



IN THE NEWS

'Under God' remains in pledge

The Supreme Court narrowly ruled that the words "under God" can remain in the Pledge of Allegiance.

The court ruled Monday that the plaintiff in a case challenging the pledge's constitutionality in his daughter's school did not have standing because he was not her legal guardian, and therefore the Court of Appeals ruling against the pledge was reversed. Opponents of the phrase are likely to bring new cases against it. [Story, Pg. 3]

Jews talk homeland security

Jewish organizational leaders discussed their alert system for Jewish organizations and religious sites with U.S. Homeland Security Secretary Tom Ridge.

Ridge praised the community's pilot program, the Secure Community Alert Network, and discussed the community's security needs, those involved in the meeting said. Ridge suggested that the Jewish community's plan for alerting members about a terrorist attack could be a model for other ethnic minorities.

Department officials will continue to meet with Jewish leaders this week to discuss information sharing and coordination opportunities. Legislation to use homeland security funds to secure high-risk non-profit organizations, such as synagogues and other Jewish sites, was not discussed, participants said.

Sharon survives no-confidence votes

Ariel Sharon survived no-confidence votes against his government with the help of the opposition Labor Party.

Labor members abstained from Monday's votes amid increasing speculation that the Israeli prime minister may invite Labor to form a national unity government to carry out his plan to pull troops and settlers out of the Gaza Strip.

WORLD REPORT

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Intelligence spat: Tempest in a teacup, or political earthquake?

By LESLIE SUSSER

JERUSALEM (JTA) — Just after Israeli Prime Minister Ariel Sharon got Cabinet approval for his plan to withdraw unilaterally from the Gaza Strip because he sees no Palestinian negotiating partner, a bitter argument has erupted between top Israeli intelligence officers over whether Yasser Arafat could ever be a peace partner with Israel.

The main protagonists are two former heads of military intelligence, Maj. Gen. Amos Malka and Maj. Gen. Amos Gilad. The latter is now a senior adviser to Defense Minister Shaul Mofaz.

Malka accused Gilad of deliberately distorting intelligence assessments to reinforce his view that there is "no one to talk to" on the Palestinian side. Gilad denies the charges, asking why Malka said nothing of the sort when he was Gilad's superior before and after the failed Camp David summit in July 2000 or after the Palestinian intifada erupted later that year.

Malka's accusations have led to calls by Israeli opposition leaders for an inquiry by the Knesset's Foreign Affairs and Defense Committee, but committee chairman Yuval Steinitz has declined, describing the controversy as "a tempest in a teacup."

The stakes in the disagreement are as much political as concrete: If Israeli leaders have formulated policy since the intifada began based on an erroneous intelligence assessment, it could further undermine a government gravely weakened by the effort to force the disengagement plan through a fractured Cabinet.

Impervious to the controversy, however, Sharon is forging ahead with his unilateral withdrawal plan, based on Gilad's widely accepted view that as long as Arafat is in power as Palestinian Authority president, no Palestinian will dare negotiate a real peace deal with Israel.

In a June 10 interview with Ha'aretz political analyst Akiva Eldar, Malka made two headline-grabbing charges: That the forceful, articulate Gilad had promoted the unfounded notion that Arafat's basic strategy is to destroy Israel by overwhelming the Jewish state with Palestinian refugees, and that Gilad claimed to have held this view even before the intifada — though military intelligence argued at the time that Arafat had resorted to violence merely to extort a better peace deal from Israel.

In Malka's view, Arafat was and is ready to make peace with Israel roughly on the basis of proposals offered by former Prime Minister Ehud Barak and President Clinton.

Those proposals offered the Palestinians about 97 percent of the West Bank and a land swap to make up the shortfall, shared sovereignty over Jerusalem, Israeli acceptance of some responsibility for the Palestinian refugee problem, and the return to Israel of some 20,000 to 30,000 Palestinian refugees.

Malka's case was backed up a few days later by Ephraim Lavie, another former intelligence official who had been head of the Palestinian desk in Gilad's department.

Lavie spoke of a "dangerous discrepancy" between verbal presentations to the government that highlighted Arafat's in-

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transigence and written research assessments that didn't.

He spoke of "unprofessional norms" and said there was no basis for the idea that Arafat sought to use demography to destroy Israel.

On the contrary, Lavie said, arguing that Arafat didn't want peace, and then treating him that way, had become a self-fulfilling prophecy: Even if the Palestinian leader wanted to make peace, he wouldn't be in a position to do so.

But Gilad says he has the evidence to prove that Arafat never abandoned his dream of a refugee "right of return" that effectively would destroy Israel by demographic means.

Moreover, most of the current Israeli military and political establishment share Gilad's view, including the current military intelligence chief, Maj. Gen. Aharon Ze'evi-Farkash, and the army's chief of staff, Lt. Gen. Moshe Ya'alon. When the issue came up in the Cabinet, Mofaz also sided with Gilad.

■
The controversy posits two contradictory views of Arafat's basic strategy.

For Malka, the Palestinian leader has used violence as a tool to achieve a political deal, while for Gilad, the use of terrorism is designed to get the international community to force Israel to accept hundreds of thousands of refugees, sparking a process leading to Israel's demographic destruction.

These opposing perceptions are at the heart of the differences between the

advocates of last October's "Geneva accord" peace proposal, who say that peace with the Palestinians is possible, and the Sharon government, which maintains that Israel must move on its own because it has no Palestinian partner.

Yossi Beilin, leader of the left-wing Yahad-Meretz Party and the driving force behind the Geneva accord, says Malka's claims undermine Sharon's main argument for unilateral moves.

Sharon aides respond that even if Arafat is not bent on destroying Israel by demographic means, Israel still will be overwhelmed by an Arab majority if it stays in the West Bank and Gaza Strip.

Therefore, they argue, Israel cannot allow itself to be held hostage any longer to Arafat's intransigence, whatever its cause.

Labor Party leader Shimon Peres argues that it's important to find out who is right in the argument because of the implications for Israeli diplomacy, and he is urging the Foreign Affairs and Defense Committee to probe the issue.

But Steinitz says he doesn't want to "cheapen" the committee by launching investigations "on every issue that crops up." The committee recently carried out a major investigation of Israel's intelligence failings in the run-up to last year's Iraq war.

In an editorial on Monday, Ha'aretz agreed with Peres that settling the argument is important. But the editorial suggested that after nearly four years of violence and terrorism, the burden is on the Palestinians to prove they are ready

for a peace deal with Israel.

"Such a demonstration of intent could resuscitate the process of negotiation between two potential partners to a peace agreement," the editorial said.

The controversy comes as many in the international community are convinced of Arafat's negative role.

The Sharon government, backed by the Bush administration, has refused to deal with Arafat, arguing that he is deeply implicated in terrorism. Pressure on Arafat is growing, especially from Europe

and Egypt, to step aside and transfer most of his powers to Palestinian Authority Prime Minister Ahmed Qurei, creating a situation in which peace talks can resume.

In the meantime, Sharon is pressing ahead with his unilateral disengagement plan.

He has set up a committee to work out compensation for evacuated settlers; insists that Cabinet ministers and deputy ministers, even those who voted against the plan, show "collective responsibility" and support it now that it has passed; and is exploring new coalition options, primarily with Labor and the fervently Orthodox United Torah Judaism bloc.

Together, the moves give the impression that Sharon will allow nothing to deter him from his withdrawal plans.

While Malka's critique is making waves on the political left, it's causing scarcely a ripple where Sharon is concerned.

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(Leslie Susser is the diplomatic correspondent for the Jerusalem Report.)

After nearly four years of violence and terrorism, the burden is on the Palestinians to prove they are ready for a peace deal.

Ha'aretz editorial

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Jordanians unwelcome in Jenin

JERUSALEM (JTA) — Palestinian gunmen expelled a group of Jordanian military personnel from Jenin.

The Al-Aksa Brigade said the five officers, dressed as civilians, came to the city last Friday as part of Amman's possible efforts to take over security control of the West Bank in coordination with Israel.

But Jordan, which has offered to train Palestinian forces to take over areas of the West Bank from which Israel withdraws, denied the charge.

It said the five Jordanians, including an army brigadier general, were military reporters on a routine inspection of West Bank civil facilities funded by Jordan. ■

Court decision avoids 'under God' ruling

By MATTHEW E. BERGER

WASHINGTON (JTA) — An issue many Jewish groups did not want to delve into will remain unresolved, as the Supreme Court has chosen not to rule on whether the phrase “under God” can be part of the Pledge of Allegiance.

In a ruling Monday, the court decided that Michael Newdow did not have the authority to challenge the constitutionality of the pledge’s wording, as recited in his daughter’s California school, because he is not her custodian.

The ruling overturns a lower court decision that it’s unconstitutional to include “under God” in the pledge, and allows the words to stay in for now.

While the decision leaves a major constitutional question unanswered, it also takes the issue out of the public debate for the time being.

The majority opinion, written by Justice John Paul Stevens, did not discuss whether the wording infringes on the separation of church and state.

In a concurring opinion, Chief Justice William Rehnquist, who was joined by Justices Sandra Day O’Connor and Clarence Thomas, argued that the pledge’s language doesn’t violate the Constitution.

The narrow ruling keeps alive an issue that has divided the Jewish community.

While many Jews support the type of ceremonial deism that brings terms like “under God” and “in God we trust” into the governmental context, other

Jews increasingly have found problematic the presence of religion or religious references in the public sphere.

The issue has caused heated debate in Jewish organizations, and some Jewish groups have reversed their own opinions on the topic.

The ruling also is likely to keep the pledge from becoming a major issue in November’s presidential elections.

The California appeals court ruling against the pledge caused a strong backlash across the country two years ago, and

calling the pledge unconstitutional would have put the issue front and center in the race for the White House, analysts said.

“This avoided a political hand grenade in an already contentious political race largely focusing on social issues,” said Marc Stern, a lawyer for the American Jewish Congress, which filed a brief in favor of leaving the phrase intact.

Furthermore, the ruling suggests limitations to a non-custodial parent’s rights to challenge a third party’s actions. For Jews, that could have implications for child-rearing disputes when interfaith marriages end in divorce.

Because the ruling did not focus on the merits of the case, a similar case could well be brought in the near future, with a new plaintiff.

Traditionally, Jewish groups have supported the invocation of ceremonial deism phrases because they were seen as Judeo-Christian in nature, and therefore inclusive of Jews.

Some Jewish groups have wanted to maintain the status quo out of fear that new phrases installed through Constitutional amendments would be more Christian in nature.

While many Jewish organizations have gone on record in favor of the language, the issue has been contentious among their members.

Many liberal Jews feel the phrases violate the separation of church and state and want Jewish organizational officials to take a more aggressive approach.

In 2002, when the appeals court ruled in favor of Newdow, the Anti-Defamation League said the ruling “goes against the culture and traditions of this country, which was founded on principles respectful of faith.”

Later, succumbing to pressure from its lay leadership, the ADL filed a brief

to the Supreme Court on behalf of Newdow.

The only Jewish group to make a case against the phrase, ADL argued that the pledge, led by a teacher, places subtle coercive pressure on students to embrace God when they are too young to critically reflect on the meaning of what they are saying.

“I think, for now, it quiets the debate,” said Steven Freeman, ADL’s director of legal affairs. “While it may come back, I don’t think it is going to happen so quickly.”

In her opinion, O’Connor suggested a four-pronged test for ceremonial deism.

Under O’Connor’s definition, acceptable uses of God would be ones with a strong history and ubiquity, an absence of worship or prayer, no reference to a particular religion and minimal religious content.

That would include the phrase “In God We Trust,” which is written on U.S. currency, and the phrase, “God save the United States and this honorable court,” which opens each Supreme Court session.

“These references are not minor trespasses upon the Establishment Cause to which I turn a blind eye,” O’Connor wrote. “Instead, their history, character and context prevent them from being constitutional violations at all.”

The issue over which the court rejected the case — Newdow’s right, since he is not the custodial parent, to challenge actions that affect his daughter — raises other issues that may resonate in the Jewish community.

The ruling does not say that non-custodial parents have no right to argue with the other parent about the child’s upbringing.

But it does question the legitimacy of cases against a third party — in this case, the school board that encouraged Newdow’s daughter to say the Pledge of Allegiance.

Stevens argued that cases such as these should be dealt with primarily in family and state courts.

Calling the pledge unconstitutional would have put the issue front and center in the race for the White House, analysts said.

For Jews, the ruling could have implications for child-rearing disputes when interfaith marriages end in divorce.

NEWS IN BRIEF

MIDDLE EAST

Fatah fugitives killed

Israel assassinated the Al-Aksa Brigade head in Nablus. Khalili Marshoud was killed in an airstrike on the Balata refugee camp outside the West Bank city on Monday, along with at least one more brigade fugitive.

Security sources said the assassination was authorized after efforts failed to capture Marshoud alive. He was wanted in connection with dozens of attacks emanating from Nablus.

Jerusalem Arab admits to planning bomb

An eastern Jerusalem man admitted to planning to bomb Prime Minister Ariel Sharon's office.

After his arrest two weeks ago, Hussam Nablusi told the Shin Bet security service that he planned to detonate the bomb using a mobile phone as a remote control. Nablusi assisted investigators in finding the Palestinian produce vendors who brought the bomb into Jerusalem.

Ariel fence going up

Work began on an Israeli security barrier around the West Bank settlement of Ariel.

"The tractors have started working," Mayor Ron Nachman told Israel Radio on Monday. The fence is going up east of the city, as well as around the nearby settlements of Kedumim and Emmanuel. The United States last year reluctantly agreed that Ariel can get a peripheral security fence, as long it is not connected for now to the main West Bank barrier, in a bid to prevent eventual Israeli annexation of the city. A U.S. official said Washington is monitoring the project.

Israeli-French arms deal seen

Israel is expected to sign a landmark arms deal with France. Ha'aretz reported Monday that France will announce at this week's Eurosatory international defense fair outside Paris that it is buying Israel Aircraft Industries drone technology worth as much as \$200 million.

Israeli security sources confirmed that a large deal was in the works but declined to discuss figures. Ha'aretz said the technology will help France develop the Eagle 1, a pilotless plane modeled on Israeli strategic drones. "Israel's defense ties with France are at their highest point since 1956," Marc Daugherty, a Tel Aviv-based European affairs analyst, told JTA, referring to the campaign in which Israeli and French forces cooperated to stop Egypt from nationalizing the Suez Canal.

France was once Israel's biggest arms supplier.

West Bank restrictions eased

Israel removed 30 roadblocks in the West Bank and loosened restrictions on traffic out of Nablus.

The dismantling of the roadblocks, many of them in place since the intifada began in September 2000, came amid efforts to ease conditions on the Palestinian public, military sources said Monday. According to reports, at least another 110 roadblocks remain in place.

In Nablus, the only West Bank city still under full Israeli closure, authorities decided to reduce the minimum age of men allowed to leave the city to 30.

Pork ban lifted

Three Israeli cities were ordered to lift their blanket bans on pork sales. The High Court of Justice on Monday ruled that Tiberias, Carmiel and Beit Shemesh should allow pork sales, pending a final deci-

sion on which of their neighborhoods are secular enough to allow for non-kosher butcher stores. The three cities, which see frequent friction between Orthodox Jews and immigrants from the former Soviet Union, previously had banned pork sales. "The High Court has driven a big nail into the coffin of the country's Jewish character," Eli Yishai, head of the fervently Orthodox Shas Party, told Israel Radio.

WORLD

Warning made on Herzl's yahrzeit

Austria's president warned about a resurgence of anti-Semitism. Speaking Monday at a forum marking the 100th anniversary of the death of Zionist founder Theodor Herzl, Thomas Klestil said contemporary anti-Semitism often is disguised as anti-Zionism.

French Jews upset over aliyah plan

French Jewish community officials criticized a Jewish Agency for Israel plan to bring tens of thousands of French Jews to Israel.

The plan, which includes sending representatives into French Jewish communities, aims to bring about 30,000 Jews to Israel, Israel's daily Ma'ariv reported. It follows a Jewish survey that found some 6 percent of French Jews are considering immigrating to Israel in the wake of increased anti-Semitism in France.

Haim Musicant, executive director of the CRIF umbrella organization of French Jews, told JTA it is "not normal" that Israeli officials had not consulted local Jewish leaders. The Jewish Agency did not return calls seeking comment.

Christianity out in E.U. Constitution

The European Union's president rejected demands by some member states to refer to Christianity in a new E.U. Constitution.

In a letter ahead of Monday's meeting of E.U. foreign ministers in Luxembourg, Ireland's Bertie Ahern chose not to recommend that Europe's "Christian heritage" be added to the constitution's preamble. An initial draft for the constitution prepared by former French president Valery Giscard d'Estaing referred solely to Europe's "cultural, religious and humanist" traditions, but a number of largely Catholic states, most of whom are new E.U. members from Eastern Europe, have lobbied for a Christian reference.

Group wants Tajik synagogue saved

The World Jewish Congress called on a U.N. agency to help save a synagogue in Tajikistan. The group called upon UNESCO, the U.N. arm that deals with historic preservation matters, to save the only synagogue in the capital of Dushanbe, which is being destroyed to make room for a presidential palace.

The government has offered to give the Jewish community, which is small and mostly elderly, a plot of land for a new synagogue.

Queen honors rabbi, others

Queen Elizabeth honored one of Britain's leading liberal rabbis. Rabbi David Goldberg received an Order of the British Empire for his services to interfaith relations, while Judith Usiskin earned the same honor for Jewish charity work.

Also, a Jewish member of Parliament, Gerald Kaufman, who frequently is accused of being anti-Israel, was knighted.

Jewish photos shown in Poland

Two exhibits that include photos of Jewish life are on display in Poland this month. The Galicia Festival, running through June 22, is displaying photographs that include images of formerly Jewish towns in the Galicia region. The photos come on the heels of an exhibit that opened June 7 at the Jewish Historical Institute in Warsaw.