



NEWS AT A GLANCE

■ **One Palestinian was killed amid ongoing clashes in the West Bank and Gaza Strip with the Israeli army. [Page 3]**

■ **Israeli Prime Minister Benjamin Netanyahu and Foreign Minister David Levy failed to resolve their differences in a meeting. The meeting was their first since Levy announced he might resign if changes are not made in the way government policy is made. [Page 3]**

■ **Scientists from Israel's Weizmann Institute of Science developed a new way of diagnosing breast tumors that could someday replace painful and invasive biopsies. Using magnetic resonance imaging, researchers found a way to distinguish between benign and malignant tumors, predict the prognosis of breast cancer and judge the effectiveness of therapy. [Page 3]**

■ **An Egyptian minister welcomed Israeli Prime Minister Benjamin Netanyahu's apology for the anti-Islam posters displayed in the West Bank. The U.S. State Department also hailed Israel's swift condemnation of a flyer, placed by a Jewish woman, that depicted Mohammed as a pig. At the same time, State Department spokesman Nicholas Burns condemned the flyer as "offensive to every American."**

■ **A California judge ordered the liquidation of the assets of a charity established to help Russian Jewish immigrants. The Jewish Educational Center advertised that all profits from the sale of donated used cars went to charity. Only 20 percent actually did.**

■ **The U.S. State Department's new committee aimed at promoting religious freedom around the world heard reports of persecution of religious minorities. The 20-member panel of prominent religious leaders and scholars, which is holding a series of meetings, is preparing to make recommendations on the issue.**

REMINDER: The JTA DAILY NEWS BULLETIN will not be published Monday, July 7.

NEWS ANALYSIS

Supreme Court ruling prompts question: Where to go from here?

By Daniel Kurtzman

WASHINGTON (JTA) — The Supreme Court's ruling striking down the Religious Freedom Restoration Act has left American religious leaders fumbling around in a sort of post-traumatic daze, trying to figure out where to go from here.

In what one Jewish leader described as one of the "worst mistakes this court has ever made," the justices last week struck down as unconstitutional a 1993 federal law that protected religious practice from government interference.

In its last week of session, the high court ruled 6-3 that Congress overstepped its bounds and usurped judicial authority by enacting the Religious Freedom Restoration Act, commonly known as RFRA.

"It's back to the drawing board," said Richard Foltin, legislative director and counsel for the American Jewish Committee. "The trouble is, it's hard to find where the drawing board is."

The decision on RFRA came only two days after the high court, in another closely watched church-state case, ruled that public school districts 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 — school vouchers, for example — the ruling on RFRA 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.

"The only common denominator" between the two court decisions "is that they're going to let state and local officials do what they want," said Marc Stern, co-director of the American Jewish Congress' legal department.

Michael McConnell, a professor of constitutional law at the University of Utah, agreed that the rulings on RFRA and remedial instruction — together with the justices' decisions against physician-assisted suicide and against a key provision of the Brady gun control law — show that "the general position of the court is in favor of decentralized democracy."

But it was clearly the decision on RFRA that most troubled Jewish observers of the court.

The court action wiped out a law that religious leaders had hailed as one of the most important developments for religious liberty this century.

In practical terms, religious leaders said, for example, the ruling would be harder to make the case for excusing Jewish students from school Christmas productions, opposing a law prohibiting state employees from wearing hats or head coverings in the workplace or fighting a city that attempts to use its zoning power to shut down a church's homeless feeding program.

The decision also struck a devastating blow to one of the broadest coalitions of religious and civil rights groups ever assembled around a legislative effort.

The drive to enact RFRA saw Jewish organizations across the political and religious spectrum join with such diverse groups as the National Association of Evangelicals, the Southern Baptist Convention and the American Muslim Council.

All told, 75 groups formed the Coalition for the Free Exercise of Religion.

Now, in the wake of RFRA's invalidation, finding a way to hold that diverse coalition together may prove just as difficult a task as battling to restore the protections for religious practice in America.

In restoring the protections, several possible courses of action have already begun to emerge: a constitutional amendment, a legislative fix, state religious freedom statutes and another case with which to challenge the Supreme Court precedent on the issue.

In the immediate aftermath of the ruling, several key lawmakers

floated the possibility of a constitutional amendment as a remedy for the court's decision.

Only a constitutional amendment, which requires the approval of two-thirds of Congress and three-quarters of the states, can overturn a constitutional ruling of the Supreme Court.

Most coalition members, however, see that course fraught with many pitfalls.

"We think that is an extraordinarily dangerous path that the Congress can follow right now, one which we would vigorously oppose," said Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism.

Specifically, most Jewish activists and church-state watchdogs fear any measure resembling Rep. Ernest Istook's (R-Okla.) "Religious Freedom Amendment," which goes far beyond the issues at hand in RFRA.

The so-called Istook amendment, which has the support of the House leadership and about 120 co-sponsors, would give the go-ahead to government subsidy of religion, prayer in schools and other forms of religious expression on public property.

In a sign that momentum may be building for the measure, House Speaker Newt Gingrich (R-Ga.) last week said in a television interview that the Supreme Court's decision on RFRA "is making it clear we need to pass a constitutional amendment" along the lines of the Istook amendment.

Jewish groups oppose constitutional amendment

Jewish activists flatly oppose the measure, calling it both unnecessary and dangerous.

Should certain members of the RFRA coalition latch onto the Istook proposal or any similar amendment, "it would tear the coalition apart and divide the country along sectarian lines in a way that we have rarely seen," said Saperstein, who also teaches church-state law at Georgetown University.

While the business of amending the constitution remains largely unpalatable to most in the Jewish community, some Jewish leaders said they were not ready to rule out the possibility.

They emphasized, however, that they would only consider supporting a measure that is narrowly crafted to address RFRA.

Although the court's action appeared to rule out the possibility of a legislative fix, some lawmakers nonetheless said they would try to determine if a rewritten law could pass constitutional muster.

Turning away from Congress, some religious leaders and lawmakers say they would look to the possibility of states enacting religious freedom statutes similar to RFRA. A handful of states have already adopted some protections.

Another possible course is getting the Supreme Court to re-examine the precedent it set in a controversial 1990 ruling that prompted the entire dispute.

The constitutional merit of RFRA itself was not at issue in last week's ruling. Instead, the court limited its opinion as to whether or not it was appropriate for Congress to pass the legislation to begin with.

Congress adopted RFRA in 1993 in response to the Supreme Court's 1990 ruling in *Employment Division vs. Smith*. That 5-4 decision held that Native Americans had no constitutional right to use the illegal hallucinogen peyote in their religious rituals. The court said laws that were neutral toward religion could be valid even if they infringe on some people's religious beliefs.

Religious leaders viewed the ruling as hostile to religious practice, saying it weakened the First Amendment's protection of "the free exercise of religion."

Under the law, which was enacted 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 required governments to adopt the least restrictive means possible. The Supreme Court, however, threw down the gauntlet of judicial authority last week when it ruled in *Boerne vs. Flores*.

The justices said Congress overstepped its authority when it sought to overturn the court's 1990 ruling.

Following the court's action, some supporters of RFRA said they would begin to look for a case in the lower courts that could be used as a vehicle to challenge the precedent the court set in the 1990 case.

Justices Sandra Day O'Connor and Stephen Breyer, who dissented from the court's opinion, called for reconsidering that ruling.

Indeed, McConnell believes that "there are probably four votes for overruling it outright."

Despite the various possible avenues to remedy the court's action, none offers a quick fix, proponents of RFRA cautioned. The process of passing a constitutional amendment, getting each state to adopt its own statute or waiting for the court to revisit its prior ruling would all likely involve considerable time.

Given the long road that lies ahead, Jewish activists say that keeping the RFRA coalition both focused and united remains all the more critical. □

Fired bank guard may need new attorney in Switzerland

By Fredy Rom

ZURICH (JTA) — The Swiss bank guard who was fired after saving Holocaust-era documents from the shredder must now find a new lawyer.

Marcel Bosonnet resigned as Christoph Meili's attorney last Friday. "I am a lawyer and I will not allow anybody to make of myself a political pinball," Bosonnet said in an interview.

Bosonnet's move came after he lost direct contact with his client, who has been staying in the United States. He said he received instructions that all contacts must be carried out through Meili's American attorney, Edward Fagan.

Fagan could not be reached for comment in New York. Fagan is the lead attorney in a pending class-action lawsuit against Swiss banks for withholding funds from descendants of depositors who died in the Holocaust.

Meili still may need a lawyer in Switzerland because he faces possible charges on violating bank secrecy laws. While working as a night guard at the Zurich branch of the Union Bank of Switzerland, he discovered in January sensitive Holocaust-era documents earmarked for the shredder.

He took the documents and gave some of them to the Swiss Jewish community because he thought they might relate to investigations into assets held by depositors who died in Nazi death camps.

Bank officials said at the time that Meili was fired not because he rescued the documents, but because he turned them over to a third party, which they said represented a possible violation of Swiss bank secrecy laws.

Zurich District Attorney Peter Cosandey has demanded that Meili return to Switzerland for questioning and has indicated that he might ask the United States for assistance.

But Meili enjoys broad support in the United States. The U.S. Senate unanimously approved a measure in May to grant Meili permanent residency status, and the House is expected to pass a similar measure toward the end of the month. □

Netanyahu unable to resolve dispute over Ariel Sharon's role

By Naomi Segal

JERUSALEM (JTA) — Israeli Prime Minister Benjamin Netanyahu and Foreign Minister David Levy failed Wednesday to resolve differences that have bogged the coalition down in crisis.

It was their first meeting since Levy threatened earlier in the week to resign. At the same time, clashes between Palestinian demonstrators and Israeli troops escalated in the West Bank and Gaza Strip, a day after the two sides resumed security cooperation.

Both Levy and Netanyahu described their talks as "serious," but the two did not resolve their differences.

Levy has accused Netanyahu of excluding him from the peace process, despite a pledge to let him lead peacemaking efforts.

The latest crisis was precipitated by news of a secret meeting last month between Cabinet minister Ariel Sharon and Yasser Arafat's deputy, Abu-Mazen, a meeting Levy learned about from Israeli media reports.

Members of Levy's Geshet Party said the purpose of the discussions was to rebuild Levy's trust in the prime minister and ensure that any pledges made to him are implemented.

Levy has demanded that the prime minister's "kitchen Cabinet" be dissolved. The forum is currently comprised of Netanyahu, Levy and Defense Minister Yitzhak Mordechai.

However, National Infrastructure Minister Ariel Sharon, who is slated to be named finance minister, has demanded that he be included in consultations on the peace process, whether in the "kitchen Cabinet," or another forum.

Opposition members accused Netanyahu of being preoccupied with coalition crises and "kitchen Cabinets," while violence in the territories was reaching dangerous levels.

In Gaza, a 16-year-old Palestinian was killed Wednesday by the Israeli army during demonstrations near a disputed plot of land known as "Abraham's Farm." The Palestinians maintain that the land is Palestinian-owned, while Jewish settlers say it is in under Israeli control.

Israeli troops used tear gas and rubber bullets to disperse Palestinian protesters who drove a tractor towards the site. The youth, a resident of Dir El-Balakh, was shot in the chest and later died of his wounds, sources said.

Tensions high in Gush Katif

Disturbances were also reported near the Jewish settlement of Morag, in Gush Katif, where tensions have been high over land disputes and the installation of a memorial for an Israeli soldier killed by Palestinian fire in riots last September.

Israel moved the stone slab this week. However, Jewish settlers replaced it overnight.

In Hebron, disturbances sparked by the appearance over the weekend of posters depicting the prophet Mohammed as a pig continued. Israeli troops sealed off an alleyway where two soldiers were wounded Tuesday, one of them seriously, by a homemade bomb.

Israeli snipers were positioned on rooftops for selective fire against rioters, and reinforcements were sent to Hebron to prepare for a possible escalation of violence.

Despite contacts between Israeli and Palestinian security officials on stepping up coordination, Palestinian police did not attempt to calm the situation.

The head of the Palestinian preventive security service, Jibril Rajoub, said that Palestinian forces had no intention to "protect Netanyahu's policies."

In Ramallah, the secretary of the Palestinian Authority, Abdul Ahmad Rahman said the Palestinians want to return to the negotiating table, but added that Israel must first stop building settlements. □

Israeli institute unveils method for painless diagnosis of cancer

By Lee Yanowitch

PARIS (JTA) — Scientists from Israel's Weizmann Institute of Science have developed a new way of diagnosing breast tumors that could someday replace painful and invasive biopsies.

A research team has made significant improvements in the use of magnetic resonance imaging enabling it to distinguish between benign and malignant tumors, predict the prognosis of breast cancer and judge the effectiveness of therapy.

"The method has been tested on mice in which a human breast tumor is implanted," said the research team's lead scientist, Hadassa Degani, in an interview in Paris, where she is on sabbatical doing research at the Pasteur Institute. "The information is very detailed and allows total diagnosis."

The method consists of injecting a contrasting agent, or dye, into the patient's bloodstream, and using MRI to monitor how the dye moves into the tumor and is distributed through the tumor tissue — as well as how it is cleared out.

Monitoring the movement of the contrasting agent allows two important criteria to be measured: the vascularity, or porosity, of the blood vessels in the tumor, and the space between the cells. Because these criteria tend to differ in benign and malignant tumors, monitoring them makes a diagnosis possible.

For instance, in fibroadenoma, the most common type of benign breast tumor, the blood vessels that feed the tumor are fewer and less porous, and the space between the cells is greater, thus limiting the flow of substances — represented by the contrasting agent in the imaging — into the tumor cells.

On the contrary, the blood vessels in malignant tumors tend to be more numerous and very permeable, and the space between the cells smaller, allowing the substance that the tumor needs to grow to move in and be cleared out more freely.

Using MRI is also more effective than a needle biopsy in that it shows the entire tumor, which would otherwise require radical surgery, Degani said.

"It's not painful, it's not surgery," said Degani, who was began doing breast cancer research in 1985.

"It would definitely help women psychologically if the type of cancer they have can be determined without a long wait for the result."

Degani's team of doctoral students at Weizmann and radiologists from Hebrew University-Hadassah Medical Center were able to use the method to diagnose breast tumors on 18 women, eight of whom had fibroadenoma and 10 of whom had malignant tumors.

"To what extent it would really reduce the number of biopsies and provide reliable prognosis has yet to be determined," Degani said. "A statistical study now has to be obtained with clinical trials."

"My goal now is to find the means to conduct clinical trials. My country is small," she said, explaining that a larger sample population was necessary.

"Even if we can reduce by one-half the number of biopsies, that would be a lot," she said.

Degani said the method can be used on other organs, possibly even for brain tumors. □

FOCUS ON ISSUES**Russian youth seen as source of future emigration to Israel***By Lev Krichevsky*

MOSCOW (JTA) — It was easy for the Jewish Agency for Israel to operate in the former Soviet Union five years ago.

With the freedom to emigrate a fresh reality and the threat of anti-Semitism, Jews were leaving in big numbers — and most of them were going to Israel.

Today, however, with Jewish emigration from Russia and most of the other post-Soviet states on the decline, the Jewish Agency has a tougher job on its hands.

A few years ago, “we could just put a stand with Israeli symbols on display and people had no further questions,” says Chaim Chesler, the former head of the Jewish Agency’s operation in the former Soviet Union.

“Now people want to get as much information as they can before they make a decision.”

Since 1989, the Jewish Agency has brought almost 700,000 new immigrants from the former Soviet Union to Israel.

Between 1995 and 1996, however, aliyah to Israel from the former Soviet Union declined by 15 percent, according to agency statistics. The agency assumes that in 1997 there will be an additional 25 percent decrease.

“Aliyah is declining,” said Charles Goodman, the chairman of the Jewish Agency’s Board of Governors, because “those who had wanted to come the most have come already.”

“There are many people who feel they have real opportunities in Russia, where life seems to be better than it was.”

Goodman visited Moscow last week as part of a group of 500 delegates that traveled to six destinations in the former Soviet Union en route to the annual Jewish Agency Assembly in Jerusalem.

Despite the decline in aliyah, the Jewish Agency maintains an extensive network of programs in the former Soviet Union.

Hebrew-language courses, summer camps

“We continue to bring large numbers. The biggest part of the aliyah to Israel is from the former Soviet Union,” said Goodman. “So [the former Soviet Union] is the major focus of the Jewish Agency.”

The agency runs about 300 Hebrew-language courses and 80 summer camps for 12,000 Jewish teenagers, and operates direct flights from 23 cities to Israel and has been active in promoting new educational and employment programs for young adults.

“Our main work is concentrated now among the youngsters,” said Chesler.

“We believe that once the younger generation comes to Israel, their parents will follow.”

Major programs that recruit young people for resettling in Israel include:

- Selah, or Students Without Parents — a 12-month university preparatory program for high school graduates. Four hundred students from the former Soviet Union are currently in Israel on this program.

- Chalom, or Dream — a 15-month vocational training program. By the end of this year, 1,000 young Jews from Russia and Ukraine will be receiving professional training in Israel in fields such as electricity, automobile mechanics and drafting.

- Na’aleh-16 — a high school study program. At present, there are 3,500 participants from the region in this program. About 2,000 have graduated from high schools in Israel. Another 3,000 will join the program in September.

Said the mother of an 18-year-old son from the Siberian city of Irkutsk who went to study in a high school in Israel two years ago: “The economic future seems to be uncertain, the crime in the [Russian] army has skyrocketed.

“I cannot describe how hard it was for me to part with my only son, but I feel this is the best solution for our kids.”

Similar to Israel, military duty — for two or three years — is obligatory for young men in Russia.

The demand for such programs is much higher in provincial Russia, where the economic situation is more difficult, than in Russia’s biggest cities.

In Moscow, the decrease in aliyah was 17 percent, and in St. Petersburg 9 percent. In the Far Eastern city of Khabarovsk, however, immigration rose 160 percent; in Ekaterinburg, located in the Ural Mountains, 38 percent.

According to one agency official, there are two things that prevent many Russian Jews from emigrating to Israel — employment and housing problems.

“If you have a job, all other problems could be solved,” said Michaela Glasman, head of the Moscow office of the agency’s Repatriation and Absorption Department.

To meet the demand for information about job opportunities in Israel, the Jewish Agency held its first job fair in Moscow last week.

Over 800 Jews from the Moscow area attended the two-day fair to find out about employment and retraining offered by the Israeli Labor Ministry and employers, including hotels, construction and high-tech companies.

The participants ranged from college students to pensioners.

“I wanted to find a job that would correspond more or less to my education,” said Alexander, a 28-year-old electrical engineer from a town near Moscow.

“I just found retraining courses for me in Israel. Now I know I can find a decent job there.”

Unlike earlier immigrants, Jews living in the former Soviet Union now can get direct information about life in Israel from friends and relatives already residing there. Many of those who are considering emigrating have been to Israel themselves.

“People know exactly what they want. They can get information not only from our emissaries but also from relatives, ex-neighbors, ex-classmates,” Chesler said.

“If the majority of those who recently went to Israel succeed, their success would be reflected back in Russia.” □

Israeli students cheat on Bible exam*By Naomi Segal*

JERUSALEM (JTA) — Israeli students cramming for their Bible matriculation exams must have skimmed over some key commandments, including “thou shalt not lie” and “thou shalt not steal.”

Israeli police this week detained a government printing office employee, who is suspected of giving his teen-age daughter a copy of this year’s exam.

His daughter allegedly passed the test questions on to a friend, and from there copies of the test were believed to have been purchased or obtained by more than 150 high school seniors from Herzliya. Police are investigating whether students also obtained copies of exams in mathematics, grammar and civics.

The Education Ministry has ordered an inquiry into the matter.

Rather than cancel the exams, ministry officials decided to wait until the Bible exam results are issued. Students who did suspiciously well will be asked to take the test again. □