

IN THE NEWS

**Israel, U.S. to
signs arms pact**

Israel and the United States are about to sign an agreement calling on each side to consider the other in negotiating arms deals with third parties.

Two senior Israeli officials are in Washington this week to finalize the pact, which arose out of American unhappiness with an Israeli arms deal with China.

Israeli Ambassador Daniel Ayalon said he hoped the pact would be signed soon.

**Acquittal in
Kenya terror case**

Three Kenyans were acquitted of involvement in the 2002 bombing of an Israeli-owned hotel.

The High Court in Nairobi ruled Monday that there is insufficient evidence to link the defendants, all Muslims, to the November 2002 suicide attack in Mombasa that killed 12 Israelis and three hotel staffers.

An earlier case involving four other defendants also ended in acquittal.

Al-Qaida claimed responsibility for the bombing and for a simultaneous attempt to shoot down an Israeli airliner taking off from a nearby airport.

**Rabbi named
Air Force adviser**

The U.S. Air Force secretary named a rabbi as a special assistant in response to charges of proselytizing at the Air Force Academy.

Rabbi Arnold Resnicoff, a former U.S. Navy chaplain, was named to the post Monday.

Resnicoff helped create a program at the Colorado Springs campus to deal with religious tolerance.

The school has been criticized in recent months for creating an uncomfortable climate for religious minorities, including Jewish cadets, who said they felt pressure to choose their military duties over expressing their religion.



WORLD REPORT

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Court's rulings on commandments raise more questions than answers

By MATTHEW E. BERGER

WASHINGTON (JTA) — The U.S. Supreme Court's split rulings this week on the public display of the Ten Commandments is likely to lead to further confusion on what's permissible and what's not, analysts say.

The high court determined that some monuments cast a religious message and therefore violate the separation of church and state.

But taken together, the rulings on two separate but related cases are likely to be viewed as an endorsement of public displays of the Ten Commandments, as long as they are erected with a secular objective.

That means many of the current displays across the country will be allowed to stay, analysts say, and it's unclear whether more will be constructed.

With these rulings, the justices — in what was widely expected to be the final day of the court presided over by Chief Justice William Rehnquist — did not entirely please either the staunch separationists or the religious conservatives.

In a 5-4 ruling, the high court said two displays in Kentucky courthouses were illegal because they portrayed an overtly religious message.

In his majority opinion, Justice David Souter suggested some displays are appropriate if they're religiously neutral, including the one in the Supreme Court building itself.

The court also ruled in a separate case, 5-4, that Ten Commandments monuments are permissible on state grounds, such as the display between the Texas State Capitol and Texas Supreme Court in Austin. The court believed the

declared purposes of the display, to honor the Fraternal Order of Eagles and promote civic values, were genuine.

The ruling "says clearly that any displays that are put up prospectively, there will have to be a very clear inquiry into the purpose," said Steven Freedman, director of legal affairs for the Anti-Defamation League. "Historic displays are going to be harder to challenge."

The rulings garnered mixed reactions from American Jewish groups, most of which have opposed the public display of the Ten Commandments in a religious context.

Some groups that closely monitor the separation of church and state hailed the court for saying government could not endorse religious messages, but those same groups said the court also left much room for the display of religious content on government property, if cloaked behind other purposes.

"It's going to require them to be circumspect in their intents, which is not a bad thing, but will lead to some hypocrisy," said Marc Stern, general counsel for the American Jewish Congress.

Orthodox groups held a different view, praising the court's ruling on the constitutionality of public displays of the Ten Commandments. But some said they were concerned that the rulings suggested that the display of religious content itself ran afoul of the establishment clause of the First Amendment.

"It strains the imagination that displays of the Ten Commandments in courts can be viewed as an establishment of religion," said Rabbi Abba Cohen, Washington director and counsel for Agudath Israel of America.

"All such displays simply seek to acknowl-

Continued on page 2

BEHIND
THE
HEADLINES

■ *Rulings on commandments leave groups with questions*

Continued from page 1

edge the commandments' historical significance for the rule of law."

In the Kentucky case, McCreary County v. ACLU, a majority found that the displays of the Decalogue were used to emphasize a religious message, especially since they had first been put up by themselves, before being surrounded by other historical documents after court challenges.

That went too far, Souter said, writing for a majority that included Justices John Paul Stevens, Ruth Bader Ginsberg, Stephen Breyer and Sandra Day O'Connor.

For a display to be constitutional, Souter said, "the secular purpose required has to be genuine, not a sham, and not merely secondary to a religious objective."

Justice Antonin Scalia said in a dissent that religion was part of the country's history. He made the case for governmental acknowledgment of a monotheist society, noting the three dominant religions in the country — Christianity, Judaism and Islam — all believe the Ten Commandments were given to Moses.

"Publicly honoring the Ten Commandments is thus indistinguishable, insofar as discriminating against other religions is concerned, from publicly honoring God," he wrote. "Both practices are recognized across such a broad and diverse range of the population — from Christians to Muslims — that they cannot be reasonably understood as a government endorsement of a particular religious viewpoint."

In the Texas case, *Van Orden v. Perry*, Rehnquist said the Ten Commandments are religious, but they can also have a dual

purpose. He noted Moses was a lawmaker as well as a religious leader.

"Simply having religious content or promoting a message consistent with a religious doctrine does not run afoul of the Establishment Clause," he wrote, in an opinion joined by Scalia, Breyer, and Justices Anthony Kennedy and Clarence Thomas.

In a concurring opinion, Breyer stressed that the Texas display had stood for 40 years without being contested. However, he called it a "borderline case."

Stevens said in a dissent that the monument could not be seen as a passive acknowledgment of religion.

"This nation's resolute commitment to neutrality with respect to religion is flatly inconsistent with the plurality's wholehearted validation of an official state endorsement of the message that there is one, and only one, God," he wrote.

Public displays of the Ten Commandments are supported by a majority of Americans, according to polls. Lawmakers were planning to seek their allowance through a constitutional amendment if the high court had struck them all down.

It remains to be seen whether the split verdict will satisfy religious conservatives.

Roberta Combs, president of the Christian Coalition of America, blasted the decision, suggesting the justices did not respect the Constitution.

"Today's Supreme Court decision on the Ten Commandments showed once again that the nation's top court is completely out of step with the American people," she said. "This must change."

Jews and Christians have fundamental differences about what belongs on the two stone tablets of the Ten Commandments, and most public displays follow the Protestant tradition. The Jewish version of the Ten Commandments is made up of 13 sentences; Christian variations 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 referring to Egypt 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.

But the court did not discuss the content of the displays at length. Their focus rested more on the context and purpose of erecting a display of the Ten Commandments.

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.

Some suggested the rulings' effect could mirror that of a 1989 ruling on the Christmas nativity scene. The court ruled then that while a nativity scene within a Pittsburgh courthouse was unconstitutional, a Christmas tree and menorah display one block away was not.

The latter display, which was located in a building owned jointly by both the city and the county, included an 18-foot menorah donated by the local branch of Chabad-Lubavitch next to a 45-foot-tall Christmas tree, with a banner reading "Salute to Liberty" at its base.

The court ruled that the menorah and tree were part of an acceptable display for the "winter-holiday season."

Jewish groups said they have seen some additional Christmas displays since the ruling, but they are often surrounded by menorahs and other holiday symbols.

Conservative groups might try to surround future Ten Commandments displays with historical or other monuments to pass the court's test, observers say.

The issue is expected to re-emerge, especially since the high court suggested by its rulings that the displays should be analyzed on a case-by-case basis.

"It is certain that this decision will be tested," Stern said.

(JTA intern Avi Mayer in Washington contributed to this report.)

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Rabbi Abba Cohen
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Jewish leaders consider new forum

By DINA KRAFT

JERUSALEM (JTA) — Under the light of Chagall windows, dozens of senior Diaspora and Israeli leaders took their seats in the main hall of the Israeli president's residence to discuss the creation of a forum for the Jewish people.

It was decided at the June 22-23 meeting that an annual gathering — to be called Beit Yisrael: World Jewish Forum — will be convened for the first time next year as an advisory body helping the Jewish world coordinate responses to the challenges of contemporary Jewish life.

The forum is envisioned as a central meeting place for the top echelon of leadership in the Jewish world, modeled after the World Economic Forum at Davos. All sectors of the Jewish world, from across religious and political lines, could meet there for an intensive gathering to discuss and establish action plans on issues ranging from battling assimilation and anti-Semitism to forging stronger Israel-Diaspora ties.

This would be the first unified body for the Jewish people at large that would develop long-term strategies for dealing with the most pressing issues on the day.

Those who attended the two-day session in Jerusalem said no such forum currently exists for a cross-section of the Jewish people to gather and address the issues of the day.

Last week's meeting follows a conference of Jewish intellectuals from outside the organizational world late last month in Washington. At that gathering, Powerhouses like Harvard University President Lawrence Summers, U.S. philanthropist Michael Steinhardt and Brandeis University President Jehuda Reinharz met to discuss how to stem the tide of declining Jewish affiliation in the Diaspora.

Aides to President Moshe Katsav, who initiated the forum idea, stress that it is not intended as a new Jewish organization. The idea is to have a forum for discussion and planning, where the most critical problems facing the Jews as a people can be grappled with.

The Davos model was chosen because it brings top leaders together in a closed, impartial setting where they candidly try to tackle current challenges.

On June 22, for example, those invited

by Katsav heard from experts about assimilation and intermarriage, Jewish education in the Diaspora and anti-Semitism worldwide.

The president wants "high-caliber" leadership at the forum to deal with real substance, spokesman Akiva Tor said. "He feels there is a need for coordination at the highest levels, with fresh voices focusing on major issues."

Participant Malcolm Hoenlein, executive vice chairman of the Conference of Presidents of Major American Jewish Organizations, said the forum responds to the need for a more pragmatic and pro-active approach to key issues.

"We will target how we will make a difference," he said.

Colette Avital, a Labor member of Knesset and former Israeli consul in New York, said the idea of the forum reflects the changing times.

With globalization, she told JTA, many Jews feel less of a need to associate as a group.

"You want them to be part of the new world, but we have to give them new reasons to be part of the family," she said.

Bobby Brown, the World Jewish Congress' director in Israel, said globalization is one thing that makes such a forum important.

"There is no table of the Jewish people,

and as we get more into globalization and as the Jewish community, especially the smaller Jewish communities, become more bereft of basic needs to maintain themselves... there is no U.N., no neutral ground where issues can be discussed," he said. "The problems have been global. Now the funding has to be."

Brown and others also cited the forum as a way to keep the next generation of Diaspora and Israeli

Jews united and connected.

"We're becoming two different peoples, both called Jews, and we need a common forum to work together," he said.

In his comments to the group, Yahad-Meretz politician Yossi Beilin said he found it disturbing that since the establishment of the Jewish state in 1948, there had been no such forum.

Addressing concerns that such a gathering would only be a meeting of talking heads, he said, "My big question is: Will it succeed or not?"

Stephen Savitsky, president of the Orthodox Union, suggested that prominent Jews such as computer mogul Michael Dell, comedian Jerry Seinfeld and film director Steven Spielberg should be included.

"Everyone has to buy into the fact that it's important to come," he said.

"The Jewish world," he said, is in a "crisis." ■

'We have to give them new reasons to be part of the family.'

Colette Avital
Israeli politician

BEHIND
THE
HEADLINES

Zionist election jockeying begins

By RACHEL POMERANCE

NEW YORK (JTA) — Russian American Jews want their community to vote in world Zionist elections.

Voter registration is beginning for the elections to the 35th World Zionist Congress, which takes place June 19-22, 2006, in Israel.

The World Zionist Congress, which meets every four to five years, debates the policies of the World Zionist Organization, which controls half of the \$350 million budget of the Jewish Agency for Israel.

Israeli political parties are represented

according to their power in the Knesset, while Jews throughout the Diaspora can vote for a variety of American Zionist parties to attend the Congress. Russian American Jews for Israel, which earlier this year became the first Russian-American group to join the American Zionist Movement, is leading the call to action.

"For many years all American Jewish Zionist groups have participated in the elections, and the time has come for the Russian Jews in the United States to take a stand," stated the group, which will hold a news conference on the subject in New York on Wednesday. ■

NEWS IN BRIEF

WORLD

Manslaughter verdict in Briton's death

An Israeli soldier was convicted for killing a Briton in the Gaza Strip. A court martial found a sergeant in Israel's Bedouin Regiment guilty Monday of manslaughter after he confessed to shooting Tom Hurndall, a member of the pro-Palestinian International Solidarity Movement, in the Gaza town of Rafah in 2003.

The defendant was also convicted of obstruction of justice and soliciting false testimony for trying to cover up the fact that he targeted an unarmed civilian, and reporting at first that he fired at a Palestinian gunman.

Sentencing is expected in August, and the soldier could get a maximum of 24 years in prison.

Hurndall was critically wounded in the shooting and died in a British hospital in 2004.

European Jewish group gets new leader

Pierre Besnainou of France was elected president of the European Jewish Congress.

Besnainou intends to "work for the reconciliation of the European people with Judaism and Israel," he said Sunday after being elected by the group's general assembly.

Besnainou recently aroused the ire of several American Jewish groups when he characterized their manner of involvement in French Jewish affairs as "presumptuous" and "patronizing."

MIDDLE EAST

Crackdown on outposts

Israel said it was curbing illegal West Bank outposts.

Housing and Construction Minister Isaac Herzog told a government panel Monday that, thanks to a new crackdown, work on expanding hilltop outposts at 50 sites has been stopped.

Some 20 government contracts with construction companies that helped erect the outposts have been canceled, Herzog said. Monday's session aimed to discuss government efforts to redress irregularities cited by a report earlier this year.

Authored by prosecutor Talia Sasson, the report accused several Israeli governments of collusion in the construction of some 105 outposts.

Under the U.S.-led "road map" peace plan, Israel is obligated to dismantle all outposts put up since March 2001.

Immigrant turns refusenik

An American immigrant became the first Israeli soldier to refuse orders to evacuate Gaza Strip settlers.

Avi Biber, a corporal in the Israel Defense Forces' engineering corps, was arrested Sunday after he refused to take part in the demolition of 11 shacks in Gaza's Shirat Yam settlement where right-wing activists had holed up.

Photographs of the 19-year-old conscript, shouting "Jews don't expel Jews" as he was disarmed and led away, were splashed across the front pages of Israel's newspapers, adding to speculation that troops could mutiny over withdrawals from Gaza and the northern West Bank.

"Some nine years ago, as a child, I immigrated to Israel with my family from the United States. We didn't come to the country to expel Jews from their homes," Biber, who faces a court martial, told Ha'aretz.

Labor primary postponed

A vote for a new leader for Israel's Labor Party was postponed.

The decision to postpone the primary was made Sunday, carried by a 60 percent vote in Labor's Central Committee.

The party has been dogged by allegations of impropriety in signing up eligible voters, prompting party chief Shimon Peres to call for the election, originally slated for Tuesday, to be put off.

No new date was set.

Slowdown for Gaza

Hundreds of Israeli motorists came to a 15-minute stop in a right-wing protest against the looming Gaza Strip withdrawal.

Police had deployed on highways nationwide in time for the 6 p.m. demonstration, dubbed "Stop for a Minute, Think for a Minute," but there were no reports of unusual incidents.

Rather than block traffic, participating motorists pulled to the side of the road.

Gay parade goes ahead

An Israeli court overturned the City of Jerusalem's ban of a gay pride parade.

The Jerusalem District Court ruled Sunday against Mayor Uri Lupolianski's decision to ban the parade, and fined him \$6,500, citing the gay community's right to freedom of expression.

Lupolianski had argued that the annual event, to be held Thursday, offended religious sensibilities in the holy city.

On Monday, religious lawmakers called for the Orthodox community to pay the mayor's fine.

Knesset calls for social justice

The Knesset declared the Jewish month of Cheshvan to be Jewish Social Action Month.

The initiative aims to promote Jewish unity, peoplehood and social justice programs in Jewish communities throughout the world, including Israeli schools.

"The paradigm that we are advocating in Jewish life is that peoplehood is a central mobilizing force," Yosef Abramowitz, CEO of Jewish Family & Life and the driving force behind the initiative, told JTA.

Abramowitz said a Web site, SocialAction.com, will be launched next week to promote the enterprise.

Cheshvan falls in November this year.

NORTH AMERICA

Evangelicals oppose divestment

Evangelicals have started a petition urging the United Church of Christ to oppose economic boycotts against Israel.

The International Fellowship of Christians and Jews, which is primarily supported by evangelical Christians, is circulating a petition asking the church to reject several anti-Israel resolutions slated for a vote at its annual synod in Atlanta from July 1-5.

The fellowship's Stand for Israel project also is launching an anti-divestment campaign, planning to run full-page newspaper ads against the movement.

Sentences in Canada called insufficient

Jewish officials said sentences for two youths who vandalized Jewish targets in Toronto were too light.

After being charged with simple mischief for toppling Jewish tombstones and scrawling graffiti on synagogues, among other actions, the teenagers were sentenced to two years of probation and 100 hours of community service.

They also were ordered to pay \$2,000 each in restitution and to participate in a Holocaust education program.

Jewish officials earlier had expressed disappointment that the perpetrators weren't tried on more serious charges of mischief against religious property, which would have required proof of motivation by bias, prejudice or hate.