



REACTION MIXED ON COURT'S RULING ABOUT MENORAH AND CRECHE DISPLAYS
By Howard Rosenberg

WASHINGTON, July 4 (JTA) -- American Jewish groups had mixed reactions to the Supreme Court's complicated ruling Monday on which types of religious symbols may be displayed on government property without violating the First Amendment to the Constitution.

In a 5-4 decision, the justices ruled the display of a Christmas nativity scene, or creche, in a Pittsburgh courthouse violated the First Amendment's Establishment Clause, which prohibits government endorsement of religion.

At the same time, the court ruled 6-3 that the posting of a menorah and Christmas tree outside Pittsburgh's City Hall was constitutionally permissible, because they were part of a seasonal display that "has attained a secular status in our society."

Orthodox Jewish groups welcomed the menorah ruling and were largely silent about the ban on the creche.

Conversely, non-Orthodox Jewish groups concerned about maintaining a strict separation between church and state were pleased at the ruling against the nativity scene and, in many cases, upset that the court did not go further to rule against the menorah display, as well.

The case, Chabad and County of Allegheny and City of Pittsburgh vs. American Civil Liberties Union et al., pitted the Lubavitch Hasidic movement and Orthodox allies against the ACLU and Jewish groups concerned about maintaining church-state separation.

Shortly before Christmas 1986, the Greater Pittsburgh Chapter of the ACLU sued to ban the display of an 18-foot-high menorah, owned by Chabad, next to a 45-foot-high Christmas tree outside Pittsburgh's City-County Building.

The groups also sued to ban the display of a creche, donated by a Roman Catholic group, on the grand staircase of the Allegheny County Courthouse.

Briefs On Both Sides

A U.S. district court upheld the constitutionality of both displays. But in March 1988, the U.S. Court of Appeals for the Third Circuit overturned that decision.

When the case went to the U.S. Supreme Court, several Jewish groups filed friend-of-the-court briefs urging the justices to forbid both the menorah and creche displays.

The groups included the Anti-Defamation League of B'nai B'rith, American Jewish Committee and American Jewish Congress, which filed its brief on behalf of the National Jewish Community Relations Advisory Council. NJCRAC is the policy-planning umbrella group for 110 local Jewish community relations councils.

Several Orthodox Jewish groups, on the other hand, urged the court to uphold the constitutionality of the menorah display.

They included the National Jewish Commission on Law and Public Affairs, National Council of Young Israel, Rabbinical Alliance of America, Rabbinical Council of America, Union of Orthodox Jewish Congregations of America and the Union

of Orthodox Rabbis of the United States and Canada.

In deciding the case, four justices argued that both the menorah and creche displays were constitutionally permissible, and three justices voted that the First Amendment bars them both.

Only Justices Harry Blackmun and Sandra Day O'Connor agreed totally with the decision to uphold the menorah and ban the creche.

The majority opinion opposing the creche was written by Blackmun, and signed by Justices William Brennan, Thurgood Marshall and John Paul Stevens.

O'Connor wrote in a concurring opinion that the creche by itself "conveys a message to non-adherents of Christianity that they are not full members of the political community."

Supporting the constitutionality of the menorah-Christmas tree display, O'Connor wrote, "The message of pluralism conveyed by the city's combined holiday display is not a message that endorses religion over non-religion."

'Christianized Version' Of Judaism

But Brennan wrote, in a partial dissent, that "far from conveying the city's secular recognition" of different holiday traditions, the display of a menorah "has the effect of promoting a Christianized version of Judaism."

The four justices who felt that both types of displays were permissible under the First Amendment's Establishment Clause were Justice Anthony Kennedy, who wrote a dissenting opinion; Chief Justice William Rehnquist; and Justices Byron White and Antonin Scalia.

They argued that banning the creche would show "an unjustified hostility toward religion" forbidden by the Constitution.

Nathan Lewin, the Washington attorney who argued the case on Chabad's behalf, praised the menorah ruling. Chabad did not take a position on the creche display.

Lewin speculated that displays of menorahs on public property will be generally found constitutional, so long as a city has "lights strung across the street" for Christmas or displays "Merry Christmas" signs.

Rabbi Yehuda Krinsky, spokesman for the Lubavitch movement, urged the proliferation of menorah displays, calling on Jews to "better utilize the religious freedom guaranteed and protected by this great country."

But several other groups argued that the decision upholding the menorah was a mistake.

"We deeply regret this aspect of the ruling, whose effect is to demean a hallmark of the Jewish faith that remains a powerful and meaningful Jewish symbol, regardless of its location or context," said Rabbi Daniel Syme, vice president of the Reform movement's Union of American Hebrew Congregations.

At least one Jewish organization was ambivalent about Monday's ruling.

Daniel Mariaschin, public affairs director at B'nai B'rith International, said that while his group would have liked to see a ban on menorahs, as well as creches, "it could be that the court is right in judging some menorahs and Christmas trees (as) increasingly secular symbols of a winter holiday season."

UPSET AT COURT, JEWISH GROUPS VOW TO FIGHT MOVES TO RESTRICT ABORTION

By David Friedman

WASHINGTON, July 4 (JTA) -- Several American Jewish groups have expressed consternation over the U.S. Supreme Court's ruling Monday allowing states to sharply limit the practice of abortion.

"The court has decided to chip away at women's reproductive rights by giving the states power to regulate abortions," said Lenore Feldman, national president of the National Council of Jewish Women said.

"In many states, this decision will turn the clock back to the days before 1973 and will open the door for states to abandon women's right to choose."

1973 was the year the U.S. Supreme Court affirmed a woman's constitutional right to have an abortion in the landmark Roe vs. Wade case. The court stopped short of overturning that ruling Monday, but activists on both sides of the divisive issue agree that the scope of the 1973 decision was severely weakened.

Monday's decision was "almost an invitation of the court to states to come up with their own (anti-abortion) laws," said Aileen Cooper, director of public affairs for B'nai B'rith Women.

NCJW and BBW, which have been advocating a woman's right to choose an abortion since the 1960s, said their local branches would now lobby state legislatures against adopting anti-abortion laws. Other Jewish groups also plan to work against state laws restricting abortion.

Some Orthodox Groups Pleased

The only support for the court's ruling in the Jewish community came from Orthodox organizations. Abba Cohen, Washington representative of Agudath Israel of America, said that his organization's attorneys would have to analyze the decision before making a formal statement.

"However, based on preliminary reports, it appears as if the court has taken a step away from the absolute permissiveness of Roe vs. Wade by making abortion on demand less readily available," Cohen said. "We regard that as a positive development."

Dennis Rapps, executive director of the National Jewish Commission on Law and Public Affairs, which defends the rights of Orthodox Jews, said his group had not taken a position in the case.

But he, too, stressed that Orthodox Jews are "opposed to the concept of abortion on demand."

The court's 5-4 decision, written by Chief Justice William Rehnquist, upheld a Missouri law that restricts abortion by denying public funds and facilities for counseling about or performing abortions.

The court also said that a state could determine when life begins. The Missouri law states that life begins at conception.

Rehnquist was supported by Justices Byron White, Sandra Day O'Connor, Antonin Scalia and Anthony Kennedy in overruling lower court decisions rejecting the Missouri law, in the case, Webster vs. Reproductive Health Services.

Dissenting were Justices Harry Blackmun, who authored Roe vs. Wade, William Brennan, Thurgood Marshall and John Stevens.

Only Scalia supported the request of Missouri and the Bush administration to overturn Roe vs. Wade. But Blackmun noted that the high court

is scheduled to hear three more cases dealing with abortion when it returns in October.

'This Is Our Issue'

While most mainstream Jewish organizations were upset by the court decision, there was special dismay on the part of the women's organizations. As a representative of one of the groups put it, "This is our issue."

Joan Bronk, NCJW's vice president, who traveled from Fort Lee, N.J., to join the pro-choice supporters at the court Monday, said women were "saddened and outraged."

She said that the day before Americans celebrated Independence Day, the Supreme Court had taken away "personal freedom" from more than half of the country's population.

Henry Siegman, executive director of the American Jewish Congress, said that the "only virtue" of the court's "unfortunate decision" is that it did not explicitly overrule Roe vs. Wade.

Siegman expressed particular concern that the "decision will embolden and encourage opponents of the right to choice, not only at the state and federal legislative level, but on the streets and the doors to abortion clinics.

"We pledge ourselves to meet those challenges in all forums," he said.

Sholom Comay, president of the American Jewish Committee, said that his organization regrets the decision. "We believe that the court erred" and "we share with Justice Brennan the concern for the future of the right of 'women of this nation to control their destinies.'

"We must hope that the court will consider its decision in Webster as the outer limit in the interpretation of Roe and not as the first step in the undermining of that decision," he said.

Daniel Mariaschin, director of public affairs for B'nai B'rith International, said the ruling was a setback for choice in pregnancy and abortion. "We are urging our members across the United States to be vigilant in their states and prevent erosion of this crucial private right."

Reform Movement To Mobilize

Leaders of Reform and Conservative Judaism also pledged to mobilize their members on behalf of freedom of choice.

"This is a serious setback to human rights in America," said Rabbi Douglas Krantz, chairman of the justice and peace committee of Reform Judaism's Central Conference of American Rabbis.

The Reform congregational movement considers the ruling "a deplorable attack on the religious freedom of all Americans," Albert Vorspan, senior vice president of the Union of American Hebrew Congregations, and Dolores Wilkenfeld, president of the National Federation of Temple Sisterhoods, said in a joint statement.

They said they would mobilize "more than 1 million adherents of Reform Judaism" in "vigorously opposing any attempts by state legislatures to ban or otherwise limit the right of free choice in abortion."

The Conservative movement has argued that, under special circumstances, abortion is not only allowed but required under Jewish law to protect the health and well-being of the mother.

Rabbi Nina Cardin, spokeswoman for the social justice committee of the Conservative movement's Rabbinical Assembly, said that by denying the ability to obtain a safe, legal abortion, the court's decision would deny Jewish women "their fundamental right of religious freedom."

**WITH NO COMPROMISE IN SIGHT,
LIKUD BRACES FOR PARTY BATTLE**
By David Landau

JERUSALEM, July 4 (JTA) -- The 3,000 members of the Likud Central Committee will have to cast an either-or vote when they convene in a huge Tel Aviv theater Wednesday night to pass judgment on Prime Minister Yitzhak Shamir's peace initiative.

Apparently days of maneuvering produced no compromise between Shamir and the Likud ministers who oppose his plan, led by the secretary of the Central Committee, Ariel Sharon.

Shamir and Sharon, who is minister of industry and trade, met privately Tuesday. Although, in Sharon's words, it was a "good and friendly" meeting, they failed to reach agreement on substance or procedure.

Shamir also met fruitlessly with Sharon's ally, Deputy Premier David Levy, who is minister of construction and housing.

The upshot is that the Central Committee will be asked to choose between endorsing Shamir's plan, which he will expound in his scheduled speech, or voting for a resolution to amend the plan along the lines demanded by its opponents.

Shamir's plan calls for Palestinian elections in the West Bank and Gaza Strip to choose delegates with whom Israel would negotiate interim self-rule for the territories and, eventually, an agreement on their final status.

Sharon has denounced the plan, claiming it would lead to the creation of a Palestinian state and to the redivision of Jerusalem.

His views are shared by Levy and by Yitzhak Moda'i, the minister of economics and planning, who is leader of Likud's Liberal Party wing.

Urging Inclusion Of Four Points

They have drafted four "principles" that they insist must be incorporated into Shamir's plan before they will support it.

First, the intifada, the nearly 19-month-old Palestinian uprising, must be totally suppressed before the election process can start.

Second, Arab residents of East Jerusalem must categorically be excluded from voting.

Israel must proclaim its intention -- and act on it -- to develop new Jewish settlements in the West Bank and Gaza Strip.

Finally, Israel must make clear from the outset that it will not, under any circumstances, countenance a sovereign Palestinian state.

Paradoxically, Shamir and virtually every member of the Central Committee subscribes to those principles, at least in this pre-negotiating stage of the peace process.

Shamir, in fact, is expected to embody them in the context of his policy address.

But he is not prepared to have his original initiative, which he formulated jointly with Defense Minister Yitzhak Rabin of the Labor Party, revised or amended. The plan Shamir submitted to the United States did not have those qualifying principles spelled out in it.

Although the prime minister has expressed those conditions to the Americans and others, he feels he cannot now alter the text significantly.

Sharon and his allies warn that what is not specifically stated will be discounted by the Americans and by the Palestinians.

They say both parties will demand that Israel implement its initiative, unfettered by hedging conditions that do not appear in the text.

Sharon told reporters Tuesday that he will see to it that the Central Committee engages in a serious and civilized debate.

Fear has been expressed in some Likud quarters that the meeting might break up in disarray, as has happened on more than one occasion in the past.

Sharon said he and Shamir agreed to set aside five hours for debate, "after which we will have to make the decision."

**HUNDREDS ARRESTED IN IDF SWEEP
AIMED AT CRUSHING UPRISING COMMAND**
By Gil Sedan

JERUSALEM, July 4 (JTA) -- Hundreds of suspected Palestinian activists have been arrested by Israeli security forces in widespread pre-emptive sweeps of the West Bank during the past few days.

There were massive roundups Monday night in the Ramallah area, following smaller-scale raids in and around Bethlehem last weekend.

In May, the Israel Defense Force and border police seized about 250 members of the Moslem fundamentalist Hamas movement in the Gaza Strip. But the latest arrests were in regions heavily populated by Christian Arabs.

According to security sources, the moves are calculated to smash the infrastructure of the Palestinian uprising. The IDF described the detainees as "leading activists in the popular committees and the shock committees."

The popular committees organize demonstrations and offer independent services to help the local Palestinian population run their lives under the military occupation.

The shock committees are the popular committees' military arms, which enforce commercial strikes and other directives from the uprising's leadership.

New Arrest Orders

The IDF chief of staff, Gen. Dan Shomron, confirmed Tuesday that the army is accelerating its search and arrest operations. He told the Knesset's Foreign Affairs and Defense Committee that the purpose is to inhibit the shock committees by such methods as midnight raids on the homes of suspected activists and the confiscation of work permits needed for jobs in Israel.

Shomron disclosed that new rules in effect in the Gaza Strip require soldiers to regard every masked Palestinian as a suspect subject to immediate arrest.

If the suspect fails to respond to orders to halt, the soldier must fire into the air first and then open fire on the suspect with plastic bullets, Shomron said.

His disclosure drew mixed reactions from Knesset members. Yossi Sarid of the dovish Citizens Rights Movement said the new orders "smelled illegal."

But Geula Cohen of the right-wing party Tehiya said Palestinians who incite openly are more dangerous than those who hide their identity. Tehiya has long advocated mass deportations for incitement.

Meanwhile, a West Bank military court on Tuesday convicted six Arabs of murdering Sgt. Maj. Benny Meisner in Nablus on Feb. 24.

Meisner, an IDF paratrooper, was on patrol in the Nablus casbah when a cement block was dropped on him.

Sentences will be pronounced in two weeks.

13TH MACCABIAH OPENS WITH DAZZLE AND CHEERS FOR FIRST SOVIET TEAM

By Hugh Orgel

TEL AVIV, July 4 (JTA) -- The 13th Maccabiah, the quadrennial Jewish Olympic-style games, got off to a boisterous, emotion-charged and dramatic start Monday night, when a one-armed war veteran raced into Ramat Gan Stadium bearing the Olympic flame.

The honor went to Hanoch Bugin, who lost his right arm during the war in Lebanon. The ex-soldier took up swimming as therapy and became so proficient that he won a place on the Israeli team that went to the Special Olympics last October in Seoul, South Korea.

Bugin was the last of 500 relay runners who carried the torch from Modi'in, the birthplace of the Maccabees. It had been kindled there by Gen. Dan Shomron, the Israel Defense Force chief of staff.

Bugin's arrival brought a roar from the throats of 50,000 spectators. But they saved their longest and loudest cheers for the first Jewish sports delegation from the Soviet Union ever to participate in a Maccabiah.

It consisted of 50 Jewish athletes from Soviet Lithuania. They marched with the red flag of the USSR, a Lithuanian flag, a sign reading "USSR-Lithuania" and a giant banner inscribed "Maccabi Lithuania."

The Maccabiah is attended this year by some 5,000 athletes and officials from Israel and 44 other countries.

In his speech officially opening the event, President Chaim Herzog of Israel singled out for special welcome the Lithuanian, Hungarian and Yugoslavian contingents.

He also recognized participating countries with so few Jews that their sports delegations consist of no more than a handful of athletes.

Ecuador is represented by three members of a single family. Paraguay, Costa Rica, South Korea and Hong Kong sent one athlete each.

South Africans Pose Problem

The largest contingent apart from Israel's is the 520-member U.S. delegation.

According to the Philadelphia-based United States Committee Sports for Israel, the American team will try to top its record-breaking performance at the last Maccabiah in 1985, when the Americans took home 246 medals.

At the end of the official ceremonies, the spectators were treated to a theatrical laser light display, a free-fall parachute jump, and a mass dance and song-and-light extravaganza by 1,600 members of the Young Maccabees.

With the sports competition in full swing Tuesday, Maccabiah officials had a thorny problem to resolve involving Jewish athletes from South Africa.

International sports regulations do not permit South Africa to be represented by an official national delegation or to march with a South African flag.

As a consequence, the South African team marched around the stadium in a "rest of the world" delegation.

But the games' organizers must decide what to do about South African athletes who entered events as private individuals.

The International Sports Federation does not recognize any event in which a South African participates.

PROMISE OF EMPLOYMENT LURING SOVIET 'DROPOUTS' TO ISRAEL

By Hugh Orgel

TEL AVIV, July 4 (JTA) -- The offer of jobs is proving to be the strongest incentive for Soviet Jews to immigrate to Israel, rather than the United States or another Western country.

Twelve families, comprising about 50 former noshrims (dropouts) turned olim (immigrants), arrived here Monday from Italy, and three more families were expected later in the week.

They will join about 100 other Soviet Jews who came here under similar circumstances in recent weeks.

Most of the newcomers had been living in Ladispoli, a seaside resort near Rome, while they tried in vain to obtain U.S. entry visas. Many had been rejected more than once.

Israeli officials and representatives of local townships and employers approached them with offers of jobs and housing. The city of Ashkelon pledged jobs and housing for up to 5,000 immigrants over three years.

Mayor Giora Lev of Petach Tikva informed Prime Minister Yitzhak Shamir that his city is prepared to absorb 1,000 Jewish families from the Soviet Union.

The problem is that Israel is experiencing high unemployment. Several thousand Israelis were recently laid off because of the economic recession. The unemployed have expressed surprise and anger that jobs are made available for new arrivals, though they cannot find work themselves.

Diaspora Communities Helping

But Israel seems determined to seize the opportunity presented by the relaxation of Soviet restrictions on emigration. Up to 7,000 Soviet Jews are expected to come here this year. To accommodate them, the absorption machinery has been streamlined.

Newcomers now bypass the Jewish Agency's absorption center facilities and are sent directly from the airport to the housing assigned them. They have immediate access to ulpanim, or intensive Hebrew courses, to enable them to learn the language and acclimate more quickly.

Overseas Jews are helping the process. Monday's arrivals will be absorbed with the assistance of the South African Zionist Federation and the township of Rishon le-Zion, where the municipality is offering apartments to the emigres.

Other direct absorption programs have been undertaken with the assistance of the Jewish Federation of MetroWest, N.J. It joined the town of Ra'anana, near Tel Aviv, in a project to settle dozens of Soviet Jewish families from Ladispoli.

The Soviet Jewish Zionist Forum, headed by former prisoner of Zion Natan Sharansky, has teamed up with the New York UJA-Federation of Jewish Philanthropies for absorption projects in Lod and Ramla.

JUNE EMIGRATION FIGURES HIGH

WASHINGTON, July 4 (JTA) -- A total of 4,354 Jews left the Soviet Union in June, the second highest emigration figure this year, the National Conference on Soviet Jewry reported.

Of that number, 508, or 11.1 percent, went to Israel, NCSJ said.

The highest monthly emigration total this year was April's, with 4,557 Jews leaving. That was the highest monthly total since October 1979.