



## NEWS AT A GLANCE

■ Israelis cast their ballots for prime minister and Parliament in what is considered a fateful vote on the future of the Middle East peace process. Shimon Peres was neck-and-neck with Likud rival Benjamin Netanyahu in the race for the premiership, according to unofficial exit polls.

■ The U.S. foreign aid bill cleared a major legislative hurdle Wednesday when the House Appropriations Committee approved the \$11.9 billion measure. The bill, which would spend \$200 million less than this year's aid package, includes \$3 billion for Israel and \$2.1 billion for Egypt.

■ Security around Prime Minister Shimon Peres was stepped up and his last-minute election day appearances were canceled after security forces received warnings of an attack by Jewish extremists.

■ A former chief of the Nazi-sponsored Lithuanian security police was stripped of his U.S. citizenship when a federal judge issued a summary judgment. The U.S. Justice Department's Office of Special Investigations, which prosecuted the 88-year-old Aleksandras Lileikis, said its next goal was to deport him.

■ A Hamas leader in the Gaza Strip said the military arm of the Islamic fundamentalist movement agreed not to carry out terrorist attacks against Israeli targets, despite opposition from Hamas leadership abroad.

■ Two Israel-allied South Lebanon Army soldiers were killed in a roadside explosion near their patrol in the central sector of the security zone. Hezbollah claimed responsibility for the attack.

■ Jews praying in an egalitarian minyan at the Western Wall in the early hours of Shavuot morning were verbally and physically attacked by fervently Orthodox men and boys, according to participants in the prayer group. One of the participants said haredi men shouted at members of the egalitarian minyan, booing and yelling and calling members of the mixed group sinners.

## NEWS ANALYSIS

### Orthodox, immigrant parties emerge as only certain winners

By David Landau

JERUSALEM (JTA) — Israel's Orthodox parties and Natan Sharansky's immigrant-rights list looked to be the only certain winners in this week's national elections in Israel.

The critical race for prime minister between Shimon Peres and Benjamin Netanyahu was too close to call as the election count seesawed throughout Wednesday night.

Which man will become prime minister may not be known until the weekend, when the final tally of the soldiers' vote is known.

But whoever wins in the race that was seen as a referendum on the peace process will have to pull together a large number of parties in order to secure a viable majority in the Knesset.

It remains to be seen whether a government forged with the support of smaller parties will be workable and stable over the long term.

The real winners appeared to be the Orthodox parties, which combined scored a stunning 22 seats, up from 16 in the outgoing Knesset.

Sharansky's Yisrael Ba'Aliyah Party won a predicted seven seats.

In contrast, both Labor and Likud lost a large number of the seats they held in the outgoing Knesset to the smaller parties.

If Netanyahu proves victorious, his coalition would probably include all three Orthodox parties: the National Religious Party as well as the fervently Orthodox parties, Shas and United Torah Judaism.

It would also likely include Yisrael Ba'Aliyah, the Third Way and possibly the ultrarightist Moledet.

The Third Way, under Avigdor Kahalani, had three seats predicted, as did Moledet.

If Peres emerges as the winner, his coalition would likely include at least two Orthodox parties alongside the secularist Meretz and the Arab lists.

But Peres would also likely include in his coalition Yisrael Ba'Aliyah and the Third Way.

As the television predictions seesawed between the two prime ministerial candidates, politicians on both sides were to be heard questioning the efficacy of the new electoral system.

The system, by permitting Israelis to split their vote for the first time in separate ballots for prime minister and the Knesset, has clearly produced a proliferation of middle-sized parties while whittling down the strength of the two major parties.

Some see this as a step toward the evolution of an Italian-style, multiparty structure with all its inherent instability.

### Poised to wield even greater power

The Orthodox parties, which have often played the role of kingmaker in the coalition-building process, appear poised to wield even greater power this time around.

With a third of the votes counted, the Shas Party was proven to be a major success of the election, having appeared to have captured nine or 10 seats, compared to six in the outgoing Knesset.

The National Religious Party, made up primarily of religious Zionists, also appeared to have increased its share of the vote, from six seats in the outgoing Knesset to nine seats in the new one.

The third Orthodox party, United Torah Judaism — which includes Agudat Yisrael and Degel HaTorah — retained its four seats.

Moledet is also a largely Orthodox-supported party: Its No. 2 man is Rabbi Benny Elon, a prominent settler leader and yeshiva head.

One of the most significant aspects of the preliminary results, in the view of political observers, is the severe trouncing that was meted out to the Likud and its rightist allies.

Likud decreased its power from 40 to 31 seats, which is particularly significant since Likud combined with the Tsomet Party of Rafael Eitan, which in 1992 scored eight seats of its own.

In the outgoing Knesset, Likud, Tsomet and Moledet together held 51 seats. The National Religious Party, with another six, firmly allied itself with

the right. In the new Knesset, Likud-Tsomet and Moledet account for merely 34 seats — and the NRP has made it clear that it is open to offers from Peres.

However, more than a few Labor Party officials foresaw the possibility earlier in the week of Peres losing.

Indeed, a sense of gloom and doom had deepened in the Labor Party camp as the week progressed.

The opinion polls published daily in the runup to the vote showed a steady and ominous shrinkage of the 4 percent to 6 percent lead that Peres had held over Netanyahu during April and much of May.

The turning point in the campaign seemed to occur Sunday, when Peres came off worse in a televised debate than the debonair and articulate Netanyahu.

Peres looked haggard and sounded vague in the debate, compared with the polished television performance turned in by his rival.

The next morning, Rabbi Eliezer Shach and a number of leading Chasidic rabbis endorsed Netanyahu.

This immediately sent thousands of fervently Orthodox yeshiva students into the streets, and many towns quickly took on an aspect of vigorous and high-profile campaigning for the Likud leader.

Increasingly, as the week wore on, Peres seemed to slip in the public standing, with the gap steadily and ominously narrowing.

Lubavitch Chasidim mounted a vigorous campaign in the days just before Wednesday's voting, telling the electorate from thousands of billboards and hundreds of thousands of fliers that Netanyahu was "Good for the Jews."

Labor campaign managers hoped that this message, plainly directed against the Arab voters, would boomerang.

Peres, meanwhile, had clearly banked on the support of the support of the Arabs to boost his prospects.

The Arabs gave Peres and his party campaign managers much to worry about during election day.

Their turnout figures for much of the day were lower than the Labor Party had hoped for.

Peres and Meretz leader Yossi Sarid looked alarmed mid-afternoon as the voting figures were reported.

But by the evening, the Arab voters came to the polling stations in droves.

Labor and Arab party activists succeeded in busing and driving tens of thousands of late voters to the voting booths, signaling a potentially higher Arab turnout than ever before.

For their part, some of the Arab parties did well, according to preliminary figures.

Hadash went from three to four seats in the new Knesset and the Arab Democratic Party-United Arab List won three. □

## Supreme Court justice outlines view on government and religion

By Debra Nussbaum Cohen

NEW YORK (JTA) — Supreme Court Justice Antonin Scalia has made clear his desire to lower the wall that separates church and state in this country.

In an address at the Jewish Theological Seminary of the Conservative movement last week, Scalia spoke on "Realism in the Religion Clauses of the Constitution."

The Constitution's First Amendment states that "Congress shall make no law establishing religion or prohibiting the free exercise thereof."

The first part of that amendment is known as the Establishment Clause and the second part is known as the Free Exercise Clause.

Scalia, who has firmly placed himself in the conservative camp of the court, defined himself as a "strict

textualist" and made clear his desire to expand government's endorsement of religious practices, as long as they are, in his view, non-discriminatory.

"The founders desired to encourage religion, not just allow its embrace in a non-discriminatory way," said the Reagan appointee to the court.

A devout Catholic and father of 10 children, one of whom was recently ordained a Catholic priest, Scalia also said constitutional jurisprudence should rely more heavily on tradition.

"I could do a 'Fiddler on the Roof' bit here: Tradition!" he quipped.

The things that constitute tradition do not evolve, said Scalia.

"To say tradition evolves stops the Constitution from doing what it is supposed to do, which is to stop future generations from changing a few things here [and there] which are meant to be static," he said.

"The framers put in a Bill of Rights because they wanted to prevent change," he said.

But the way Scalia defined non-discriminatory and non-sectarian was quite different than the way many in the audience of about 150, most of whom were students from the seminary and from a nearby law school, defined it.

The justice dissented from the Supreme Court's majority in the 1992 case Lee vs. Weisman, in which a Jewish student and her family contested her Rhode Island public high school's invitation to a member of the clergy to offer a prayer at graduation.

In this case, the clergyman happened to be a rabbi, who at her graduation recited an English translation of the Jewish prayer of thanksgiving known as the "Shehechyanu."

The court, in a 5-4 decision, narrowly ruled in favor of the Weisman family.

But Scalia said the prayer qualified as non-sectarian because "it was not a prayer uncongenial to any other religion."

Although it was a Jewish prayer, "there were no sectarian elements," he said.

But some took issue with his definition of non-sectarian.

According to Rabbi Neil Gillman, a professor at JTS, "I have problems with the notion of a tradition as he defines it.

"There is more of a tension between modernity and tradition than the justice wants to permit.

"It's very striking that this position was presented at the seminary, where we struggle with the tension between the claims of tradition and the claims of modernity."

### 'Invoking tradition selectively'

Scalia has "an incredibly narrow definition of sectarianism," said Nadine Strossen, president of the American Civil Liberties Union, whose constitutional philosophy is about as different from Scalia's as any legal expert's could be.

"To say that a Jewish prayer is non-sectarian is really strange. By his definition, if there had been a religious reading straight from Torah, that would be prohibited, but a paraphrase of the same reading would not," she said.

"The notion of invoking tradition selectively as he does upholds the tradition that he likes and rejects those he doesn't," said Strossen.

Despite the distance between their views, Strossen laughed heartily along with the rest of the audience throughout the speech by the Supreme Court justice, who peppered his presentation with witty asides and self-deprecating remarks. □

## BEHIND THE HEADLINES

### Israelis eagerly cast votes in pivotal election face-off

By Michele Chabin

JERUSALEM(JTA) — Relieved that the campaign season is finally over, Israelis went to the polls Wednesday to decide their country's future.

Although the atmosphere on the street was festive on Israel's Election Day 1996, the issues on voters' minds were far from lighthearted.

It appeared that just about everyone was preoccupied with the weighty issues of peace and security.

In a random survey of voters, most called this year's elections "pivotal" and "the most important elections in the history of the state."

This opinion was shared by Israelis from all walks of life, from Jerusalem neighborhoods as diverse as the fervently Orthodox neighborhood of Geula to the Arab neighborhood of Sheik Jarrah in eastern Jerusalem.

Most of those interviewed said the choice between the Labor Party's Shimon Peres and Likud challenger Benjamin Netanyahu in the race for prime minister could be the most significant ballot they would ever cast.

"We consider these elections all-important," said Barak, a Chasidic man who, like many of those interviewed outside polling stations, did not wish to give his last name.

He said, "In previous years, many haredim did not vote because they did not want to support a secular government.

Now, though, the rabbis have instructed us to vote because the danger of losing land [in a peace settlement] is so great.

"We've been instructed to vote for Bibi [Netanyahu], but most people will also vote for haredi parties like Agudat Yisrael" in the separate vote confronting the electorate for the incoming Knesset.

Sari Genzer, who is from the fervently Orthodox Jerusalem neighborhood of Sorotzkin, also spoke of the significance of the electoral choices facing voters in the Jewish state.

"There has never been a more important vote, and I honestly believe that my vote will make a difference in deciding our new government," she said.

Genzer, who has four children, said, "I see how children become wild, do drugs and make trouble. I want a government that is strong not only in the area of national security, which is important to me, but also when it comes to educating our children.

"I'll be voting for Bibi and Agudat Yisrael, not because I don't think Bibi won't give up land, but because he won't be as quick to hand things over as Peres will.

"The Arabs have many places to live in the Middle East, but we have just one."

### Feelings of frustration

Amal, a 24-year-old Arab resident of eastern Jerusalem, said she voted for Peres and Labor "because they are on the road to peace."

Noting that many in her Arab village are not Israeli citizens and are therefore not eligible to vote, she said, "I know many, many people who would like to vote, but they never took out citizenship and they're feeling frustrated. I'm pleased I have an Israeli passport."

Amal said she is definitely in favor of the creation of a Palestinian state, a view shared by the vast majority of Palestinians.

But Samel, an eastern Jerusalem resident originally from the Galilee, did not share this opinion.

Interviewed just outside the large polling station in

Sheik Jarrah, the young man said, "I don't want a Palestinian state. I'm an Israeli and proud of it.

"I came to vote today because I had to support my country, and the only way to improve it is to work from within.

"It won't come as a surprise that I voted for Peres and Labor.

"Netanyahu will only make matters worse."

After a last-minute push by candidates of all political stripes to gain voters this week, election day was a quiet one with little outward political fanfare.

Earlier in the week, when pollsters began to note a dwindling margin in the race between Peres and Netanyahu for prime minister, the two candidates stepped up an already punishing schedule to meet with those segments of the electorate deemed crucial for victory in the tight race: Israeli Arabs, Russian immigrants and the fervently Orthodox.

But things calmed down by Tuesday because Israeli law prohibits campaigning in the 24 hours preceding national elections.

By Wednesday, when people made their way to the thousands of polling stations located in schools and municipal buildings throughout the country, the only campaign leftovers were huge blue-and-white banners, courtesy of Likud and Labor, and hundreds of thousands of leaflets littering the streets and sidewalks.

Because schools and most businesses were closed, many parents voted early, then took the kids on a daylong outing.

The result was that Jerusalem seemed half-empty, while the beach towns and national parks were filled to overflowing.

### 'Should we return the Golan?'

Discussing the election process with her young son as they waited to be admitted to a polling station in the German Colony in western Jerusalem, Rachel Bar-Natan, an archaeologist, termed Wednesday's elections "especially important."

"This is the first time we're voting directly for a prime minister, and we have to decide crucial issues: How or should we continue the peace process? Should we return the Golan?

"Will there be a separate Palestinian state or a confederation with Jordan?"

Glancing at her son, she said, "We're deciding on the future of our country for years to come. I'd prefer not to say how I'll be voting, but believe me, I've given my decision a lot of consideration."

Yelena, a first-time voter from the former Soviet Union, said she, too, had spent a great deal of time deciding for which candidate and party she would cast her vote.

Yelena, who was sitting on a bus on the way to her polling station, said, "I moved yesterday, but am traveling back to my old address because I think it's important to vote.

"I'm in the country about four years and I feel that this is my home. If I don't vote, how can I decide the future?"

Although Yelena did not indicate which prime ministerial candidate she would support, she did specify the political party she would back in the separate race for the Knesset.

"I'm backing Natan Sharansky's [pro-immigrant Yisrael Ba'Aliyah Party] because then there will be some people in the government who will be looking out for my interests.

"In the final analysis, that's what every voter is looking for, don't you think?" □

## BEHIND THE HEADLINES

**As graduation season begins, Utah student presses her case**

By Daniel Kurtzman

WASHINGTON (JTA) — One year after standing up against Mormon prayer enthusiasts at her Salt Lake City high school, Rachel Bauchman's legal battle is far from over.

Last spring, Bauchman, who is Jewish, won a court order forbidding her school choir from singing religious devotional music at the school's graduation ceremony.

But a defiant choir went ahead and prayed anyway.

As Bauchman and her mother got up to leave, parents and students in the audience jeered and spat at them.

In February, the 10th Circuit Court of Appeals ruled that school administrators who failed to implement the court order were not in contempt of court.

But now, as a U.S. District Court again weighs Bauchman's complaint, which alleges that the school's choir class violated her constitutional rights by continuously performing religious songs, Bauchman remains adamant in her defense of the principle of church-state separation.

"I somehow got through that awful time of my life and I'm now more determined than ever not to give up," Bauchman, now 17 and a junior, told a group of Jewish high school students gathered in Washington recently for a program organized by the Washington Institute for Jewish Leadership and Values.

"Nobody should be put through what I was put through in their own public school."

As the religious right continues to whittle away at the barriers between church and state in America, Bauchman's case has become one of many flashpoints in the debate over prayer in public schools.

The issue is all the more timely with the onset of graduation season, when the question of prayer at commencement ceremonies is debated in communities across the country.

The debate points to a widening rift between those who stand behind the First Amendment freedom to exercise their religion and those who stress the First Amendment's protections against any form of government-imposed religious practice.

**Devotionals praising Jesus**

Bauchman's struggle began during the 1994-1995 school year, when Bauchman's choir teacher, Richard Torgerson, announced the repertoire for a Christmas concert.

It consisted mostly of contemporary Christian devotionals praising Jesus.

In addition, she said, he proselytized during class, explaining the meanings of songs by asking students to envision Jesus "dying for our sins."

"I didn't feel as a Jew I could honestly and in good conscience sing these particular songs," Bauchman said.

She decided to attend the predominantly Mormon school because it was the only school in Utah that offered a baccalaureate program designed to let students enter college as a sophomore.

Joining the a capella school choir seemed a natural move, she said, because she had sung soprano in school choruses since the first grade.

Bauchman voiced objections to the Christian repertoire, but Torgerson and school administrators refused to accommodate her concerns, suggesting instead that she sit in the library during choir practice.

Life quickly became a nightmare. "I was elbowed in the hall, had obscenities yelled at me and vicious rumors and lies were spread about me," she said.

Classmates called her "dirty Jew" and told her to go back to Israel.

When she ran for class president, students scrawled swastikas on her posters. They said Hitler didn't finish the job.

"It is nothing short of criminally negligent that no one blew the whistle at any of those students who called her a 'dirty Jew' or 'Jew bitch,' who drew swastikas on her posters, who spat at her in the name of Christianity at a public concert," said Lisa Thureau, executive director of the National Committee for Public Education and Religious Liberty, which has assisted Bauchman in her legal challenge.

The controversy culminated last spring when what Bauchman called "religious" songs — the contemporary Christian devotional "Friends" as well as "The Lord Bless You and Keep You" — were selected for the graduation ceremony.

When Bauchman was told her that attendance at the ceremony was mandatory, she filed a complaint in U.S. District Court and — on appeal — won a temporary restraining order against the songs.

But the students rebelled and belted out "Friends" anyway as most in the audience chimed in.

"Friends" includes the lines: "Friends are friends forever if the Lord's the Lord of them," and "In the Father's hands we know that a lifetime's not too long to live as friends."

In a state where the overwhelming majority of nearly 2 million residents belong to the Church of Jesus Christ of Latter-day Saints, more commonly known as the Mormon Church, Bauchman and her family last year became the focus of unmitigated public outrage.

They received nearly 200 harassing phone calls, she said, and the FBI has been investigating a death threat.

"I've lived in Texas, Connecticut and New York without any problems," she said, "but it took a teacher and his students from Utah to show me what bigotry is all about."

Exhausted, Bauchman dropped choir class this year, but plans to take it up again next year, saying, "I, as a Jew, am not going to sit by and be trampled in a teacher's quest for religious salvation."

Last September, U.S. District Court Judge J. Thomas Greene dismissed Bauchman's complaint, saying that the allegations did not amount to a violation of the Constitution.

But he has since allowed Bauchman's attorneys to present him with new evidence, which he is now considering.

**Wants an apology**

Bauchman said she intends to press her complaint until she receives an apology from school officials, her choir teacher is punished and a review committee is established to set guidelines for choral music.

What will happen at June's graduation ceremony at West High School in Salt Lake City, meanwhile, is anyone's guess.

Last August, school officials, who have declined to speak to the media about the matter, said it would prohibit any endorsement of religion and allow students to skip activities that violate their "rights of conscience or religious freedom."

Exactly what that means remains unclear.

Whatever tone the choir takes on this year, Thureau said, "I'm just glad Rachel won't be there to get harassed." □