

'EROSION' OF SUPPORT IN THE JEWISH COMMUNITY FOR CHURCH-STATE SEPARATION CITED BY LAW PROFESSOR

By David Friedman

WASHINGTON, Sept. 5 (JTA) — There has been an "erosion" of support in the Jewish community for the constitutional separation of church and state which is "not in the interests" of American Jews, Louis Henkin, university professor of law and diplomacy at Columbia University, charged here today.

But Edward Zelinsky, as associate professor at Yeshiva University's Cardozo Law School, said that the last 30 years has demonstrated that the separation of church and state is not enough to protect Jewish rights and may even hinder them.

Both participated with Father Robert Drinan, a professor at Georgetown University's Law Center, in a discussion on "Is the separation between church and state in the United States an obsolete concept?" as part of the biennial convention of B'nai B'rith International at the Sheraton Washington Hotel.

Henkin said that the erosion of support in the Jewish community was caused by Jews considering themselves as part of a "trinity of religion" along with Protestants and Catholics. He said as a coalition, Jews were part of the majority and didn't need protection. But as Christian groups began to assert their beliefs more openly, "Jews now find that they need the separation of church and state guarantee to protect their rights," Henkin asserted.

A Turning Point On The Issue

He said that the Supreme Court decision last March permitting a creche in a town square in Pawtucket, Rhode Island, may be the turning point on this issue. Henkin added that the constitutional guarantee does not only protect Jews and other minority religious groups but also non-believers.

Zelinsky argued that the separation of church and state was not adequate protection any longer since, as the state provides more services it may result in not protecting Jews and other minorities but in discrimination against them. As an example, he noted that a Connecticut court ruled unconstitutional, on separation of church-state grounds, a state law which allowed a Christian Sabbath observance to refuse to work on Sunday.

A Major Issue At B'nai B'rith Gathering

The church-state issue has been one of the major issues before the some 1,000 persons attending the convention. It has received heightened interest because of President Reagan's speech at a prayer breakfast during the Republican national convention in which he said religion and politics were linked.

A discussion on religion and politics was held Monday at the convention, and both President Reagan and Vice President Walter Mondale who are scheduled to address B'nai B'rith tomorrow are expected to deal with the subject.

Drinan, a former Democratic Congressman from Massachusetts and former president of Americans for Democratic Action, strongly condemned Reagan today for seeking to form a coalition of some 51 million Catholics and 10 to 15 million evangelicals

in the U.S. by promising them the adoption of a tuition tax credit if he is re-elected. Drinan also rejected Reagan's contention at the prayer breakfast that the U.S. had become a secular society opposed to religion. He said that over the last decades courts have upheld many benefits and exemptions for religious groups.

The Jesuit priest also said that he rejects Reagan's other contention that those who oppose the school prayer amendment are "intolerant of religion." "The Administration believes that if you don't agree with the fundamentalists that we ought to have tuition tax credits and re-criminalize abortion and reinstate prayer in the public schools, that you are intolerant of religion," Drinan said. "I am not intolerant of religion because I think the Rev. Falwell is fundamentally wrong on three or four major things."

Noting that the Administration has become "defensive" on the issue because of the criticism Reagan has received for his remarks since the Republican national convention, Drinan urged Jews and others to be "very vigilant" during the next few weeks until the Administration "backtracks" on this issue.

Reagan's Remarks Compared To Khomeini's

Reagan's remarks on religion were also criticized at the B'nai B'rith convention Monday during the discussion on religion and politics. Barry Rubin, a Middle East specialist at Georgetown University's Center for Strategic Studies, said that Reagan's argument that religion and politics are "necessarily related" was "almost word for word the kind of statements that the Ayatollah Khomeini has made in Iran."

Rabbi David Saperstein, Washington representative of the Union of American Hebrew Congregations, warned that "we are seeing people trying to impose their religious beliefs on America." Both Saperstein and Eugene Fisher, head of Catholic-Jewish relations for the National Conference of Catholic Bishops, said religious groups can speak out on public issues. But Fisher warned, "There's a tremendous danger when any religious group decides only its way is God's way."

Drinan said today that the Catholic bishops do not want Catholics to vote on a single issue. He said the many Catholics in Congress who voted against the efforts to make abortion illegal were not violating their religious principles.

School Prayer Amendment Opposed

Both Henkin and Drinan opposed the school prayer amendment. But Henkin urged Jews and others not to rely on the court to protect their rights but to speak up when they see it violated in their own communities.

Drinan and Henkin were also opposed to the effort to have a moment of silence instead of school prayer. Drinan noted that many states have adopted the moment of silence and some have allowed children to be excused from it, which he said demonstrates that it is a subterfuge for prayer.

Henkin noted that the same people who want school prayer support the moment of silence, which he said shows it is just another way of having prayer. He also opposed the new law allowing equal access to religious groups in high schools if other groups are allowed as part of extra-curricula activities. He said a line has to be drawn, and there is "a difference between a chess club and a religious club. We ought not to use public funds for religious purposes in any guise."

But Zelinsky said he favors equal access. He said that if a school didn't want to favor religious clubs it could drop all extra-curricular activities or it could refuse all federal funds. But Henkin noted that most of the problems in school on the religious issue come not from the federal government but from state and local governments.

Henkin also expressed fear about the proposal for a constitutional convention to adopt an amendment to the Constitution requiring a federal balanced budget. He said that "maybe you might get a runaway convention that would seek to rewrite the entire Constitution."

B'nai B'rith Resolution Scheduled

The B'nai B'rith convention is scheduled to adopt a resolution opposing "all forms of organized prayer, religious exercise or bible classes in public, primary and secondary schools, including 'moments of silence' or 'meditation'"; opposes the equal access law and urges "B'nai B'rith members to vigorously oppose inclusion of nativity scenes with public holiday displays on public policy grounds and to oppose on legal grounds any inclusion of a nativity scene or other religious symbol which goes beyond the displays specifically permitted by the recent 'creche case'"; and to urge "legal action to cut back and limit the effects of that unfortunate decision."

U.S. RELIGIOUS LEADERS WARN AGAINST INJECTION OF RELIGION INTO THE PRESIDENTIAL CAMPAIGN By Yitzhak Rabi

NEW YORK, Sept. 5 (JTA) -- American religious leaders of various faiths warned today against the injection of religion into the current Presidential campaign by both President Reagan and leaders of the Democratic party.

They maintained that the principle of separation of church and state must be preserved to allow the freedom of religion to "flourish" in America. They especially warned against the introduction of prayers in schools, claiming it will tamper with the First Amendment.

At a press conference at the American Jewish Committee's headquarters here, leaders of the Jewish, Protestant, Roman Catholic and Baptist communities issued a joint statement urging leaders of the Democratic and Republican parties to oppose "any and all efforts, whether direct or subtle, to tamper with the First Amendment."

"We call on leaders of both the Democratic and Republican parties to reject categorically the pernicious notion that only one brand of politics or religion meets with God's approval and that others are necessarily evil."

The statement continued: "We urge them to speak out now and recommend both major parties to the spirit of religious tolerance and religious forbearance that is indispensable to a free society."

The statement was signed by Rabbi Mordecai Waxman, president of the Synagogue Council of America; Dr. Claire Randall, general secretary of the National Council of Churches of Christ in U.S.A.; Sister Margaret Ellen Traxler, the founder and past president of the National Coalition of American Nuns and executive director of the Institute of Women Today; and Rev. Dr. James Dunn, executive director of the Baptist Joint Committee on Public Affairs.

"We regret to say that there has been a serious erosion of governmental commitment to the consti-

tional principle of separation from religion from government," the religious leaders stated. They added:

"If the principle of separation of church and state is to have substance in America, it must mean at least this: the state should not behave as if it were a church or synagogue. It should not do for citizens what, in their rightful free exercise of religion, they are perfectly capable of doing for themselves."

"For government to intrude itself into religious practices or to seek to impose certain religious belief or values on citizens who do not share them, is a clear and present danger to America for all faiths. In sum, the state should be neutral, not partisan, in matters religious."

The statement also pointed out, "Some of our citizens seem to imagine that America officially is a Christian republic. Yet in the Constitution of the United States there is no mention of Jesus and, in fact, no mention of God either. Because most of the founders were influenced by Christianity, these omissions from that splendid document scarcely were inadvertent."

Concerns Of The Jewish Community

Waxman elaborated on the concerns of the Jewish community in America. He said: "Most American Jews are greatly disturbed by the fact that in the political campaign religion has become an issue, in that there seems to be a debate about the 'Christian' character of candidates and platforms, and that anti-Semitic attitudes have been expressed."

On the issue of prayers in schools, Waxman said: "The question of prayer and the meeting of religious groups in public schools has become issues to the point where a constitutional amendment is being called for to override the intentions of the Bill of Rights which has served America magnificently over almost two centuries."

AGUDATH ISRAEL HAILS COURT RULING ON HOMOSEXUAL HIRING By Ben Gallab

NEW YORK, Sept. 5 (JTA) -- A decision by a Manhattan State Supreme Court judge declaring that a ruling by Mayor Edward Koch, that agencies doing business with the city must certify they would not ban homosexuals from their city-financed work programs, was beyond the mayor's jurisdiction was hailed today by Rabbi Moshe Scherer, president of Agudath Israel.

Agudath Israel was one of three religious groups joining in challenging Koch's Executive Order 50. The other two were the Salvation Army and a number of Catholic charities operated under direction of the New York Archdiocese.

Supreme Court Justice Alvin Klein handed down the ruling on the controversial mayoralty order early today.

Scherer said "we think that the judge correctly cut through a number of extraneous social policy arguments advanced in this case and correctly perceived that the case presented only narrow questions of executive authority."

He said the decision "will enable us to provide quality services in a non-discriminatory manner to thousands of needy New Yorkers who rely on Agudath Israel services. The real winners in this ruling are those needy persons."

The issue was posed by the three plaintiffs as one of whether the mayor had the authority to issue order 50. The judge ruled he did not.

David Zweibel, Agudath Israel director of government affairs, who represented the agency in the trial, said he had been informed that the city intends to appeal Judge Klein's decision, adding "we are confident that we and the other plaintiff groups will be upheld in any appeal."

PROSPECTS BRIGHTEN CONSIDERABLY FOR FORMATION OF UNITY GOVERNMENT

By David Landau

JERUSALEM, Sept. 5 (JTA) — Prospects for a Labor-Likud unity government, which had faded over the weekend, brightened considerably today following a meeting between Premier Yitzhak Shamir and Premier-designate Shimon Peres this morning at Shamir's home. They are due to meet again this evening at the Knesset.

Peres told reporters after the morning meeting that all problems relating to a unity government's policy platform had been ironed out and that the two leaders are now dealing with the structure and composition of the proposed new government.

Shamir, more circumspect, stressed that "some formulation work" was still needed. But he left no doubt that a deal had been struck.

At the Knesset, a Labor-Likud working group of lawyers and politicians haggled among themselves and with representatives of their respective "satellite parties" over the allocation of Cabinet portfolios. To veteran political observers, that activity was the strongest possible proof that agreement had been reached between Shamir and Peres and a unity regime is sure to emerge.

Accord On Key Issues

Political sources claimed today that the two leaders had reached agreement on key issues: Labor and Likud will each have 10 ministers in the unity Cabinet — not 12 as originally proposed. The remaining seats in what will probably be a 24-member Cabinet will be allocated to smaller parties in a way that will not affect the parity between Labor and Likud.

For example, if Shas, a new religious faction allied with Likud, is awarded a seat, a seat will also go to Labor's ally, Shinui.

The Premiership will be held by Peres for the first 25 months of the new government's tenure with Shamir serving as Deputy Premier and Foreign Minister. The positions will be reversed during the second half of the four year and two month period before the next scheduled elections.

Laborite Yitzhak Rabin will serve as Defense Minister for the full term of the government. Likud will hold the Finance Ministry, the Justice Ministry — probably with incumbent Moshe Nissim staying on — and the Housing Ministry, apparently with incumbent David Levy remaining in office for the full term.

Labor is to get the Education Ministry, a portfolio believed likely to go to former President Yitzhak Navon, and the Ministry of Agriculture. Labor sources said Shamir agreed to this despite the fact it is coveted by former Defense Minister Ariel Sharon as a base for which to fight for more settlements on the West Bank.

Problems Of NRP Participation

Problems surround the participation of the National Religious Party, one of the strongest advocates of a unity government, which is credited with helping to broker the deal between Labor and Likud.

The NRP, with four Knesset mandates, is demanding two Cabinet seats. Both Labor and Likud would

prefer to limit it to one. The NRP insists on keeping the Religious Ministry which Likud has pledged to Shas, a new religious faction, also with four Knesset seats, which represents a Sephardic constituency.

Shas leader Rabbi Yitzhak Peretz said today that his party was better suited for the religious portfolio than any other, "given our political inexperience."

But the NRP's new strongman, Rafael Ben-Natan, argued that his party with its close control of the Chief Rabbinate would maintain "national" doctrines and traditions whereas "others" would undermine them. He implied that Shas was ideologically close to anti-Zionist circles among ultra-Orthodox Jews which have traditionally opposed the Chief Rabbinate as the nation's spiritual authority.

Another problem with the NRP is whether its minister will have to be balanced by a pro-Labor minister, given the religious party's hardline position on settlements which favor Likud policy.

That problem may be side-stepped if it is resolved that questions relating to settlement activity are to be dealt with by an "inner cabinet" consisting entirely of Labor and Likud ministers. The inner group would endeavor to reach consensus on key policy issues before submitting them to the full Cabinet. It would have 8-10 members.

Aguda Signs Accord With Likud

The Agudat Israel Party today signed the agreement it negotiated with Likud last week, wresting from the latter a rather weak commitment to support religious legislation on such controversial issues as "Who is a Jew?" and archaeological digs.

According to radio reports, Likud pledged that all of its MKs "except a few individuals" would back such legislation. Observers pointed out that the precise number of those "few" could determine the fate of controversial bills.

Tehiya Won't Join Unity Government

The ultra-nationalist Tehiya Party, which won five seats in the July 23 elections to emerge the third largest party in the Knesset, reiterated today its determination to stay out of a unity government because of what it alleged was a "sell-out" over settlements.

Tehiya's leader, Yuval Neeman, who is in Australia, angrily condemned the Labor-Likud compromise on that issue, in a telephone message to his party. But the new rightwing religious faction, Morasha, with two Knesset seats, has proposed that it and Tehiya join a unity coalition on condition that the new government's settlement policy is satisfactory.

West Bank settlement activists announced, meanwhile, that they would go ahead with new settlements in defiance of any restrictions that might be imposed by a unity government.

CABBIE MURDERED IN ATTEMPT TO STOP ROBBERY OF HIS PASSENGERS

TEL AVIV, Sept. 5 (JTA) — A taxi driver was shot to death by masked bandits yesterday when he attempted to prevent the robbery of gold chains two of his passengers were delivering to a jewelry workshop in south Tel Aviv. The victim was identified as Yaacov Zvilli.

According to police, the killers got away with 15 kilos of gold which were being delivered from a workshop in Ashdod to another workshop on the ninth floor of a building in south Tel Aviv. The two men making the delivery were ambushed as they entered the elevator on the ground floor by masked men armed with a Uzi submachinegun and a pistol.

STUDY SHOWS 10% CANADIANS BELIEVE JEWS AND OTHER MINORITIES HAVE TOO MUCH POWER

TORONTO, Sept. 5 (JTA) — Ten percent of Canadians believe Jews and other minorities have too much power in Canadian society, a poll by the League for Human Rights of B'nai Brith Canada has revealed.

The survey, conducted for the League by the Conseil de Recherche sur l'Opinion Publique (CROP) on Canadian attitudes toward ethnic groups, is of particular significance during this election period in Canada as results indicate that voting behavior may be affected by the ethnicity of those running for office.

The analysis of the poll is one of three studies published in the League's Review of Anti-Semitism in Canada 1983, a three-part examination of the nature of anti-Semitism and racism in Canada. In addition to the CROP survey the Review contains an examination of the Keegstra Affair — a specific occurrence of anti-Semitism in this country and an audit of incidents of anti-Semitism reported to the League in 1983.

The CROP poll, conducted in 1983 with a national sample of 2,000 respondents, examines Canadians' attitudes towards Jews, Poles and Italians, three minority groups with comparable demographic, historical and socio-economic positions in Canada. Preliminary results suggest a strong link between the level of contact an individual has with members of ethnic groups and the tolerance they have toward them.

Designed by the League to collect data on the relationship between anti-Semitism and racism in Canada, the poll was first conducted by the League's Research Project on Anti-Semitism centered at Concordia University and headed by Prof. Frank Chalk. Further results of the study will be published this fall as part of a new series of research papers to be called League for Human Rights Reports.

Lessons Of The Keegstra Affair

The article on James Keegstra, the Alberta teacher accused of instructing anti-Semitic theories to high school students in Eckville, Alberta, traces the development of the Keegstra affair from its origin in 1968 when he became interested in the rightwing Social Credit Party to the events in early 1983 when he was dismissed from his teaching position in Eckville. Keegstra blamed the "Zionists" for the decision.

Two months after his dismissal he was elected vice president of the Alberta section of the Social Credit Party. Under growing public criticism, he was suspended shortly afterwards. Nevertheless, he is now running for public office on the Social Credit Party ticket in Alberta. He had been mayor in Eckville from 1978 until the fall of 1983, when he was defeated.

Written by Alan Shefman, national director, field services of the League, the article focuses upon the lessons that have been learned from the Keegstra Affair. Shefman suggests that governments have learned the most from the events taking place in Alberta, as the issue of hate propaganda has once again become significant.

This is witnessed in the recent proposals by the federal government to strengthen the hate propaganda sections of the Criminal Code. The section on the Keegstra Affair is also a vivid illustration of the extent to which extreme manifestations of anti-Semitism still exist in Canada.

The audit of anti-Semitic incidents, which focuses on data reported to the League in Ontario and Quebec, (these provinces contain more than 80 percent of Jews in Canada) shows a decline from 63 incidents in 1982 to 48 in 1983. Despite the decline in the number of incidents, the data reveals an increase in the seriousness of the incidents, with 33 percent more acts of vandalism directed at Jewish institutions in 1983 than in 1982.

The potential encouragement over the decline in incidents is tempered by the fact that other anti-Jewish activities which are not reflected in the audit, appear to be on the rise. This includes the growth of racist groups in Canada and the proliferation of hate propaganda.

Finally, the decline over the two years, which corresponds to data collected by the League's co-operating agency in the United States, the Anti-Defamation League of B'nai B'rith, may be due to a decline in media attention on Israel which was at a peak during the 1982 Lebanon crisis.

"The Review was first published in 1982 in response to requests from scholars, government agencies, Jewish leaders and organizations for data on incidents of anti-Semitism in Canada," said Phil Leon, acting national chairman of the League. "This year's Review examines the problem of anti-Semitism from three different perspectives. We hope that such an approach will provide a greater body of information on anti-Semitism and racism than currently exists. Only an understanding of the many aspects of the problem will help us solve it."

DEATH SENTENCES COMMUTED FOR TWO ISRAELI ARAB MURDERERS

TEL AVIV, Sept. 5 (JTA) — Two Israeli Arabs, condemned to death for the murder of a Jewish hitchhiker in 1980, had their sentences commuted to life imprisonment yesterday. A five-judge military court of appeals in Lod ruled that the sentences imposed on Maher and Karim Yunis, both 26, should be amended because the death penalty has never been carried out in Israel — with the sole exception of Adolf Eichmann.

The prisoners, who are related and lived in Ara and Arara, villages north of Hadera, were convicted of murdering Avraham Bromberg after they gave him a lift in their car. They were escorted from the courtroom yesterday shouting that they were innocent.

SEVERAL DOZEN ARABS RELEASED FROM THE ANSAR PRISON CAMP

TEL AVIV, Sept. 5 (JTA) — The Israel Defense Force released several dozen Arabs from the Ansar prison camp in south Lebanon yesterday on the occasion of the Moslem feast of Id el-Adha. About 800 prisoners are still confined to the camp which once held 5,000. All had been detained as "hostile elements" during the war in Lebanon. Most were released in November, 1983 under a prisoner-of-war exchange agreement with the Palestine Liberation Organization.

TEL AVIV (JTA) — El Al, Israel's national airline, registered a \$1.6 million operating profit in the past fiscal year. But this was offset by a cumulative deficit of \$14.3 million, according to the annual balance sheet published here Monday. The airline management said El Al could operate at a profit but is burdened by a total debt of \$330 million on which high interest must be paid.