

**RABIN, PERES AND ARAFAT TO MEET;  
THEN ARAFAT WILL FIX DATE FOR VISIT**  
By Dvorah Getzler

JERUSALEM, June 28 (JTA) -- Israeli Prime Minister Yitzhak Rabin, Foreign Minister Shimon Peres and Palestine Liberation Organization Chairman Yasser Arafat will hold a summit meeting in Paris next week, according to Environment Minister Yossi Sarid.

Sarid, who is also chief Israeli negotiator in newly resumed talks with the Palestinians, said that after the three men meet July 6, the date of Arafat's visit to the autonomous areas of Jericho and the Gaza Strip will be much clearer.

The meeting will be the first between the three leaders since the May 4 signing in Cairo of the agreement for implementing Palestinian self-rule.

Sarid made the announcement Tuesday, when he and chief Palestinian negotiator Nabil Sha'ath met at the Erez Checkpoint at the northern end of Gaza for the resumption of formal discussions between Israel and the PLO.

The talks were scheduled to focus on two tracks: ironing out difficulties in the implementation of autonomy in Gaza and Jericho, and extending the autonomy to other areas of the West Bank.

According to a report on Israel Radio on Tuesday, Sha'ath recommended to Arafat that he delay his visit to the autonomous areas because security arrangements were insufficient.

In recent weeks, the date of Arafat's visit has been postponed for a variety of reasons. They include the lack of promised funding from donor nations who pledged to support the nascent Palestinian autonomy; ongoing disputes regarding Palestinians still held in Israeli jails; and fears that the World Cup soccer competition, which ends in mid-July, will distract attention from the momentous visit.

**NEWS ANALYSIS:****SUPREME COURT'S KIRYAS JOEL DECISION  
SPARKS MIXED REACTIONS AND PREDICTIONS**  
By Matthew Dorf

WASHINGTON, June 28 (JTA) -- There is little question that the Supreme Court fortified the wall between church and state on Monday when it decided to close the Kiryas Joel Village School District created exclusively to serve disabled Chasidic children in upstate New York.

What is not so clear is just how strong that wall is.

Many, but not all, Jewish groups were happy with the renewed fortification, but even among Jews there were mixed opinions about the long-term implications of the case.

The court's 6-3 decision prompted expressions of disappointment by Orthodox Jewish groups, while most other Jewish organizations praised the court's ruling that the New York State Legislature, in creating the Kiryas Joel school district, had favored one religion -- or at least one branch of it -- over all others.

The issue of separation between church and state has long divided the Orthodox Jewish community from the rest of organized Jewry.

Abba Cohen, Washington director of Agudath Israel, expressed "great disappointment" with the court's decision.

Betty Ehrenberg, executive director of the Union of Orthodox Jewish Congregations of America's Institute for Public Affairs, said, "We put forth a good argument and a strong coalition and of course we're disappointed by the Supreme Court's decision."

On the other side, Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism, which is an ardent supporter of church-state separation, called the decision an "enormous relief."

Had this decision gone the other way, Saperstein said, "this would have been a balkanization of American educational and religious life at a time when we need pluralism and tolerance."

Despite the divisions, Jewish groups across the ideological and religious spectrum, many of which filed friend-of-the-court briefs, wasted little time either celebrating or condemning the decision.

**District 'Crosses The Line'**

Instead, they were focusing their energies on finding a way to educate the 200 disabled students from Kiryas Joel, an Orange County Satmar Chasidic village about 45 miles northwest of New York City.

In his majority opinion, Justice David Souter wrote that New York state's attempt to create a school district exclusively for Satmar Chasidic children "crosses the line" of permissible accommodation of religion to impermissible establishment of religion, "violating the core of acceptable separation between church and state."

Chief Justice William Rehnquist, as well as Justices Antonin Scalia and Clarence Thomas, dissented from the majority opinion.

Justices Harry Blackmun, John Paul Stevens, Sandra Day O'Connor and Ruth Bader Ginsburg joined in the majority, and Justice Anthony Kennedy wrote a concurring opinion.

The ruling in the Board of Education of Kiryas Joel vs. Grumet upheld a 1993 New York Court of Appeals decision that the school district violated the constitutional guarantee of separation between church and state.

At issue was whether the New York State Legislature overstepped the constitutional boundaries of religious accommodation to religious establishment, favoring one religion over another, when it passed a 1989 law creating the Kiryas Joel school district along the boundaries of the exclusively Satmar enclave.

The legislature was responding to the concerns of Chasidic parents who believed they could not send their disabled children to their own religious schools because of inadequate facilities, or to public schools because of religious and cultural differences.

In his dissent, Scalia wrote, "The Grand Rebbe would be astounded to learn that after

escaping brutal persecution and coming to America with the modest hope of religious toleration for their ascetic form of Judaism, the Satmar had become so powerful, so closely allied with Mammon, as to have become an 'establishment' of the Empire State."

Despite the court's decision, the long-term implications of this closely watched church-state case were not immediately clear.

"This area has been uncertain for so long," said New York Gov. Mario Cuomo in a telephone interview Tuesday.

"I've seen all the twists, turns and vagaries to the court and we still don't have a clear test," said Cuomo. "To a large extent we're still in the dark."

Marc Stern, general counsel of the American Jewish Congress, hailed the decision, saying, "Once and for all the minimalist notion that prohibits favoritism to a particular religion is not going to muster a majority of the court."

"The extreme views of Justices Rehnquist and Scalia have pretty much been laid to rest and that's welcome news by the Jewish community," he said.

#### 'A Very Easy Case'

But Stern also cautioned not to read too much into this decision because, he said, "this was a very easy case."

"The only thing that I find surprising is that three justices dissented," said Stern.

Saperstein of the Reform movement said he believed "the 6-3 vote says that the new appointees have shifted the balance of the court."

While this case affirms the wall of separation established by the Warren and Burger courts of the 1960s and 1970s, Saperstein said, "The cases over the last several years indicate that they are more willing when confronted with a specific fact situation to in fact cross the wall."

As for Supreme Court Justice nominee Stephen Breyer, Stern, who has studied and written on Breyer's writings, said the next likely justice will probably favor a strong separation between church and state.

Despite widespread speculation to the contrary, the court left intact the so-called "Lemon test" used to evaluate whether actions violate the First Amendment's guarantee that the government make no laws "respecting the establishment of religion."

To be deemed constitutional under the Lemon test, named after a 1971 ruling in *Lemon vs. Kurtzman*, a law must have a secular purpose, its primary effect must neither advance nor inhibit religion and it must not foster excessive government entanglement with religion.

The Kiryas Joel ruling focused instead on the issue that states may not delegate civil authority to a group chosen on the basis of religious criteria.

Referring to the Lemon test, Cuomo said, "One of the things I was hoping for was a nice clear test of Lemon and that did not happen. There is not a great deal of clarity on this issue."

But he did hail the commitment by the majority of the justices to revisit *Aguilar vs. Fenton*, a 1985 church-state case that banned publicly paid teachers from visiting parochial schools.

The Fenton decision in effect created the controversy that eventually led to the establishment of the Kiryas Joel school district.

Cohen of Agudath Israel also called the commitment to revisit *Aguilar* "the silver lining in a dark cloud. It was the decision that really got us into this whole mess."

Jewish groups, meanwhile, have already begun to mobilize to ensure the Kiryas Joel students receive the services they need.

The school currently serves about 200 students, 160 from the village on a part-time basis, and 40 full-time on a \$6 million budget. Of those, about one-third are Chasidic students who come from outside the village.

#### 'A Setback, Not The End'

Calling the Supreme Court ruling "a setback, not the end," the Kiryas Joel school board president, Abraham Weider, vowed to find an alternative solution.

"We have no choice but to continue our search for a suitable way to provide quality education for the most vulnerable of our children," Weider said at a news conference Monday.

He said the Kiryas Joel board had begun discussions with Cuomo and members of the New York State Legislature to work out a new plan.

"We believe strongly that people of compassion and good will can find a way to provide the education our children need and deserve," Weider said.

Terrence Olivo, the superintendent of the Monroe-Woodbury Central School District, from which the Kiryas Joel district seceded, said he was "disappointed" by the Supreme Court's decision, but that his district would also move to make alternative arrangements.

"We recognize our obligation and responsibility to educate all students in Monroe-Woodbury, and we now know that includes the students of Kiryas Joel," Olivo said in an interview.

Final arrangements should be reached in time for the start of the new school year in September, Olivo said.

Souter himself, in the court decision, spelled out numerous suggestions on how to meet the needs of the children without violating the Constitution. The children could receive bilingual and bicultural education at a public school already run by the Monroe-Woodbury district, or if a separate program is deemed appropriate, the district could open a school at a neutral site near one of the village's parochial schools, Souter wrote.

As a last resort, he wrote, if the New York State Legislature was dissatisfied with the local solutions, "it could tighten the mandate to school districts on matters of special education or bilingual and bicultural offerings."

Cuomo said he believes that "we've got to get the special education children who are not free to use the ordinary public education system because of their religious beliefs."

"We're not going to throw our hands up and say 'your religious commitment is the problem' or blame the court and say 'we gave it our best shot.' We're not in the blame game."

"We'll try again and again if we have to in order to find a constitutionally acceptable solution," the governor said.

*(Contributing to this report was JTA staff writer Pamela Druckerman in New York.)*

## MISSING AIRMAN ARAD HELD UNTIL 1989 UNDER SYRIAN CONTROL, SAYS NEW REPORT

By Gil Sedan

BONN, June 28 (JTA) -- Missing Israeli air force navigator Ron Arad was held until March 1989 in a Beirut prison under Syrian supervision, according to a special report aired Monday night on German television.

The televised report based its findings on a "top-secret" document found by an Israeli professor, Michael Wolfson, whose research led him to the files of the Stasi, the secret service of the former East German state.

As part of his work, Wolfson also studied correspondence exchanged between the Stasi and the KGB, the former Soviet Union's intelligence service.

The document quoted a KGB report that the missing navigator, along with other Israeli MIAs, was to be part of a prisoner swap between the former Soviet Union and Israel.

They were to be exchanged for Soviet spies Marcus Klingberg and Shabtai Kalmanovitch, who were held in Israel, and possibly also for Nelson Mandela, who was still in a South African prison at the time.

Wolfson found the document among the private archives of Erich Milke, 85, the former head of the Stasi who is now in a Berlin prison.

The document, dated March 3, 1989, said that Arad was held "at present" in a West Beirut prison operated by the Shi'ite Amal militia "under Syrian supervision."

Arad bailed out from a Phantom jet over Lebanon in 1986 and was believed to have been held by pro-Iranian troops in Lebanon. The last time any message was received that he was alive was in October 1987.

There have been sporadic reports that he was subsequently transferred to captivity in Iran.

As part of its ongoing negotiations with the Palestine Liberation Organization, Israel has submitted repeated requests for information about Arad's whereabouts.

### Sheik Kidnapping May Have Aborted Exchange

Until now, it was believed that Arad was kidnapped before March 1989 from the Amal prison by Shi'ite Muslim guerrilla leader Mustafa Dirani, who defected at the time to the ranks of the Islamic fundamentalist Hezbollah movement.

There has been no word of Arad's whereabouts since the time he was handed over to Hezbollah.

Dirani was kidnapped May 21 from his home in eastern Lebanon by a team of Israeli commandos. He is still in the hands of Israeli officials, who had hoped Dirani would provide information about Arad.

According to the German television program, efforts for the comprehensive prison exchange deal began in 1987, partly through the mediation efforts of East German lawyer Wolfgang Vogel and Israeli lawyer Amnon Zichroni.

But the program reported that those efforts were aborted in the summer of 1989, following the kidnapping of another Hezbollah leader, Sheik Abdul Karim Obeid, who was spirited away from Lebanon to Israel in July of that year.

The Syrians, who were reportedly ready at first to help in the prisoner exchange, pulled out

of the negotiations, saying the kidnapping had changed the atmosphere, according to the television report.

Both Vogel and Zichroni, who were interviewed in the program, refused to go into details.

Vogel said the matter was still very delicate because of ongoing negotiations regarding Arad's fate.

In Israel, several officials stated Monday that there was nothing new in the documents that Wolfson has unearthed.

But Prime Minister Yitzhak Rabin, speaking after the German television program aired, implied that Israel may have missed some opportunities to learn more about Arad and secure his freedom.

According to a report Tuesday in the Israeli daily Yediot Aharonot, Israeli negotiators have sidestepped the issue of Arad in their talks with Syria, which is widely believed to have information regarding the missing airman.

Maj. Gen. Herzl Bodinger, commander of the Israeli air force, said that nothing he knew of the investigations into Arad's fate bore out the latest report.

Speaking at a news conference regarding Air Force Day, which was to be marked Thursday, Bodinger stated his conviction that Arad is still alive and is being held by a group under Iranian control.

He noted that the interrogation of Dirani was continuing, and he added that Dirani had been the last person to hold Arad on Lebanese territory.

*(Contributing to this report was JTA correspondent Dvora Getzler in Jerusalem.)*

## IMPRISONED SPY LOSES APPEAL FOR RELEASE

TEL AVIV, June 28 (JTA) -- After serving 11 years in prison, an Israeli convicted of spying for the former Soviet Union has lost an appeal for early release.

Professor Marcus Klingberg, 76, formerly a prominent biologist, was convicted in a closed-door trial in 1983 for passing information about germ warfare to Moscow.

Klingberg recently suffered two strokes, and his attorney, Avigdor Feldman, has been campaigning for his release.

But at a hearing at the Ashkelon prison last Friday, a prison review panel upheld a request by state prosecutors to reject the appeal, saying Klingberg "still represents a threat to state security."

Klingberg immigrated to Israel in 1948, shortly after the establishment of the State of Israel. After studying medicine, he was appointed a professor of epidemiology and subsequently rose to the post of deputy head of the Biological Institute in Ness Ziona, near Rehovot.

He disappeared in 1983 while on his way to a scientific convention in Europe. Rumors spread that he had defected to the Soviet Union.

Israelis only learned last year that Klingberg was serving prison time. He has been held in solitary confinement, serving an 18-year sentence.

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Because of the U.S. Independence Day holiday, the JTA Daily News Bulletin will not be published Monday, July 4.

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**LEADERS HOPE WEIZMAN'S CONFERENCE  
WILL ELEVATE ISRAEL-DIASPORA RELATIONS**  
By Cynthia Mann

JERUSALEM, June 28 (JTA) -- Israeli President Ezer Weizman's much-touted, two-day dialogue on changing relations between Israeli and Diaspora Jews was alternately deemed a major historic event or a disappointment.

But those who attended the prestigious gathering of more than 200 intellectual and organizational leaders last week agreed that it was significant for at least elevating the issue on the Israeli agenda.

They also believed it presented an important opportunity for Diaspora Jews and Israelis to call for mutual recognition based on a complex reality instead of myths and outmoded classical Zionist ideology.

Such honesty, they claimed, is a vital part of the new Israel-Diaspora relationship demanded by Israel's growing strength and by a Jewish Diaspora increasingly preoccupied with its own continuity.

Zionist ideology posits Diaspora Jewry as destined for assimilation, anti-Semitism or aliyah, and makes no allowances for a full and secure Jewish life outside of Israel, as speakers noted.

Diaspora delegates made no effort to minimize the crisis of Jewish continuity in their communities and they called for more visits to Israel, especially for youth. But they cautioned that such trips are only a partial antidote and will not result in massive aliyah.

"Israel is not a vaccine (which offers) immunity against assimilation," said Leonard Fein, the Boston-based writer and editor.

Rather, the Americans, in particular, said the primary future of Diaspora Jewry lies in a renewal of Jewish learning and spirituality and an honest relationship with Israelis.

They also repeatedly said that creating new institutions is not the answer to the crisis. They said it is more important to redefine the needs and goals of Israeli and Diaspora Jews and then existing bodies will adapt accordingly.

**Beilin's Suggestions Not Welcomed**

This was a clear reference to the bombshell thrown out the first day of the conference by Deputy Foreign Minister Yossi Beilin, who has repeatedly called for the dissolution of the Jewish Agency and the World Zionist Organization -- the main body that brings together Israeli and Diaspora Jews.

Beilin, who claims these entities have outlived their usefulness, unveiled an alternative plan at the conference for a new, mass membership organization linking Israel and the Diaspora called Beit Yisrael.

Arthur Hertzberg, a historian of both Zionism and American Jewry, responded to such talk of restructuring with, "Let's stop the prattle.

"Yes, the Jewish community should be more democratic, but that won't help the young," he said. "They are voting with their feet and they are moving out."

More than any other speaker, Hertzberg derided the organized Diaspora leadership for its "Jewish illiteracy" and failure to preserve a common Jewish culture that is not based on external threats.

"We can no longer (bank) on Arabs or anti-Semites to keep us Jewish," he said. "Past and present tzuris, immigrant memories and nostalgia, are not enough to fashion a Jew."

Hertzberg urged immediate action modeled on Jewish fund-raising efforts. "We must go out into the Diaspora, to ring bells and say, 'I am looking for my brothers and sisters,' " he said, "not to demand money but to offer help.

"For God's sake," he said, "if the buzzword is 'Jewish continuity,' go out and find the Jews whom you need to continue with!"

Joined by some of the Israeli speakers, notably Orthodox Rabbi David Hartman, the Diaspora representatives also called on Israelis to examine the Jewish content of their own lives.

They warned that living in Israel and loving the land is not enough to maintain a meaningful Jewish identity. They argued that Israeli schools and society must pay more attention to Judaism and to the Diaspora.

"Coming on aliyah is not the (only) issue," said Hartman. It is "how to retrieve the power of Sinai and give Jewish life ultimate significance." The land only has meaning "if it embodies a deep Jewish dream to be a holy people.

The president, whose off-the-cuff, blunt style offered a fresh contrast to the more formal presentations of some academicians, tenaciously resisted the call to give up aliyah as the top priority of the State of Israel and thereby revolutionize relations with the Diaspora.

**Refuses Diaspora His 'Stamp Of Legitimacy'**

At one point he directly challenged a delegate, a medical doctor from Poland. "After what the (Polish people) did to the Jews, why do you want to stay in Poland? As an Israeli, as a Jew, it is very un-understandable to me that after what happened, you stay in Poland."

Indeed, despite repeated pleas from the floor, he refused to give the Diaspora his "stamp of legitimacy." Nonetheless, he said he "recognized" the Diaspora and had convened the dialogue specifically to understand it better. The conference was organized in cooperation with the Foreign Ministry.

Shoshana Cardin, the new chair of the United Israel Appeal and one of the speakers, called on the president and Israel to "respect the integrity of Diaspora communities" and not merely view them as "fodder for aliyah.

"This is an insult," she said.

Cardin also called for the recognition that "American Jewry has played a role for world Jewry in world politics."

But this clearly was broaching sensitive ground. Weizman bristled at another speaker's suggestion that the Israeli government still relies on American Jews to intervene in Washington. "We're big boys now," he said. "We've had our Bar Mitzvah."

"We have halcyon days now," said Alfred Moses, the American Jewish Committee president. "But they are not certain to continue forever."

David Clayman, Israel director of the American Jewish Congress, said, "Nothing that was said was new. But under the auspices of the president, it signaled for the first time that Diaspora Jewry is an issue which concerns the Israeli body politic and is no longer the turf of a specific (body) such as the Jewish Agency."