes describing his relationship with all the people involved so we should know that he might have *negios*, and only afterward gave us his advice. When he finished I was amazed. I've spoken to people who have tried to convince me that they didn't have *negios* about their brothers, yet here was someone who wanted to put everything on the table so we could evaluate his advice in that context. He was a really incredible person."

"You also went to college in Baltimore?"

"Yes. I attended Johns Hopkins twice a week for three years, took a year off to get *semichah*, and then went to NYU law school. I married a New Yorker and have been here ever since."

"Are you the first Baltimore *talmid* to

become the president of the OU?"

"Probably, but the chairman of the board, Howard Tzvi Friedman, is also a Ner Yisroel graduate. He was the head of AIPAC for a while."

"Is the fact that a Ner Yisroel *talmid* rather than a Yeshiva University graduate is becoming president of the OU an indication of a tilt to the right?"

"Not at all. I think that the OU as an institution has been pretty much like my own trajectory, which is why I've been comfortable there. The OU is an organization like a *shul*. A *shul* can have *mispallelim* who may not be as observant as its official standards, but they still identify with it. However, the rabbi and the *gabbaim* do reflect the standards of the *shul*. Similarly, the people who are involved in running the OU tend to reflect the *frumer* element of the Modern Orthodox community, even though some individual members might be more left-leaning."

ROPES & GRAY

"Tell me a bit about this law firm."

"It's a huge law firm with offices all over the world from London to the Far East. There are currently around 1,300 lawyers in the firm. The New York office has about 300."

"Does it have any criminal law attorneys?"

"Its primary focus is business; we're one of the largest private equity advisory firms in the country. We do an enormous amount of investment management, including mutual and investment funds."

"What about bankruptcies? When I was in the lobby I overheard an attorney talking on the phone to a judge about what sounded like a restructuring matter."

"I'm actually chairman of the restructur-

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ing group, which includes bankruptcy. We tend to represent investors who buy distressed companies.”

“So you represent the creditors rather than the debtors.”

“Last year we started a debtor practice. We hired a very senior lawyer to add that to our portfolio, but historically we’ve been representing investors.”

“I would imagine that you need to be very aggressive in that capacity.”

“We *are* very aggressive, but being creative is even more important. In the restructuring world there are many constituencies that have competing interests. You can either go head to head and fight everything out, which is very expensive and takes a long time, or you can figure out a way to make a deal to get the maximum amount of money without killing someone else. The most successful investors are the ones who take the latter course of action, and that’s what we focus on.”

“How many attorneys do you have under you?”

“Thirty. Most of what we do is negotiations, not so much in bankruptcy court as in boardrooms. I actually love that aspect. I don’t like going to court and being adversarial. I prefer trying to figure out a compromise that leaves everyone happy. Although there is an element of *mussar* that one can learn by going to court.

“I always say that *Hakadosh Baruch Hu* doesn’t take something away without giving us something else to replace it. For example, when it comes to *malchuyos* on Rosh Hashanah, we don’t have the fear of *malchus* that we once had. There isn’t any real *malchus* anymore; even the President isn’t a *melech*. I argue that to compensate for that, Hashem gave us *zichronos*. Can you imagine telling someone 1,000 years ago that when he dies he’s going to be shown his entire life? But today we understand that quite well, so it’s balanced out. Similarly, when you go to court you get an inkling of what *Yom Hadin* means. It’s obviously not the same thing, but there’s a certain fear because you don’t know what the judge is going to decide.”

YOM IYYUN

“Let’s discuss the *Yom Iyyun* that the OU is going to be having on January 15, the day you become president of the organization. It’s going to be held in Citi Field?”

“Yes, in the conference center that’s located inside the building. There will be four plenary *shiurim* for the entire crowd, and another four in separate classrooms on different subjects: *halachah*, various aspects of *hashkafah*, *Tanach* and Israel-related concepts.”

“How many people do you expect to attend?”

“The goal is to have between 500 and 1,000 people, in that range. We would very much like the broader community to be involved.”

“And the message?”

“There are two messages we’re trying to convey. One is that the OU is planning to have a broad impact on anyone who is interested in growing in *Yiddishkeit*. The second is that the OU has historically been an institution that focused primarily on carrying out the obligations of the community. For example, there’s a very strong sense of an imperative for the *frum* community to be doing *kiruv*. We have to reach out to the non-*frum* community. That’s why we created NCSY, which is one of the largest if not *the* largest youth organization in the world focusing on that.

“We also believe very strongly in helping disabled members of the community, so we created Yachad. In the beginning, Yachad was an organization for disabled youth and now it’s transitioned to adults as well. When they’re younger, we try to give them a Jewish experience. We do Shabbatons and try to integrate them into *shuls*. Then, as they get older, we also do vocational training and offer job placement services. The expense of raising such children is enormous, which is very

burdensome to the families.

"But back to what I was saying before, the OU is committed to providing opportunities for religious growth, and if we're going to be doing that, the most fundamental avenue is Torah learning. That's what the *Yom Iyyun* is intended to accomplish; to show people how many different types of learning there are. We want to make sure that no one feels that he's not really interested in whatever the rabbi is giving a *shiur* on. There are so many topics; there has to be something that will grab every individual's attention. The point is to give people a taste of what's available."

"JUST A GUY"

"Many years ago," I share, "I spoke with Professor Meir Chavatzelet, who wrote *HaRambam V'Hageonim*. He told me that if everyone learned just a single *daf* of Gemara there would be no assimilation. Aside from being important in and of itself, Torah learning is also a very important component of Jewish identity."

"That's very true. In 1994 I became chairman of our Synagogue Services division. I happened to be in Eretz Yisrael at the time visiting one of my friends, and I was telling him that I would soon be having an influence on hundreds of *shuls*. 'What should I focus on?' I asked him. 'I have no idea,' he replied, 'but I'm having a *seider* with Rav Moshe Schapiro very soon. Why don't you come along and ask him?' So I did, and Rav Shapapiro told me the following:

"Our *mesorah*,' he said, 'is that we don't tell people to do *mitzvos*; they have to decide on their own that they want to do them. We only have one obligation, and that is to teach them Torah. We have to make it accessible and give them the tools to decide that that's what they

want to do.' That's part of what the OU is trying to do, make sure that the Torah is accessible to everyone. There should never be the perception of a barrier of entry because someone doesn't have the skill set, background or interest."

"I once found myself on an airplane flying with an NCSY group returning from a trip to Auschwitz," I tell him. "I spent the whole flight interviewing the kids, and the article appeared in *Ami*. The head of NCSY sent me an email afterward saying it was probably one of the best articles he'd ever seen because it had the kids speaking in their own language and describing what they'd gotten from the trip. I must tell you that it was a very emotional experience for me. The stories the kids told me were just incredible. One of the kids was a miracle child—both of his parents had genetic disorders but he was unaffected—and he had such a positive perspective and was so inspirational. I'm curious: How many kids are involved in NCSY?"

"Right now there are 10,000 kids involved in the program in one way or another. There are many different dimensions. For example, the summer program has a whole division for Orthodox kids from *yeshivos*. Then there's a program in Israel called NCSY Kollel that's almost exclusively for *yeshivah* high school kids. It's a transformative experience for them to see that they can get a *geshmak* in learning a whole day. It really changes them; every *rebbe* is astounded when they come back home and all of a sudden they're interested in learning. We have a parallel program for girls in Israel called Michlelet and a summer program in Ner Yisroel called Camp Sports, where the kids learn *b'chavrusah* with *bachurim* and *yungeleit* from the *yeshivah* and also play sports for half a day. In this particular program there's more of an overlay with public school kids as well. It's a way to

introduce them to the *yeshivah* and Torah experience."

"I'm sure it's hard to give a number, but how many people have joined the Orthodox community as a result of NCSY?"

"Let me put it this way: You can't walk into a *shul* outside of New York—and plenty of areas of New York as well—where there isn't at least one person who became *frum* through NCSY. So I can't give you a number, but it's huge."

"Is NCSY your biggest investment?"

"Yes, by far. It costs us \$18 million annually."

"Do you fundraise, or does the funding come from the revenue generated by the OU's *kashrus* division?"

"We do an enormous amount of fundraising; the *kashrus* division only brings in a fraction of what we need. In fact, in many ways the OU is the most attractive fundraising organization around, because *kashrus* creates a revenue stream that covers our overhead. This means that all of the money we raise for a project goes exclusively for that project. So if I were a donor and wanted to have the greatest impact, the OU would be the best place to make a contribution. Whenever I have a new proposal and I ask someone to fund it, everything he gives me goes exclusively for that."

"NCSY is certainly a worthy cause for any donor," I say.

"Absolutely. As one of the *roshei yeshivos* commented to me, 'The OU is *kodesh*, and NCSY is *kodesh hakodashim*.'"

"Maybe I can get you involved in other community projects," I say as I get up to leave.

"I'm not a *macher*. I'm just a regular guy," he says.

"A guy," I say, "who happens to be the incoming president of the OU."

"That's just a coincidence," he tells me with a self-effacing smile. □