



NEWS AT A GLANCE

■ **The U.S. Supreme Court struck down as unconstitutional the 1993 Religious Freedom Restoration Act.** One Jewish leader described the 6-3 decision as one of "the worst mistakes this court has ever made." [Page 1]

■ **An Orthodox Jew was sentenced to 10 years in prison for planting a pipe bomb at a Florida Jewish synagogue where former Israeli Prime Minister Shimon Peres was scheduled to speak.** [Page 2]

■ **The U.S. Senate voted to extend eligibility for welfare benefits to all legal immigrants who become disabled in the future, provided they were already living here when the welfare reform bill was enacted last August.** Senate negotiators are slated to meet next week to merge their bill with a House version that does not include the extended benefits.

■ **The U.S. Senate voted to require managed-care providers that administer Medicaid and Medicare benefits to offer sectarian nursing home care.** The measure, backed by the Council on Jewish Federations, would give nursing home patients access to Jewish nursing homes even if they are not in their network.

■ **A committee of the Central Conference of American Rabbis recommended that the body allow its members to perform same-sex marriages.** Some Reform rabbis already officiate at such ceremonies. The policy will come up for a vote at next year's convention. [Page 3]

■ **Israeli Prime Minister Benjamin Netanyahu delayed reshuffling his Cabinet amid reports that Foreign Minister David Levy might quit his post.** Netanyahu survived a no-confidence motion in the Knesset on Tuesday despite the deliberate walkout of key members of his governing coalition. [Page 2]

■ **Forensic auditors will soon begin investigating all Swiss banks believed to be holding World War II-era dormant accounts, Paul Volcker told the House Banking and Financial Services Committee.** Volcker also said the names on all such accounts would be published shortly.

BEHIND THE HEADLINES

Supreme Court blow against RFRA is dubbed justices' 'worst mistake'

By Daniel Kurtzman

WASHINGTON (JTA) — The U.S. Supreme Court's decision to strike down as unconstitutional a 1993 federal law aimed at curbing governmental interference in religious practice is a devastating blow to Jews and other religious communities.

The justices, in a 6-3 decision, said Congress usurped power from state and local governments — and from the Supreme Court itself — when it enacted the Religious Freedom Restoration Act, commonly known as RFRA.

The move wipes out one of the Jewish community's crowning legislative achievements.

Jewish organizations across the political and religious spectrum had been instrumental in pushing the legislation through Congress, and they had hailed its enactment as one of the most important developments for religious liberty this century.

Still, word of Wednesday's decision hit Jewish leaders — indeed, religious leaders and civil rights advocates everywhere — with unusually blunt force.

"It's sort of like one of your children getting killed," said Marc Stern, co-director of the American Jewish Congress' legal department.

"There is now no more federal protection for religious practice," he added. "That hasn't been the case in two generations."

Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism, called the decision one of the "worst mistakes this court has ever made."

The decision comes two days after the high court, in another closely watched church-state case, ruled that public school systems can send teachers into parochial schools to offer remedial instruction.

But unlike the decision in *Agostini vs. Felton*, which may indicate greater acceptance among the justices for other forms of federal aid to religious schools, the RFRA ruling provides no further insight into the court's attitude toward church-state issues, legal analysts said.

Decision limited to separation of powers

The decision, instead, was limited to questions surrounding the nature of federalism and the separation of powers.

"We take comfort in the fact that, in light of the decision in the *Agostini* case, the court does appreciate the role of religion in American society and that it apparently viewed" the RFRA case "as one strictly confined to the separation of powers in our federal system," said Nathan Diamant, director of the Orthodox Union's Institute for Public Affairs.

The RFRA decision centered on the case *Boerne vs. Flores*, which involved a dispute between a small Texas town and the local Roman Catholic Church.

The church had invoked RFRA after city officials denied an application for the church to expand into the city's historic district.

The church argued that the city's refusal to issue a building permit was an example of governmental action banned by the law.

City officials responded by launching a constitutional attack on RFRA.

Under the 1993 law, passed nearly unanimously in Congress and signed into law with strong support from President Clinton, federal, state and local governments were required to show a "compelling" interest before interfering with the practice of religion. Even then, the law requires governments to adopt the least restrictive means possible.

Congress enacted the law in response to a 1990 Supreme Court ruling which said laws that otherwise are neutral toward religion can be valid even if they infringe on some people's religious beliefs.

In its ruling this week, the high court decided that Congress had overstepped its legislative authority and usurped judicial authority.

Writing for the court majority, Justice Anthony Kennedy said, "Our national experience teaches that the Constitution is preserved best when each

part of the government respects both the Constitution and the proper actions and determinations of other branches.”

“RFRA,” he added, “contradicts vital principles necessary to maintain separation of powers and the federal balance.”

Kennedy was joined by Chief Justice William Rehnquist and Justices John Paul Stevens, Clarence Thomas, Ruth Bader Ginsburg and Antonin Scalia.

Justices Sandra Day O'Connor, David Souter and Stephen Breyer dissented.

O'Connor and Breyer, for their part, called for reconsidering the court's 1990 ruling.

Without the protections afforded under RFRA, it will be more difficult to claim that actions taken by government improperly restrict religious freedom, experts say.

“Neutral laws regarding the drinking age and medical procedures could be enforced against Christian Communion and Jewish circumcision rituals,” the Anti-Defamation League noted in a statement.

It will also be harder to make the case for excusing Jewish students from school Christmas productions or opposing a law prohibiting state employees from wearing hats or head coverings in the workplace.

It will also be difficult to fight a city that attempts to use its zoning power to shut down a church's homeless feeding program.

“Between 1990 and 1993, we lost some 60 religious freedom cases that we would have had a good chance of winning under RFRA,” Saperstein said.

In the wake of RFRA's invalidation, Jewish legal experts seemed at a loss in trying to figure out how to proceed.

“The fact that it was a 6-3 vote, so broadly cast, would lead me to believe that it is not going to be easy to find a federal legislative fix,” Stern said. □

Florida Jewish man gets 10 years for planting bomb aimed at Peres

By Faygie Levy

NEW YORK (JTA) — An Orthodox man has been sentenced to 10 years in prison for planting a bomb at a Florida synagogue where Shimon Peres was scheduled to speak.

Harry Shapiro, 31, planted a pipe bomb in the Jacksonville Jewish Center, a Conservative synagogue, in February in the hope of preventing a speech by the former Israeli prime minister.

Addressing the court where he was sentenced Tuesday, Shapiro, a former butcher, apologized for his actions.

But he added that Peres' punishment “will come from heaven and no man should or will be a part of it.”

Shapiro also apologized to the Jacksonville Jewish community for taking away its sense of security in the local synagogues.

Synagogue officials declined to speak about the incident or the sentencing.

But the Jewish center rabbi, David Gaffney, told a local newspaper that he hopes Shapiro gets the medical attention he needs.

On Feb. 13, just hours before Peres was scheduled to speak at the synagogue, Shapiro phoned police and told them he had planted two bombs in the synagogue.

Using bomb-sniffing dogs, police searched the premises, but did not find any bombs. Peres' speech went on as planned.

The bomb was discovered only several days later by children playing at the synagogue. The police evacuated the synagogue and defused the bomb.

Shapiro turned himself into police two days later. He pleaded guilty in U.S. District Court in March.

At the time, his defense attorney claimed that Shapiro had made an inoperable bomb and had not intended to harm anyone.

He said that Shapiro, who took issue with Peres' political views, simply wanted to stop the former premier from speaking.

Shapiro received the maximum sentence for using an explosive to threaten a foreign official and guest of the United States.

By pleading guilty, Shapiro avoided more charges, which could have sent him to prison for an additional 30 years. □

Netanyahu mired in battle with bitter coalition members

By Naomi Segal

JERUSALEM (JTA) — Israeli Prime Minister Benjamin Netanyahu remained embattled in a coalition crisis a day after his government survived a no-confidence vote in the Knesset.

Netanyahu is facing stiff criticism from ministers while he tries to reshuffle his Cabinet in the wake of Finance Minister Dan Meridor's resignation last week.

Foreign Minister David Levy, who walked out of the Knesset along with eight other coalition members before Tuesday's vote, has refused to meet with Netanyahu.

Israeli media speculated that Levy would resign if the prime minister invited hard-liner Ariel Sharon into the Inner Security Cabinet.

Netanyahu's efforts to appoint the national infrastructure minister to take over the Finance Ministry have been hindered by Sharon's demands that he also be included in the small group of ministers who develop peace process policy.

Meanwhile, the groundswell of opposition to Netanyahu from within his own party appeared to be gaining strength.

The Israeli daily Ha'aretz quoted senior Likud officials as saying that the coalition would not last beyond the summer.

Ha'aretz said that different scenarios were raised by the officials.

These scenarios included Netanyahu calling early elections, reorganizing the coalition or forming a national unity government.

The officials were quoted as saying that Netanyahu had lost the respect of Cabinet ministers from his own party.

These officials added that a growing opposition within the Likud, led by Meridor, could give Netanyahu problems in the party and the Parliament.

Meridor refused to comment Wednesday on a call by Third Way Knesset member Alexander Lubotzky to form a new, center-right faction.

Lubotzky suggested that Meridor lead such a faction.

The Third Way, which is part of Netanyahu's coalition, distanced itself from Lubotzky's remarks, saying in a statement that they were his personal views and did not represent the party.

Meanwhile, 25 Knesset members met to discuss Tuesday's acrimonious debate over the no-confidence motion, during which Justice Minister Tzachi Hanegbi unleashed a personal verbal assault on Labor leader Ehud Barak.

They appealed for more moderate and civil debate in the plenum. □

Reform rabbis urge aliyah; propose endorsing gay marriages

By Cynthia Mann

NEW YORK (JTA) — What a difference a century makes.

Reform rabbis are marking the centennial of the first World Zionist Congress with an unprecedented platform dedicated solely to the link between Reform Judaism and Israel.

The platform, which encourages aliyah, was adopted late Tuesday at the annual meeting of the Central Conference of American Rabbis in Miami.

In another area of current concern, a special committee set up to investigate issues of human sexuality recommended that the CCAR endorse same-sex Jewish marriages and allow its rabbis to perform such marriages.

The Ad Hoc Committee on Human Sexuality, which focused on this particular issue after the organization found itself involved in ardent debate on the subject last year, made the recommendation in its interim report. The issue will come up for a vote at the 1998 convention.

The group already is on record supporting same-sex civil marriages.

The Reform organization's new position on Israel reflects a sharp departure from the movement's historical anti-Zionist Pittsburgh Platform adopted in 1885.

That year, Reform Jews declared: "We consider ourselves no longer a nation, but a religious community, and therefore expect neither a return to Palestine, nor a sacrificial worship under the sons of Aaron nor the restoration of any of the laws concerning the Jewish state."

The final draft of the new platform refers to the changes over the years in the CCAR's stance on Jewish peoplehood and its ultimate embrace of Zionism.

But it also reflects on the need to "re-examine and re-define the ideological and spiritual bonds that connect" the people of Israel to the land and State of Israel and to enunciate the principles that will guide Reform Judaism into the next century.

Seven years in the making

The platform, seven years in the making, is being issued at a time when the Reform movement is fighting a bitter battle for legal recognition in the Jewish state.

It emphasizes Israel as central to Jewish life, the importance of the Hebrew language, aliyah and study in Israel, and Israel's obligation to honor civil rights and democracy and to value people over land.

The platform reflects a "need to express how we feel about Israel" and an effort "to support our community there," Rabbi Elliot Stevens, executive secretary of the CCAR, said in a telephone interview from the conference.

But the most noteworthy aspect of the document, he said, is "the fact of having a platform altogether" on Israel and Zionism, given Reform's history.

With a few individual exceptions, he said, "it wasn't until just before World War II that the conference began to look with warmth at the Zionist enterprise."

Highlights of the principles in the platform include:

- "The eternal covenant established at Sinai ordained a unique religious purpose for Am Yisrael. Medinat Yisrael, the Jewish state, is therefore unlike all other states. Its obligation is to strive towards the attainment of the Jewish people's highest moral ideals..."

- "We urge that [national sovereignty] be used to create the kind of society in which full civil, human and religious rights exist for all its citizens."

- "While we view Eretz Yisrael as sacred, the sanctity of Jewish life takes precedence over the sanctity of Jewish land."

- "Even as Medinat Yisrael serves uniquely as the spiritual and cultural focal point of world Jewry, Israeli and Diaspora Jewry are interdependent, responsible for one another, and partners in the shaping of Jewish destiny."

- "Recognizing that knowledge of Hebrew is indispensable both in the study of Judaism and in fostering solidarity between Israeli and Diaspora Jews, we commit ourselves to intensifying Hebrew instruction in all Reform institutions."

- "To deepen awareness of Israel and strengthen Jewish identity, we call upon all Reform Jews, adults and youths, to study in, and make regular visits to, Israel."

- "While affirming the authenticity and necessity of a creative and vibrant Diaspora Jewry, we encourage Reform Jews to make aliyah to Israel in pursuance of the precept of yishuv Eretz Yisrael (settling the Land of Israel)."

- "We call upon Reform Jews everywhere to dedicate their energies and resources to the strengthening of an indigenous Progressive Judaism" in Israel.

- "The Jewish people will be best served when Medinat Yisrael is constituted as a pluralistic, democratic society."

- "We believe that the renewal and perpetuation of Jewish national life in Eretz Yisrael is a necessary condition for the realization of the physical and spiritual redemption of the Jewish people and of all humanity."

Sentence struck from the platform

A sentence that said, "We deplore those amongst our people who elevate the integrity of the Land of Israel above the needs of the people of Israel" was struck from the proposed platform after significant debate.

It was struck primarily because those in attendance believed that the platform should remain focused on positive statements, and not include something negative, according to a CCAR spokeswoman.

There was also debate about the provision deeming Israel "the focal point" in Jewish life, but the phrase was adopted.

There is consensus that neither the Diaspora nor Israel "can go it alone," said Stevens.

But "there has been a lot of discussion about whether there is a hierarchy" of Jewish centers and whether or not Israel and the Diaspora are, in fact, "co-equal," he said.

Indeed, in his presidential address, Rabbi Simeon Maslin rejected the notion of Israel as supreme.

"There will be two major centers of Jewish life in the 21st century — Israel and America," he said.

"A Judaism disconnected from Zion is an aberration," he added. "But while Israel is a major element of Judaism, it is not its surrogate."

Maslin used his remarks to criticize the Orthodox attacks in the United States and Israel against Reform Judaism.

He accused the haredim of trying to subvert Judaism and fragment the Jewish people.

"Aside from devotion to Jewish learning, Orthodoxy offers very little to American Jewry in the 21st century," he said.

In contrast, he lauded Reform Judaism as "the way back in" for the "multitudes who are today alienated or in quest."

"I see us as the alternative to lives devoid of meaning, lives of banality and materialism, lives of superstition and religious coercion."

The group voted to table a proposal to change its name to the Central Conference of Reform Rabbis. □

(JTA staff writer Debra Nussbaum Cohen contributed to this report.)

Russian house passes religion bill restricting 'non-traditional' faiths

By Lev Krichevsky

MOSCOW (JTA) — A return to Communist restrictions, or a necessary check against the "cults" and "sects" that have sprung up in recent years?

That's the question being debated after Russia's lower house of Parliament passed a law restricting the activities of "non-traditional" faiths and foreign missionaries.

Under the bill, which passed earlier this week with a large majority, official status would be given to a few established denominations — the Russian Orthodox Church, Islam, Judaism and Buddhism.

The law must still pass the upper house of Parliament and be signed by President Boris Yeltsin. In 1993, Yeltsin vetoed a similar piece of legislation.

The current measure, known as the Law of Freedom of Conscience and Religious Organizations, establishes the primacy of Orthodox Christianity as an "inalienable part of Russian historical, spiritual and cultural heritage." Judaism, Islam and Buddhism are considered to be Russia's "traditional beliefs," according to the law.

Religions must register next year

All religions would have to re-register before the end of 1998, including those listed as traditional. To have full rights, they need to prove that they have functioned for more than 50 years in over half of Russia's 89 provinces.

To qualify as a "sect," a designation that accords fewer rights, groups must obtain documents from local officials verifying that they have existed in an area for at least 15 years — a difficult, if not impossible, condition for smaller churches that were unable to gain official recognition from the former Soviet government.

All religious groups that cannot prove this would be barred for a trial period of 15 years from basic activities such as holding property or printing literature.

The current law on religious organizations adopted in 1990 allows any faith to register with federal and local authorities.

Vyacheslav Polosin, a Christian expert with the Duma's Committee on Public and Religious Organizations, explained the reasoning behind the new law.

"The Orthodox Church is the biggest church in Russia — it will benefit more. Other churches that have already gained public respect will have guaranteed rights" under the law, Polosin said.

However, critics say the law discriminates against smaller religious minorities and violates free speech. Lev Levinson, the secretary of Yeltsin's Chamber on Human Rights, called the measure "very dangerous and a step backwards for freedom of conscience."

According to the 1993 Russian constitution, all residents are guaranteed the right to profess any religion or no religion and to "freely choose, possess and disseminate religious or other beliefs."

The Moscow-based Committee to Defend Freedom of Conscience warned that if the measure becomes law, it would doom religious freedom in Russia.

Some experts say that splinter groups that have broken off from the Orthodox Church, as well as fundamentalist Protestant churches proselytizing in Russia, would be forced to smuggle literature into the country.

The Catholic Church is not mentioned in the law as one of Russia's established religions, but it would be allowed to continue to operate in Russia on the understanding that it does not proselytize, experts say.

Jewish religious leaders reacted cautiously to the proposed law.

Rabbi Adolph Shayevich, Russia's chief rabbi and a member of the Russian Cabinet's Consultative Committee on Religious Affairs, said some sects have been proven to bring moral and physical damage to their followers.

"There have to be some limitations on such cults' activities," Shayevich said in a televised interview, referring to the Aum Shinri Kyo group, a Japanese cult that made international headlines after a 1995 gas attack in the Tokyo subway that killed 11.

Other religions that have been repeatedly labeled by the Orthodox Church as "destructive" include the Scientologists, the Unification Church of Reverend Sun-Myung Moon, the Hare Krishnas and Russia's Mother of God Center.

Zinovi Kogan, leader of Hineini, Moscow's Reform congregation, said that "it's difficult to predict what might happen if various faiths are officially put in unequal positions."

Mark Levin, the executive director of the Washington-based National Conference on Soviet Jewry, agreed.

"There are many more questions than answers to this law, and to try to predict what will happen if it is passed is impossible."

Among the questions that appear to remain unanswered about the law are:

- Are all of the denominations of a particular religion — such as the Reform and Lubavitch groups within Judaism — protected if their overall religion is accorded rights?

- If a group is not accorded official rights, does it have to wait for 15 years or is the amount of time they have already been operating in Russia taken into account?

The large majority in the Duma that favored the bill — the vote was 300 to 8 — suggests that the bill enjoys wide community support. The measure was supported not only by the Communists and ultranationalists that constitute the lower house's majority, but by many liberal members of Parliament as well. □

Switzerland to investigate Nazi payments to Argentina

By Sergio Kiernan

BUENOS AIRES (JTA) — The Swiss government has decided to investigate the immediate post-World War II relationship between Argentina and alleged Nazi war criminals. The wife of Argentine leader Juan Peron is suspected of having deposited in Geneva-based banks part of the Nazi loot she received in exchange for giving safe haven to alleged war criminals in Argentina.

The Swiss probe was announced Monday at the opening of a conference in Geneva on Nazi gold. The conference was organized by the Simon Wiesenthal Center.

In 1947, then first lady Eva Peron toured Europe in a trip designed to boost the image of her husband's regime abroad. She included a brief visit to Switzerland.

Eva Peron may have opened at least one secret bank account to deposit funds she received from Nazis in exchange for Argentine passports and visas, according to historians. After her death in 1952, Juan Peron spent years trying to get the funds he believed his wife deposited in Geneva.

According to Felix Luna, a well-known historian specializing in Peronism, Juan Peron sent over a period of 20 years several of his top aides to Switzerland, including his second wife, Isabel Peron. But Peron never found his wife's stash, according to one of the envoys, businessman Jorge Antonio.

"All we could get was a handful of gold coins deposited at a safe box belonging to Evita's brother, Juan Duarte," Antonio wrote in an unpublished memoir. □