

IN THE NEWS
Russian Jewish oil magnate sentenced

A Russian court sentenced a Jewish oil magnate to nine years in jail.

In a widely expected decision, the court sentenced Mikhail Khodorkovsky, Russia's richest man, after finding him guilty of six charges out of seven, including tax evasion, fraud and embezzlement.

Most observers say Khodorkovsky wasn't targeted because of his Jewish origin, but many Jews feel the trial led to a rise in anti-Semitic sentiment in Russia.

White House names new liaison

The White House will name Jeffrey Berkowitz as the new liaison to the Jewish community.

Berkowitz, associate director in the White House scheduling office, will take the post over from Noam Neusner, who has been relieved to concentrate on his position as spokesman for the Office of Management and Budget, sources told JTA.

Pataki to lead U.S. team at OSCE parley

George Pataki will lead the U.S. delegation to an international conference on anti-Semitism in Spain.

New York's Republican governor will head the American team at the Organization for Security and Cooperation in Europe's Conference on Anti-Semitism and on Other Forms of Intolerance, slated for June 8-9 in Cordoba, the Spanish Foreign Ministry said.

The announcement was met with satisfaction by U.S. Jewish groups.

"Governor Pataki is committed to the ideals of human rights and mutual respect among all races and faiths, including combating anti-Semitism," said Edgar Bronfman, president of the World Jewish Congress. The WJC has taken a leading role among Jewish groups in preparing for the meeting, the third such gathering in three years.

WORLD REPORT

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U.S. Supreme Court affirms religious rights for prisoners

By MATTHEW E. BERGER

WASHINGTON (JTA) — Kosher meals and other expressions of religion may become more accessible for state and federal prisoners in America, after the U.S. Supreme Court this week upheld the constitutional right to religious accommodation for minorities in prisons.

In a unanimous decision delivered Tuesday, the high court found the Religious Land Use and Institutionalized Prisons Act to be constitutional. The ruling said religious accommodations should be allowed in prisons unless they conflict with a compelling government interest.

Justice Ruth Bader Ginsburg said the law does not promote religion, as an appeals court had determined, because it does not single out any faith above others.

The Supreme Court also said the law would not place an undue burden on prisons, as the state of Ohio, which challenged the law, had argued.

"We do not read RLUIPA to elevate accommodation of religious observances over an institution's need to maintain order and safety," Ginsburg wrote, using the acronym for the legislation enacted in 2000.

"Our decisions indicate that an accommodation must be measured so that it does not override other significant interests."

The ruling was welcomed by American Jewish organizations across the religious and political spectrum. Many Jewish groups had worked to get the legislation passed in Congress.

Many said an alternative decision could have substantially limited the rights of lawmakers to provide any accommodations for religion.

Marc Stern, counsel for the American Jewish Congress, said the ruling ends the debate over whether government accommodation of religion is equivalent to the establishment of religion. The focus, he said, will now shift to determining the limits of appropriate accommodation.

"It will end the recurring argument about whether prison officials are required to provide religiously acceptable meals," said Stern, who served as co-counsel for the petitioners, representing the Bush administration and several prison inmates.

"The states will now have to come forward with real justification" for denying access to books, worship services and religious materials, like yarmulkes and tefillin, he said.

During oral arguments for the case, *Cutter v. Wilkinson*, in March, the Supreme Court justices had discussed access to kosher meals as an example of religious interests that should be fulfilled.

Arguing for the plaintiffs, acting U.S. Solicitor General Paul Clement said that if state governments accepted federal funds for prison meals, the federal government could ensure that kosher meals were provided.

The court did not rule on another aspect of the law, which requires the government to have a compelling reason if it denies religious organizations reasonable land use.

Stern said that since the court didn't address this issue, it would be easier to defend the constitutionality of the zoning provision under the law, which makes it easier for synagogues and other religious institutions to be built.

Though Jews make up a small proportion of the prison population, they often are dis-

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criminated against and denied religious materials, such as kosher meals and tefillin, advocates for Jewish prisoners say.

It is unclear how many Jews are in prison, because the government does not keep statistics on inmates' religion. Chaplain Gary Friedman, chairman of Jewish Prisoner Services International, said his organization is in touch with 5,500 inmates, but estimates the number of Jews in prison could be double that.

Friedman said he is "absolutely delighted" at the ruling, saying it would help prevent phony claims of burdens on prisons to prevent religious expression.

"At one point, all a prison had to do was make a claim," he said. "Clearly, now it is a much heavier hammer and they are going to have to substantiate any claim of compelling government interest."

But, Friedman said, the question will now turn on whether the Justice Department enforces the law.

The case before the court stemmed from complaints by members of several fringe religions — Wicca, Asatru and the Church of Jesus Christ — who filed lawsuits after being denied the ability to worship and buy religious books and ceremonial items in prison.

A U.S. district court in Ohio ruled for the plaintiffs in 2001, saying the act did not violate the Establishment Clause of the U.S.

Constitution — which prevents the state from endorsing a particular religion — because government itself can through legislation alleviate its own restrictions.

The 6th Circuit Court of Appeals in Cincinnati reversed the decision in 2003, arguing that the legislation unfairly advances religion by "giving greater protection to religious

rights than to other constitutionally protected rights."

The Supreme Court's ruling Tuesday reversed the appeals court.

In 1997, the U.S. Supreme Court struck

down a broader version of the legislation, the Religious Freedom Restoration Act, ruling that Congress did not have the authority to enact a law that the court said infringed on states' rights.

Michael Lieberman, Washington counsel for the Anti-Defamation League, noted that Tuesday's opinion cited information and statistics provided to Congress from Jewish organizations during debate over the 2000 legislation.

He said that careful drafting of legislation can help determine a law's constitutionality, and the court can rely in part on that kind of data.

The legislation passed in 2000 had been supported by a wide swath of Jewish groups, many of whom joined the Becket Fund for Religious Liberty and other civil liberties groups in a brief backing the petitioners in the case. Those groups included the American Jewish Committee, the ADL, B'nai B'rith International, the Jewish Council for Public Affairs and all the major Jewish religious movements. ■

The decision 'will end the recurring argument about whether prison officials are required to provide religiously acceptable meals.'

Marc Stern

American Jewish Congress

Israeli police investigating 'sickness'

By DAN BARON

TEL AVIV (JTA) — Fear of infiltration is again sweeping Israel.

This time, though, the threat isn't a cross-border raid by Arab terrorists. Instead, the uncovering of an industrial espionage ring has Israelis running to their computers.

It began Sunday, when police announced the arrest of at least 18 people from top Israeli telecommunications companies — including licensed private investigators — on suspicion of using a "Trojan Horse" virus to steal secrets from competitors' software.

"This is one of the gravest industrial and corporate espionage scandals ever in Israel," said Roni Hindi of the Tel Aviv police fraud squad.

The companies said to be under investigation included mobile telephone providers Pelephone and Cellcom, and the satellite television service YES. Those traded publicly took a tumble.

But the shock was felt beyond the privileged ranks of the shareholders.

"In a country where there is a national ethos of military secrets and everyone competes aggressively with everyone else, the idea of a rival sitting on your computer

or servers is distressing," wrote Guy Rolnik of the Israeli business magazine *The Marker*. "Now this can also be explained as another expression of the erosion of established norms in Israel."

By Monday, even *The Marker* had become unwittingly embroiled in the affair, with police saying it may have been targeted by a Trojan Horse.

So too was *The Marker's* rival, *Globes*. The concerns reached as high as the Knesset, where National Religious Party lawmaker Shaul Yahalom demanded that all parliamentary computers be scoured for spy software.

It all began with a prank. Last November, Israeli author Amnon Jacont was astounded to discover, on the Internet, extracts of a novel he was writing secretly.

An investigation led police to conclude Jacont was a victim of a Trojan Horse virus planted by Michael Haephrati, an estranged former in-law of Jacont's wife. Haephrati, a London resident, is believed later to have peddled the spy program to the Israeli telecommunications firms under investigation.

Israeli authorities have asked Britain to extradite Haephrati. ■

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French Jews mixed after constitution nixed

By LAUREN ELKIN

PARIS (JTA) — The Jewish community in France received news of the vote against the proposed European Union constitution with uncertainty about what it means for them.

Contrasting reactions in the Jewish community parallel the variety of Jewish perspectives leading up to the crucial vote.

In a decision that rocked the French establishment — and led to a reshuffling of the French government — the final count in Sunday's referendum was 56 percent against the proposed constitution, 44 percent in favor. The shock waves reverberated across Europe, in spite of polls that had indicated for weeks that the French would reject the treaty.

Many interpreted the French vote as a rejection of their president, rather than the constitution.

"They didn't answer the question that was asked of them," said Stephane Friedfeld, director of the French Jewish Business Union.

Nevertheless, it was not President Jacques Chirac but Prime Minister Jean-Pierre Raffarin who took the fall. Raffarin handed in his resignation Tuesday morning. Within half an hour, Chirac had named Interior Minister Dominique de Villepin as his successor.

Nicolas Sarkozy, who had been the popular favorite for prime minister and who is close to the Jewish community, took over the Interior Ministry.

Though dissatisfaction with the government may have contributed to the "no" vote, there certainly were other issues at stake, running the gamut from a desire to protect French social services, to a rejection of an unrestrained free market economy, to the extreme right's outright rejection of the European Union.

The constitution, a copy of which was mailed to every registered voter in France, would protect fundamental human rights as well as the rights to social security, employment, freedom from discrimination and freedom of religion; it would also ensure gender equality and protect animals. It also would establish certain economic policies to ensure that the European Union will be "a domestic

market with free and unadulterated competition."

Though other E.U. nations still have to vote on the constitution, France's vote likely means that the document will have to be rewritten, a contentious and laborious process.

For the most part, leaders of the mainstream French political establishment — from the moderate right to the moderate left — had urged a vote in favor. Voters at the political margins on each side were more prone to vote no.

Polls indicate that mainstream voters weren't against the concept of the European Union, but had a different idea of what that union should be.

In the Jewish community, responses to the vote were mixed.

The results were "not surprising, but disappointing," said Friedfeld, who characterized the vote as a "reaction of fear" that was "not good for France, not good for the economy, not good for business."

Sammy Ghozlan, president of the National Bureau for Vigilance Against Anti-Semitism and a backer of the constitution, was disappointed.

To move on from this defeat, he said, "France has to find an efficient way to get involved in Europe, and Europe has to find a way to work hand in hand with the United States."

On the other hand, some members of the Jewish community found the constitution and the current political climate in the European Union too problematic to ratify.

"The E.U. wants to set itself up as a bloc against American superpower," said M. Kalfon of The Book Fair, a Parisian Jewish bookstore. "They're creating a false unity, a unity not built on positive reasons, but built out of anti-Americanism."

What's more, he said, the French Jewish community finds the idea of the

European Union threatening in some ways.

Faced with the memory of anti-Semitism in Europe, and a perception that the E.U. has taken anti-American and anti-Israel stances, the Jewish community feels increasingly isolated, which is why most Jews he knows voted against the constitution, Kalfon said.

Several Orthodox women in the Ninth District, who preferred not to be identified by name, said most

people they know in the Jewish community voted against the constitution for a variety of reasons, largely economic.

Some commentators in the Jewish media speculated that there was a "dusting" of anti-Semitism in the "no" vote, because the xenophobic extreme right urged voters to reject the constitution.

CRIF, the umbrella organization of secular Jewish groups, refused to comment on the results.

What concerns the Jewish community is how well the new French government will listen to the community's concerns.

Friedfeld said the agenda of the Business Union, which is to meet with French politicians to discuss the needs of the Jewish community, would not be affected by the changes at the prime minister's residence — except that it probably will be more difficult now to gain access to Villepin.

Sarkozy, who gained the confidence of the Jewish community with his vigorous action against anti-Semitism when he was the minister responsible for the French police, would have been more "useful" as prime minister, Friedfeld said.

Ghozlan said that both Villepin and Sarkozy would continue to be vigilant about fighting anti-Semitism, and he commended their efforts thus far.

Raffarin was extremely helpful in listening to the Jewish community, Ghazlan said, but he expected that Villepin would be as well.

French Jews are looking to see how a new prime minister addresses anti-Semitism after the constitution vote leads to a governmental shake-up.

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NEWS IN BRIEF

MIDDLE EAST

Sharon, Abbas to meet

Ariel Sharon is likely to meet with Mahmoud Abbas in the next few weeks, Israel's foreign minister said.

The Israeli prime minister and Palestinian Authority president are expected to discuss coordinating Israel's upcoming withdrawal from the Gaza Strip and parts of the West Bank.

Deep trouble averted

The Palestinian Authority uncovered a terrorist tunnel intended for attacks on Israeli settlers in the Gaza Strip.

The discovery of the 150-foot-long secret passage running from the Palestinian city of Khan Younis to the Gush Katif settlement bloc was reported Monday night to Israel, security sources said.

The Palestinian Authority was expected to seal the tunnel Tuesday. Terrorists have used tunnels in Gaza to smuggle arms and plant explosives under Israeli targets.

The Palestinian Authority has been under heavy pressure to curb terrorism in Gaza before Israel withdraws from the territory in mid-August.

Egypt lowers expectations

Egypt does not intend to stop Palestinian attacks from the Gaza Strip after Israel withdraws from the territory, an Egyptian official said.

"Don't expect Egypt to be your policeman in Gaza," Egypt's ambassador to Israel, Assef Ibrahim, told the Jerusalem Post on Tuesday. "Egypt will not play this role. This is basically an Israeli problem and an Israeli question you have to solve yourselves."

Egypt, which occupied Gaza before Israel conquered the territory in the 1967 Six-Day War, has led efforts to prepare the Palestinian Authority to take it over.

While it has ruled out more active involvement in running Gaza after Israeli soldiers and settlers withdraw beginning in mid-August, Egypt has vowed to crack down on arms smuggling to Gaza from the Sinai peninsula if Israel allows Egypt to boost its troop deployment on the border.

Goodbye to the Golan?

Israel's top general said the Golan Heights would not be necessary for national security if there were peace with Syria.

"Israel could defend itself from an alternative deployment line. But this would be on condition of peace, and of a responsible leadership being in charge in Syria," Lt. Gen. Moshe Ya'alon told the London-based Arabic newspaper A-Sharq Al-Awsat on Tuesday, his last day as Israel's chief of military staff.

Israel has rebuffed peace overtures from Syrian President Bashar Assad as insincere, citing his continued support for Palestinian terrorist groups.

In the interview, the first by Israel's top general to an Arabic newspaper, Ya'alon painted a pessimistic picture of the Jewish state's relations with the Palestinians.

He criticized Palestinian Authority President Mahmoud Abbas for not cracking down on terrorist groups in the West Bank and Gaza Strip, and predicted that it would be "many years" before Israel makes peace with all of its Arab neighbors, given the depth of ill will in the region.

Egyptians block playwright

Egyptian authorities prevented an acclaimed Egyptian playwright from coming to Israel this week.

Ali Salem was to receive an honorary doctorate from Ben-Gurion University of the Negev on Tuesday.

Salem has been blacklisted by the Egyptian intelligentsia for writing a book in 1994 about his experiences traveling through Israel.

He was expelled from the Union of Egyptian Writers in 2001 for his ongoing support of normalization between Israel and the Arab world, but was reinstated by Egypt's Supreme Court.

He is the author of more than 25 plays, including many that have become classics of the Egyptian theater.

NORTH AMERICA

Nixon was wrong on Deep Throat's Jewishness

A former FBI agent who outed himself as the "Deep Throat" of the Watergate scandal is not Jewish, though President Nixon and his aides believed he was.

Mark Felt, 91, revealed himself to Vanity Fair this week as the best-known anonymous source of the last century.

Nixon, who had clashed with Felt over the FBI's refusal to use questionable means to track down leaks, came to suspect that Felt — J. Edgar Hoover's right-hand man — leaked information.

In a 1972 conversation recorded on the Nixon tapes, top aide H.R. Haldeman tells the president that Felt is Jewish.

Nixon expresses shock that a Jew could have reached such a senior post, and speculates that Felt might be leaking information because he is Jewish.

In fact, Felt, born in Idaho, is of Irish ancestry and claims no religious affiliation.

Kosher slaughterhouse loses contract

A kosher slaughterhouse lost a major contract after failing an audit.

Kosher Today reported that auditors said the Atlantic Veal slaughterhouse failed to use head restraints when slaughtering veal, violating American Meat Institute recommendations.

As a result, the food company Sysco canceled its contract with the company.

A spokesman for Atlantic Veal responded that the company's slaughtering procedures are in strict compliance with Jewish laws governing kosher slaughter.

The incident comes in the wake of allegations that Agriprocessors, a kosher slaughterhouse in Iowa, violated kosher standards and federal law by using cruel and inhumane means to slaughter animals.

The U.S. Department of Agriculture is investigating the Agriprocessors plant.

Student boosts Jesus at graduation

A student speaker at a U.S. university's graduation said the true path to success lies "through Jesus."

The student's comments, made May 19 at Rutgers University-Newark's commencement ceremony, prompted some students and faculty members to walk out, the New Jersey Jewish News reported.

University officials, who did not have an advance copy of the speech, said they do not endorse the student's remarks but support his right to speak freely.

Etzion Neuer, New Jersey regional director of the Anti-Defamation League, called the student's statement "upsetting," and said student representatives at public universities need to remain sensitive to all groups.

WORLD

Israel in with NATO group

Israel was voted in as a member of the NATO Parliamentary Assembly.

Tuesday's vote allows Israel full status in the group, the interparliamentary organization of legislators of 14 NATO member countries. Israel had previously enjoyed only monitor status in the group.