

NEWS AT A GLANCE

■ **Israeli and Syrian military officials began three days of high-level peace talks in Washington.** Israel Defense Force Chief of Staff Lt. Gen. Amnon Lipkin-Shahak and Syrian Chief of Staff Gen. Hikmat Shihabi met in a closed door, "private" session with U.S. facilitators, a State Department spokesman said. Few details were released. President Clinton is set to meet with the negotiators on Thursday.

■ **Israeli settlers in the West Bank established a new yeshiva at the site of Rachel's Tomb in Bethlehem.** They also expanded two Jewish settlements. The actions were part of an effort to oppose Israeli redeployment on the West Bank as part of an agreement with the Palestinians.

■ **A foremost halachic expert arrived at a way for a young girl whose father secretly married her off to be free from the vow of betrothal her father made.** The ruling by Rabbi Shlomo Zalman Auerbach was issued before his death but only recently was made public. [Page 1]

■ **Jewish groups welcomed a decision by the City University of New York to appoint a new head to the black studies department of City College to replace Leonard Jeffries.** Jeffries won notoriety with anti-Semitic remarks dating back to 1991. [Page 3]

■ **Leaders of the American Jewish Committee met with Polish President Lech Walesa and expressed "disappointment" that he would not criticize his priest for anti-Semitic remarks he delivered in a sermon in Gdansk.** However, Walesa "strongly condemned anti-Semitism" in general, AJCommittee officials said.

■ **Former Supreme Court Chief Justice Warren Burger's death left behind a legacy of decisions relating to church-state separation.** He was especially known for creating the Lemon Test, guidelines to determine when the Establishment Clause has been violated. [Page 4]

■ **An American couple reportedly was killed in the southern Sinai when their car struck a land mine that dated back to wars between Israel and Egypt.** Two Egyptians were badly wounded in the blast.

Discovery of halachic decision frees young girl from betrothal

By Debra Nussbaum Cohen

NEW YORK, June 27 (JTA) — In a dramatic ruling seemingly from beyond the grave, one of the world's foremost experts on Jewish law has declared that a young girl whose father secretly married her off is free from the vow of betrothal her father made.

Rabbi Shlomo Zalman Auerbach, one of the few halachic leaders who could claim authority in almost every corner of the Orthodox Jewish world, died in February 1995.

But in August 1994, several months before he passed away, he ruled that Sarah Leah Goldstein is not bound by the marriage or in need of a Jewish divorce because her father had not produced the witnesses necessary to legitimize his vow.

Sarah's father, Israel Goldstein, of the Borough Park section of Brooklyn, N.Y., had in 1993 revived a long-unused practice called kedusha ketana, in which a man acts as his minor daughter's proxy and marries her off.

Goldstein's act, believed to be the first time that anyone used kedusha ketana in a malevolent way, was part of an effort to punish his estranged wife, sources say. His wife has been trying to obtain a get, or Jewish divorce decree, from Goldstein for five years.

Goldstein, who married off his daughter when she was 11, has refused to name the groom and the two male witnesses required to make a marriage legal.

Word of Auerbach's ruling comes as other Orthodox authorities, including the Council of Torah Sages of the Agudath Israel of America, an organization representing fervently Orthodox Jews, have been issuing statements strongly condemning the practice.

It comes also as the New York district attorney, Charles Hynes, is considering whether to bring charges against Israel Goldstein for endangering the welfare of a minor, and as Gita Goldstein, Sarah's mother, and her attorney consider filing a civil case against him.

'Terrible weapon that's been destroyed'

Despite the outcry, Auerbach was the first widely respected authority to have found a way within halachah, or Jewish law, to invalidate the unions.

His decision is expected to nullify the acts of any men similarly marrying off their daughters and to deter those considering such a step.

"It's a terrible, terrible weapon that's been destroyed" with the Auerbach ruling, said Rabbi Eliahu Rominek of Queens, N.Y., a Torah scholar who brought the Goldstein case to Auerbach's attention last August and authored the legal response that Auerbach approved.

"There are a lot of men waiting in the wings, waiting to see how this plays out, to decide if they'll do it to their daughters," said Rominek in a telephone interview from his yeshiva in Far Rockaway, Queens.

"If Goldstein would be successful" in making his young daughter a married woman, "you'd have an avalanche here" of similar cases, he said.

There is believed to be only one other publicly known case of kedushei ketana, or minor marriages, that has taken place in the last few years — that of Suri and Yossi Sharashefsky's daughter in Brooklyn. However, Yossi Sharashefsky did not have his act validated by a religious court, as Israel Goldstein did.

As a result, several Orthodox rabbis have said they do not consider it to be as serious a concern as the Goldstein case.

Other cases are rumored to have taken place, though no names have been connected to them.

A representative of a secretive group that calls itself the Sholom Bayis Organization said in an interview that the group has distributed hundreds of copies of a booklet called the Kedusha Ketana Handbook explaining how fathers can marry off their daughters.

The group intends to distribute a total of 10,000 copies, said the representative, a man named Yossi who refused to give his last name.

Gita Goldstein, who only learned of the Auerbach ruling through a reporter this week, welcomed the news but remains concerned about its

widespread acceptance. "I am relieved, so relieved. This is like an enormous weight is off me, but I am still concerned that it's not the end," she said from her home in Montreal.

"It's not over, it's not finished because people could still question the validity."

A. David Stern, a New York attorney representing her in two efforts to bring charges against her husband, reacted to the ruling, saying, "It's a wonderful step forward but I don't know whether it will be accepted by the whole Jewish world or whether it will cause dissension."

"I'm concerned that premature elation could be damaging because someone could say, 'It looks like it's solved, let's not get involved,' and all of it will fall through," said Stern, who is Orthodox.

"I don't want premature confidence to cause people to change their course of action by relying on it," said Stern, citing concerns that both the Orthodox and legal worlds would not continue to pursue the issue.

Goldstein said her daughter is also happy that the whole thing is over, though "it's very hard for her to understand this. I try not to go into it too much with her because it's so strange and painful."

Goldstein has sole custody of both her daughter and her son, David Aron, who is 10, because her husband did not ask for custody or visitation or show up for any of their custody hearings, she said.

Attempts to reach Israel Goldstein were unsuccessful.

Gita Goldstein had been working with two Montreal rabbis to resolve her daughter's plight.

In May 1994, the local Montreal rabbis turned to Rominek, a scholar of Torah, for help. Rominek researched the issue, wrote up a teshuvah, or Jewish legal response to the problem, and then asked leading rabbinic authorities, all of whom are based in Jerusalem, to rule on the issue.

"I realized that the only way this could have significance was if I had their backing," said Rominek.

All but Auerbach declined to address the issue, he said.

The posek, or decider of Jewish law, studied the issue for a week and, according to Rominek, on Aug. 7, 1994, told him that the girl is not bound to the marriage.

Authorities lined up to back Auerbach

Auerbach then told Rominek to inform the Montreal community about his decision and to have anyone who questioned it call him in Jerusalem.

Rominek said he told the Montreal rabbis of Auerbach's decision, he said, but they did not spread the word and several months later, Auerbach died.

When the issue of kedu'shei ketana became a widespread concern in the Orthodox world, after the Jewish Telegraphic Agency reported it on May 16, Rominek began again checking into the matter and found that the decision had not been promulgated.

Because Auerbach did not write his own response, or sign Rominek's, there were concerns that some in the Orthodox world would question the validity of the sage's position. So they lined up other prominent authorities to verify the position Auerbach had taken.

Auerbach's secretary, Rabbi Elimelech Cooperman, and son, Rabbi Baruch Auerbach, are publicly attesting to Auerbach's position, according to Rabbi Gedalia Dov Schwartz, who is publicizing the teshuvah.

Schwartz is the head of the religious court connected to the Rabbinical Council of America, the largest Orthodox rabbinical association in America.

Two other prominent rabbis — Zalman Nehemia Goldberg, Auerbach's son-in-law and a judge on the Jerusalem Bais Din, and Moshe Sternbuch, a member of

the Edah Hacharedis, or fervently Orthodox community — concurred with the halachic position about kedu'shei ketana, according to a statement.

They have written their own treatises on the topic, Schwartz said.

Rominek said he feels confident that Auerbach's decision will not only free Sarah Leah Goldstein from a life of misery, but that it will also deter other men from trying the same thing.

"I expect it to be authoritative throughout the frum (religious) world," he said.

"You'll always have some people griping, but overwhelmingly, it will be received with great joy and confidence." □

Jordanian official: Public disappointed with peace pact

By Naomi Segal

JERUSALEM, June 27 (JTA) — Disappointment with the results of the Israeli-Jordan peace treaty is growing in Jordan, a political source from Amman has told Israeli officials.

The Israeli daily Ha'aretz identified the source as a Foreign Ministry official.

"We are far from peace," he reportedly told Prime Minister Yitzhak Rabin in a letter.

The source said last week that criticism has been growing in Amman due to recent steps taken by Israel regarding the Palestinians, including the closure of the territories and activities in Jerusalem.

Israel's decision to suspend the planned land expropriations in eastern Jerusalem was positive and averted a crisis, the source said.

"Even moving a single stone in Jerusalem unites the Muslim world against Israel and against peace," he said.

The message, in which the official wrote about the growing opposition in Parliament to peace with Israel, said 23 of 80 members in the House of Deputies are opposed to the treaty.

Meanwhile, a minister in the Jordanian government reportedly resigned over his reservations about peace with Israel.

Ibrahim Izzedine, minister of state for prime ministerial affairs, is a liberal pan-Arabist.

In addition, the Ha'aretz article cited a report from Israel's ambassador in Amman, Shimon Shamir, who said even though King Hussein and Crown Prince Hassan are committed to the peace process, there is disappointment and disgruntlement among the Jordanian public, which has yet to see the economic fruits of the peace treaty.

Despite this pessimistic assessment of the current state of relations, other Israeli officials just back from Amman said they drew an altogether different conclusion.

"Frankly, I was surprised by the newspaper report," said Jacques Neria, head of the Histadrut trade federation's international division.

Neria had accompanied Histadrut Secretary-General Haim Ramon to meetings with political leaders in Amman.

The trade federation leaders went to Amman to discuss resistance from their Jordanian counterparts to associate with Israel. They said they received assurances that relations would improve.

Neria acknowledged Jordanian anger over the land expropriations, but said the tension dissipated once Israel suspended them.

Neria said he got positive impressions from official meetings as well as from people on the street.

The Jordanian Parliament was scheduled to repeal anti-Israel legislation, he added. □

Who's in charge at Chabad? Secret notes help shed light

By Debra Nussbaum Cohen

NEW YORK, June 27 (JTA) — When the Lubavitcher rebbe died June 24, 1994, without naming a successor, the question in the minds of many was: Who would run the movement?

The childless Rabbi Menachem Mendel Schneerson left no obvious successor and never groomed or named someone outside his family.

Fractionousness and in-fighting among his aides over decisions as central as the medical care of their ailing leader heightened the uncertainty about Lubavitch's future leadership.

A year later, most of the rebbe's followers and those in charge of the organizations he established have used his earlier opinions as guidance.

They have made decisions, both personal and institutional, based on their interpretations of the vast amount of written literature and video and audio recordings the rebbe left.

When it comes to important new decisions, the answer as to whom is in charge may best be illustrated by how a decision was made on the disposition of three notebooks that were discovered after the rebbe's death.

The notebooks, which date back to 1932, are filled with hundreds of pages of Schneerson's handwritten thoughts and analyses on matters ranging from Torah to astronomy.

His aides had known of the existence of two of the notebooks, but not their whereabouts.

The discovery of the third notebook came as a complete surprise.

A few weeks after the rebbe's death, Rabbi Yehuda Krinsky, the rebbe's longtime aide, spokesman and executor of his will, found the notebooks while sorting through the contents of a file cabinet in the room in which the rebbe lived and worked.

"I knew it was a treasure of incalculable value," said Krinsky.

"It was like digging and digging and then finding a diamond."

The pages of handwritten notes "shed light on the rebbe in the early years, what he was immersed in, which there was previously little information on," he said.

The rebbe wrote down his thoughts and insights while he was in Warsaw, in Paris and in Nice, France, addressing issues in Jewish literature and customs, in mathematics and medicine.

One essay sheds light on his thoughts as prepared to immigrate to the United States.

Genius of the rebbe in his early years

In the spring of 1941, when the rebbe was 39, he was waiting with his wife in Lisbon to board the boat that would take them to New York.

The day before they embarked, he wrote an essay explicating the Talmudic requirements of those required to recite "Gomel," a special prayer of thanks to God for travelers.

"You see the genius of the rebbe in his early years. They weren't necessarily things he spoke about in his later years," said Krinsky.

Krinsky brought the find to the board of the Agudas Chassidei Chabad (Union of Chabad Chasidim), the policy-making body for the Lubavitch movement, which is also the beneficiary of the rebbe's estate.

Agudas Chassidei Chabad still lists the rebbe as president, and the chairman as Rabbi Chaim Hodakove, who died in 1993.

Rabbis Krinsky and Nissan Mindel are its officers. Together, they and the other 20 members of the board looked over the treasure of the handwritten pages.

They decided, by consensus, to publish it in parts as it was analyzed and notated, rather than wait for all the volumes to be completed, which could take years.

They assigned four young scholars to the task and so far, have published 10 Hebrew-language pamphlets.

The 11th was released last Friday, in honor of Monday, June 26, the anniversary of the day in 1941 that the rebbe arrived with his wife, Chaya Mushka, on American shores.

A translation into English is planned for the near future.

Krinsky also found diaries from the 1920s, when the rebbe was a young married man.

The diaries are full of reflections on what his father-in-law, Rabbi Yosef Yitzchak Schneersohn, who was then the head of the Lubavitch sect, said on various Torah-related topics.

In addition, there are letters written to leading Torah scholars dating even further back, when the man who would eventually be considered by many to be the leading religious figure in the Jewish world was just a teenager.

Some of them have already been published, Krinsky said. □

Jewish groups welcome different role for Jeffries

By Larry Yudelson

NEW YORK, June 27 (JTA) — Leonard Jeffries has finally pleased Jewish groups.

Jeffries, who has headed the black studies department of the City College of the City University of New York since 1972, has reportedly decided not to seek another term in the post.

On Monday evening, the department's faculty elected Professor Moyibi Amoda to succeed Jeffries.

Jeffries won notoriety and the enmity of Jewish groups after a 1991 speech described as "blatantly bigoted" by officials of the Anti-Defamation League.

In the speech, Jeffries said Jews were central to the slave trade and described a fellow professor as "the head Jew at City College."

Jeffries also described "a conspiracy" between Russian Jewry and the mafia in Hollywood, in which the parties "put together a system of destruction of black people."

City College refused to renew his chairmanship in 1992, but Jeffries won a court order reinstating him.

The order was finally overturned in April by an appeals court, after the Supreme Court last November permitted government bodies to dismiss employees for inflammatory statements.

Jewish groups welcomed the development concerning Jeffries.

"We're certainly pleased that he is no longer in the position of spokesman for the academic community affiliated with City College," said Phil Baum, executive director of the American Jewish Congress.

In a statement, ADL similarly announced that it is pleased that Jeffries will not be reappointed.

"The board's decision finally puts some closure to the controversy surrounding Professor Jeffries' chairmanship," said Sanford Schlesinger, chair of ADL's New York Regional Board, and Anita Sher, director of its New York regional office.

Jeffries will continue as a tenured professor at City College. □

Justice's death leaves legacy of church-state legal decisions

By Jennifer Batog

WASHINGTON, June 27 (JTA) — When former Supreme Court Chief Justice Warren Burger died, he left behind a legacy of decisions on religious freedoms and a lightning rod for testing breaches of the wall separating church and state.

Burger, a Nixon appointee who retired in 1986 after 17 years as chief justice, died Sunday. He was 87.

Although later in his career Burger seemed to move away from the separationist point of view he showed early on, legal observers say he left the court important guidelines to determine when the Establishment Clause, the constitutional provision for church-state separation, has been violated.

Known as the Lemon Test, the three-part manual on Establishment Clause violations rose out of a 1971 case, *Lemon vs. Kurtzman*, which combined two prior cases in one landmark decision.

Those cases involved a Pennsylvania lawsuit against a statute permitting the state to pay parochial schools to teach secular subjects, such as math or science, and a Rhode Island case, which challenged a law allowing the state to pay part of the salary of parochial school teachers who taught secular subjects in schools serving poor students.

In his majority opinion, Justice Burger wrote that in order to be constitutional, a practice must have a secular purpose, cannot advance or inhibit religion and cannot foster excessive government entanglement.

In the decision, the court found that both state measures violated the Establishment Clause, due to excessive government entanglement.

Although the future of the Lemon Test is uncertain under an increasingly conservative Supreme Court, it has served as a useful guidepost in a number of cases in the nearly 25 years since its inception, both in the Supreme Court and in the lower courts, legal scholars say.

Has had an impact on cases

Even those legal experts who say the Lemon Test was merely a codification of already existing principles acknowledge that the ruling has had an impact on important religious cases.

In one such case, *Wallace vs. Jaffree*, the Supreme Court in 1981 used the Lemon Test to strike down an Alabama state moment-of-silence ordinance. The court ruled that the law's sole purpose was to promote religion, which violated the test's second part.

The court also used the Lemon Test to abolish a program in which public school teachers taught academic subjects in parochial schools in *Aguilar vs. Felton*. In that 1985 decision, the court said the program constituted an excessive entanglement between government and religion.

The test has also been used to uphold some practices in which no violations occur.

This was true in the 1983 case, *Mueller vs. Allen*, when the court used the test to show that a Minnesota law providing state income tax deductions for tuition, textbooks and transportation for parents of children at any school, including parochial schools, was constitutional. The court said the deduction did not violate any of the test's standards, and was allowed to remain.

In the broader sense of church-state separation and the law, legal scholars say the Lemon Test clarified the court's stand on the issue, giving both critics and supporters of boundaries between church and state a tool with which to fight their battles.

"At the time, it was a striking reaffirmation of the

principles of separation," said Marc Stern, the American Jewish Congress's co-director of legal affairs.

Many in the Jewish community, including AJCongress, have been strong advocates of a strict separation of church and state.

When the *Lemon* case came about, the court had recently struck down school prayer, and was just beginning to debate aid to parochial schools, Stern said.

"Burger arrived at an opportune moment to set the standard," he said.

"The three-part test sort of became the Cliffs Notes of the Establishment Clause, and symbolized in the public mind that degree of separation," he added.

Clear rules about what violated the Establishment Clause helped those who favored a high wall between church and state win court cases, Stern said.

"There's no question after *Lemon* we were winning many cases and that continued for about 10 or 11 years," Stern said.

Has become a vehicle for criticism

At the same time, the Lemon Test became a vehicle through which political opponents of church-state separation could criticize the court, he said.

Although Burger was inconsistent in his decisions, sometimes ruling against his own test, he still left behind a strong legacy on church and state, said Richard Foltin, legislative director for the American Jewish Committee.

"I think the good thing Burger did was to show that one can be moderate and conservative and still take the need for separation of church and state seriously, and that one should see commitment to the Establishment Clause" not as a position taken by either liberals or conservatives, but true to what the First Amendment is all about, said Foltin, who provided summaries of the court decisions.

But John Harrison, a University of Virginia law professor who specializes in constitutional law, cautioned against overestimating the test's effect on religious cases.

The test moved the Supreme Court of its time toward more separationist views, he said, but it did not make as big a difference as people might think.

"It set the terms for the argument in the court more than it really directed the way a case came out," Harrison said.

Several observers noted that in deciding recent cases, the Supreme Court has relied more on precedents set in other cases than on Burger's test.

In addition, as the court has become more conservative, it has begun moving away from a strict separationist point of view, Harrison said.

Some current justices, including Antonin Scalia and Sandra Day O'Connor, have questioned the Lemon Test's validity, Harrison said. They want to either do away with the test altogether or change it, he said.

Still, whatever the Lemon Test's fate, it did serve to "erect a fairly high wall of separation of church and state," said Herman Schwartz, a law professor at American University. "It's been useful," he said of the test. □

Suspect held in Turkish car bombing

NEW YORK (JTA) — Turkish police have a suspect in connection with the car bombing of the president of the Ankara Jewish community, Yuda Yurum, the Turkish news agency Anatoliya reported.

Ismet Kalizir, who is being held in Ankara, reportedly has ties to Islamic fundamentalist movements. He was captured in Izmir, Turkey, after he reputedly claimed responsibility for the attack.

The attack, though not serious, was the latest in a series of terrorist incidents aimed at Turkish Jewry. □