

## IN THE NEWS

## Israel releases Palestinian prisoners

Israel freed 500 Palestinian prisoners.

The group, including Palestinians convicted for security offenses and others held in administrative detention, were released Monday after 11th-hour challenges by Israeli terror-victim lobbies were rejected.

On Sunday, Israeli Prime Minister Ariel Sharon won Cabinet approval for Israeli withdrawals from the Gaza Strip and parts of the West Bank. [Story, Pg. 3]

## Bush boosts Palestinian state

President Bush called for a Palestinian state with contiguous territory.

"A state of scattered territories will not work," Bush said Monday in a speech in Brussels, calling on Israel to freeze settlement construction in the West Bank. Referring to an upcoming London conference on funding for the West Bank and Gaza Strip after Yasser Arafat's death, Bush urged new Palestinian Authority President Mahmoud Abbas to "seize the moment."

"President Abbas has the opportunity to put forward a strategy of reform, which can and will gain support from the international community, including financial support," Bush said.

## U.S. Jewish officials back Israeli withdrawal

The Conference of Presidents of Major American Jewish Organizations affirmed its support of Israel's disengagement plan.

The conference, which was in Israel for its annual leadership mission, has expressed its support for the plan in the past.

On Sunday, the day the Israeli Cabinet gave final approval to the plan to withdraw from the Gaza Strip and part of the West Bank, the organization made a pledge to stand firmly behind Sharon and his path.

At a dinner in Jerusalem, Sharon said the disengagement plan was the hardest decision he has ever made.



# WORLD REPORT

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## Religious or historical displays? Court to rule on commandments

By MATTHEW E. BERGER

**W**ASHINGTON (JTA) — Are the Ten Commandments a historical document or a religious symbol?

That's one of the questions that will be before the U.S. Supreme Court early next month when it hears two cases on the public display of the Decalogue on government property. The central issue is whether states and municipalities can acknowledge the Ten Commandments as the root of American law without endorsing faiths that follow their teachings.

Several Jewish groups have weighed in on the cases, with most opposing displays that they feel endorse Judeo-Christian values — and even push a Protestant message over Jewish and Catholic interpretations of the Ten Commandments.

A coalition of Orthodox groups has taken an opposing tack, saying that religious symbols also can have secular meaning and that the Ten Commandments' role in modern legal codes should be acknowledged.

The court's decision is expected to have a great impact on the growing debate about the role of religion in government and society. Approval of commandment displays could lead to a proliferation of similar displays, while rejection could spark a backlash similar to what was seen, beginning in 2002, against the removal of "under God" from the Pledge of Allegiance.

"The cases pending have a larger meaning," said Marc Stern, counsel for the American Jewish Congress. "They are viewed as part of the cultural war" and the question of "to what extent the government can recognize and pay homage to religion's special status in society."

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The court is scheduled to hear both *Van Orden v. Perry* and *McCreary County v. ACLU of Kentucky* on March 2.

The *Van Orden* case concerns a Ten Commandments display situated between the Texas State Capitol and the Texas Supreme Court in Austin, donated by the Fraternal Order of Eagles. The display also has several religious symbols within it, including two Stars of David.

In *McCreary County*, a printed display of the Ten Commandments is one of nine documents adorning courthouse walls in two Kentucky counties, part of a display on "The Foundations of American Law and Government."

In both cases, opponents argue that any display of the Ten Commandments is unconstitutional because it inherently means endorsing one religion over another by the choice of text, and slighting religions that don't believe in the Decalogue.

Opponents also claim there is no secular purpose to a display of the Decalogue on government property.

Defenders claim the secular purpose is to acknowledge the Ten Commandments' role as the basis of American law. Further, they say the display does not endorse religion but merely acknowledges it, similar to acts of ceremonial deism, and liken the displays to museums that allow religious symbols or works.

The two cases may seem similar, but the Supreme Court could rule that stand-alone displays of the Ten Commandments are unconstitutional while broader displays, like

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**FOCUS  
ON  
ISSUES**

## ■ Supreme Court to hear cases about displaying the Decalogue

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the one in Kentucky, are legal.

Indeed, the court invalidated a Kentucky law requiring the posting of the Ten Commandments in public schools in 1980, ruling that there was not sufficient secular cause for it. But it has allowed privately funded religious displays, such as Chanukah menorahs and nativity scenes, on religious property.

Both displays now before the court were government-funded.

Ironically, the Supreme Court's own walls include a carving of Moses carrying the Ten Commandments, alongside carvings of Confucius and Mohammed and such historical figures as Caesar Augustus and Napoleon.

Jewish groups do not object to the Supreme Court display because it is seen as part of a broader, historical context that embraces non-religious as well as religious leaders.

Many Jewish groups traditionally have opposed any infringement on the separation of church and state, and have been wary about all but the most bland references to God in government.

A coalition of Jewish groups — including the Reform movement, the American Jewish Congress, the American Jewish Committee, the Jewish Council for Public Affairs and Hadassah — has filed a brief arguing that displays of the Ten Commandments inherently imply a specific perspective on the biblical story and therefore are sectarian statements.

"The selection was motivated not by a

desire to reflect history," Stern said. "It bespeaks an intention to get religion in there somehow, some way."

The issue gets more complicated because Jews and Christians have fundamental differences about what belongs on the two stone tablets, and most public displays follow the Protestant tradition. The Jewish version of the Ten Commandments is made up of 13 sentences; Christian variations of the Decalogue include 17 sentences.

In the Jewish version, the first line is "I the Lord am your God who brought you out of the land of Egypt, the house of bondage." That second phrase does not appear in the Christian text, and some Jews see its omission as a rejection of Jewish tenets — or, at least, an implicit endorsement of a particular religious tradition.

In a separate brief, the Anti-Defamation League said that by selecting specific wording for the displays, "government is proclaiming a message, not inviting a discussion."

But a group of Orthodox organizations, under the auspices of the National Jewish Coalition on Law and Public Affairs, argues that the displays should

not be disqualified just because they have religious content.

"It's recognition that the Ten Commandments has a certain historical significance," said Nathan Lewin, the brief's author. "They may have been Judeo-Christian, but in Western civilizations they had a very important role to play."

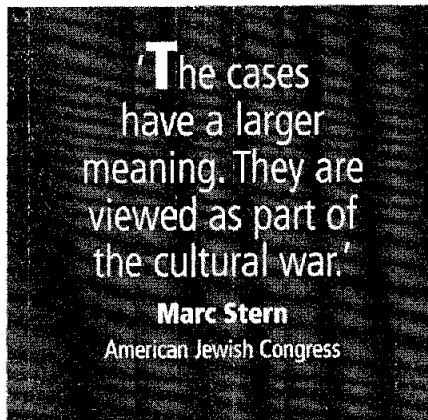
Orthodox groups traditionally have supported public displays of religion, believing Jewish as-

similation is a larger threat than government support for Christianity.

All involved hope the cases will help clarify the line of acceptable displays of religious symbols and affirmations.

Last year, the court chose not to rule on the merits of the term "under God" in the Pledge of Allegiance. Statements of ceremonial deism, such as "In God We Trust," are seen as a generic recognition of God that incorporates the religious traditions of most faiths.

Many Jewish groups did not oppose the language, deeming it benign and encompassing most faiths' religious traditions. The ADL was the only Jewish group to oppose the pledge reference, a reversal of previous statements on the issue.



## Property restitution case resolved

By TOBY AXELROD

BERLIN (JTA) — A case of property restitution has been resolved by a German judge, who decided that an 81-year-old woman should be compensated for the furnishings of a medical clinic her parents ran in prewar Germany.

Gabriela Hammerstein already has established her legal rights to a sanatorium her parents had run. As her parents' only remaining direct heir, Hammerstein most likely will receive a few thousand dollars in compensation for medical equipment and furnishings taken from her parents' outpatient clinic, the court said.

Hammerstein was neither plaintiff nor

defendant in the case. Rather, it was one of thousands of cases that the Claims Conference has handled since German unification opened the door to restitution of Jewish property formerly within the communist East German state.

An unusual aspect of the Hammerstein case is that the heir hopes to spend some of the last years of her life in the country her family fled — something few German-Jewish exiles can say.

The Claims Conference was established by 23 major Jewish organizations in 1951 to negotiate material compensation from Germany for Holocaust survivors and victims' heirs. It pursues these cases as the legal successor to unclaimed Jewish property.

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**THIS WEEK****TUESDAY**

■ Kol Echad's second annual Jewish studies retreat takes place in Maui, Hawaii, through Saturday.

■ A coalition of Jewish women's groups is devoting a day to awareness about Iran's nuclear program. One Voice: Jewish Women for Israel is calling for the day to be Iranian Nuclear Proliferation Awareness Day. On that day, women from U.S. Jewish women's groups will call their congressional representatives to press them to take action to stop Iran's nuclear program. Iran is believed to be a major sponsor of terrorism, and Israel considers Iran its greatest military threat.

■ President Bush continues a European tour aimed at restoring ties frayed by the Iraq war in his first term. Among his priorities: soliciting aid for the development of Palestinian democracy strategies to force Syria to end its support for terrorism and to force Iran to end its nuclear weapons program.

**WEDNESDAY**

■ A leader of the Israeli movement against military service beyond Israel's 1967 borders arrives in Washington, part of an 11-city U.S. tour. Air Force Capt. Yonatan Shapira will address synagogues, human rights groups and universities about his movement. Shapira signed an October 2003 letter by 27 pilots refusing to carry out any further missions in the West Bank and Gaza.

**THURSDAY**

■ President Bush meets with Russian President Vladimir Putin in Slovakia. Bush is expected to raise rising concerns about anti-Semitism in Russia as well as the repression of democratic movements there.

**FRIDAY**

■ Keren Hayesod will hold its annual European Young Leadership conference in Berlin. The three-day event by the central fund-raising arm for Israel outside of North America, which ends Sunday, will include talks by Israel's U.N. representative, Dan Gillerman, and the new German head of Keren Hayesod, Michel Friedman; tours of Berlin; and a gala dinner dance.

**SUNDAY**

■ The Jewish Council for Public Affairs will debate the role of moral values in public policy in its annual Plenum in Washington. The three-day conference will feature addresses by Sens. Hillary Rodham Clinton (D-N.Y.) and Mitch McConnell (R-Ky.). The group will lobby Congress on several domestic policy issues.

# Now, Gaza withdrawal feels real

By DAN BARON

JERUSALEM (JTA) — The Israeli government has set the clock ticking toward the first removal of Jewish settlements in nearly a quarter of a century.

By a 17-5 vote Sunday, the Cabinet approved Prime Minister Ariel Sharon's plan to evacuate the Gaza Strip and northern West Bank in a bid to withdraw from conflict with the Palestinians. Within hours, a solemn-faced Sharon and Defense Minister Shaul Mofaz signed eviction orders for 8,500 settlers.

"Everyone understands that this is a painful and difficult step, and we are speaking of people, many of whom are among the best we have in Israel, who settled and built and worked despite difficult terror for many years," Sharon told reporters.

"It is a difficult plan — for the settlers, certainly, and for me in particular."

At the same time, Israel has continued its efforts to strengthen Palestinian Authority President Mahmoud Abbas, releasing 500 Palestinian prisoners Monday after they signed agreements not to engage in terrorism. Another 400 prisoners are to go free in the coming weeks once the release roster is finalized.

Despite months of increasingly vocal — and sometimes violent — protests, the settlers and their right-wing backers in Israel were largely silent at the Cabinet vote, which set in motion preparations for beginning the pullbacks on July 20.

Some were rethinking strategies. Others were just stunned.

"My heart has died," Shuki Attias of the Rafiah Yam settlement in Gaza told Ma'ariv. "Up until now, I was in a sort of euphoria, believing this evacuation would just disappear. But now, a day after the Cabinet decision, I finally understood. I am just now beginning to process

the fact this will happen."

Israel's media carried reports accusing Jewish extremists of planning to shut down Israeli public services — by sabotaging train lines, for example — in a last-ditch effort to stop the withdrawals.

But a more above-board campaign was still in full swing, the call for a referendum on the first evacuation of settlers since Israel withdrew from the Sinai in the early 1980s under its peace deal with Egypt.

Finance Minister Benjamin Netanyahu voted against the disengagement plan because Sharon refused to grant a referendum on the matter. Other "rebels" in the ruling Likud Party said they would continue demanding the referendum until the prime minister folds.

But Sharon has ruled out a referendum as a waste of time and money — and a move that could undermine the democratic process.

An unscientific poll run on the Web site of Yediot Achronot, Israel's most widely circulated newspaper, found that 64 percent of Israelis back the withdrawal plan while 36 are opposed. The Haifa councilman who commissioned the survey said it showed a referendum to be unnecessary.

In another move less welcomed by the Palestinians, the Cabinet approved a redrafted route for the security fence. The new route gives Israel 7 percent of the West Bank rather than the 16 percent originally planned, but still guarantees an Israeli hold on Jerusalem and the Gush Etzion settlement bloc.

The Palestinian Authority's core decision-making body, the PLO executive committee, condemned the route as a "big crime." The Palestinians want all of the West Bank for a state. That's something Israel — with the backing of President Bush — rules out.

**'But now, a day after the Cabinet decision, I finally understood. I am just now beginning to process the fact this will happen.'**

**Shuki Attias**  
Rafiah Yam

# NEWS IN BRIEF

## NORTH AMERICA

### House removes anti-PLO language

The U.S. House of Representatives removed controversial anti-PLO language from a popular immigrant control bill before passing it.

Pro-Palestinian and dovish pro-Israeli legislators raised alarms two weeks ago when they uncovered language in the "Real ID" Act proposed by Rep. James Sensenbrenner (R-Wis.) that would standardize state issuance of drivers' licenses as a security measure.

The language would have designated any PLO member a terrorist, banning the entry, for instance, of Palestinian Authority President Mahmoud Abbas at a time when President Bush wants to host Abbas at the White House.

Following appeals from Rep. Darrell Issa (R-Calif.) and Rep. Lois Capps (D-Calif.), Sensenbrenner removed the language before the act passed Feb. 10.

### Stay in 'Gold Train' settlement

A judge granted a two-week extension to Hungarian Holocaust survivors and the U.S. government in negotiations on final compensation for a trainload of looted Jewish property.

The sides agreed on the broad outlines of a settlement in December in the "Gold Train" case and were to have announced a detailed settlement by Monday, but difficulties in tracking survivors led both sides to ask Patricia Seitz, a federal judge in Miami, for an extension. The sides now expect a settlement by March 4.

In October 1945, U.S. troops seized a train of Hungarian Jewish property looted by the Nazis. Much of the loot disappeared; some of it was known to have been requisitioned by the U.S. military.

The property was worth \$200 million — about \$2 billion in today's dollars — but the settlement is to be no more than \$25 million, distributed among about 50,000 survivors.

### Hadassah praises genetic vote

Hadassah praised the U.S. Senate for unanimously passing a bill that would outlaw discrimination based on genetic information.

The Senate on Thursday passed the Genetic Information Non-Discrimination Act, which is identical to a bill that passed the Senate and had President Bush's support in 2003 but failed in the U.S. House of Representatives.

The bill would protect citizens against discrimination in health insurance and employment based on genetic information.

## MIDDLE EAST

### Abbas reshuffle held up

Political infighting held up the swearing-in of the new Palestinian Authority Cabinet.

The Palestine Legislative Council postponed Monday's ratification vote on the new ministerial lineup for 24 hours after reformists accused P.A. President Mahmoud Abbas of not appointing enough young faces.

In a sign of the dissent, Gaza strongman and Abbas aide Mohammed Dahlan declined to join the Cabinet.

Abbas is under intense international pressure to enact reform in the Palestinian Authority, but he is wary of alienating too many of the old guard from his dominant Fatah faction or strengthening rival Islamist groups such as Hamas.

### Arab envoys return

Jordan returned its ambassador to Israel. Ma'aruf Bakhit, a retired Jordanian army general who helped broker his country's 1994 peace accord with Israel, took up his new position in Tel Aviv on Sunday.

The last ambassador was recalled shortly after Israeli-Palestinian fighting erupted in 2000, and Bakhit's appointment was among regional reconciliation efforts agreed upon at this month's peace summit in Sharm el-Sheik.

Egypt, which also had recalled its ambassador, named Mohamed Assam as his replacement, a nomination endorsed by Jerusalem.

Bakhit was expected on Monday to discuss terms for an impending visit to Amman by Israeli Foreign Minister Silvan Shalom.

### Crackdown in Rafah

Israeli troops killed two Palestinian gunrunners in the Gaza Strip.

The two men shot dead Sunday were part of a cell spotted smuggling arms into Rafah across the nearby Egyptian border.

A third Palestinian was arrested. Hours later, a Palestinian Authority policeman was killed when a smuggling tunnel he was helping uncover collapsed on him.

### P.R. star is born

An American immigrant became Israel's "ambassador" on a reality television show.

Eytan Schwartz, an entertainment reporter who immigrated to Israel at 7, was the judges' pick in the final episode of "The Ambassador," aired Sunday.

His prize is a yearlong job at an Israeli advocacy group in New York, all expenses paid. Schwartz narrowly beat Mahareta Bruch, originally from Ethiopia, and Tsvika Deutch, the Israeli-born son of British immigrants.

Inspired by "The Apprentice," Donald Trump's reality television show, "The Ambassador" put its contestants through various P.R. trials and enjoyed record ratings in Israel during its three months on the air.

The Jewish Agency said it would hire Bruch to represent the organization.

## WORLD

### Sex scandal sinks diplomatic posting

Israel's consul-designate to Australia withdrew his candidacy after reports resurfaced of a sex scandal during a previous posting.

Though Arie Scher was never charged with a crime, Australian Jewish leaders let Israel's ambassador in Australia know that they were uncomfortable about the posting.

When the posting was made public, Israel's Ma'ariv newspaper dredged up Scher's involvement in the sex scandal several years ago when he was a consul in Brazil.

JTA reported at the time that police searched Scher's Rio de Janeiro apartment after he was photographed naked in the company of underage girls, reportedly finding pornographic videos and more than 100 pictures of young girls in compromising positions.

Mark Regev, a spokesman for the Israeli Foreign Ministry, told JTA that Scher had been reprimanded for inappropriate behavior.

### Film on suicide bombing wins at Berlin

A controversial film about Palestinian suicide bombers has won three prizes at the Berlin Film Festival.

"Paradise Now," director Hany Abu-Assad's film about two men determined to carry out a suicide bombing in Tel Aviv, won the Blue Angel Prize as best European film.

Though the director comes from Nazareth, the film is a joint production of the Netherlands, France and Germany.

Abu-Assad also won the readers' prize from the Berlin Morgenpost newspaper and the first-ever Amnesty International Film Prize. The film drew criticism from protesters who said it glorifies suicide bombing.