

IN THE NEWS

Cabinet opposes withdrawal plan

Ariel Sharon's Cabinet defeated by 18-3 a bill to postpone the Israeli withdrawal from the Gaza Strip.

Sunday's motion to postpone the move by three months, submitted by Agriculture Minister Yisrael Katz, was supported by only two other Cabinet members — Finance Minister Benjamin Netanyahu and Health Minister Dan Naveh.

Bush: G-8 summit could help Palestinians

Aiding the Palestinians could be on the docket at this week's G-8 summit, President Bush said. "We also want to talk about the Palestinian conflict. There is a possibility for the G-8 countries, the industrialized countries, to help the Palestinians," Bush was quoted as saying Sunday in an interview with Danish daily Jyllands-Posten.

Israeli, U.S. officials to discuss pullout aid

Israeli and American officials will meet soon to discuss U.S. financial assistance to Israel after its Gaza Strip withdrawal.

Israel is seeking hundreds of millions of dollars to help absorb thousands of settlers who will be evacuated from Gaza and the northern West Bank and who likely will resettle in the Galilee and Negev regions.

Einat Wilf, a senior adviser to Shimon Peres, the deputy prime minister who is coordinating the evacuation, told JTA last week that Israel has yet to propose a figure.

Israel would propose American assistance in relocating military bases; building infrastructure; promoting industrial development; and promoting Arab development in the Negev and Galilee.

REMINDER: The JTA World Report will not be published on Tuesday, July 5.

WORLD REPORT

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O'Connor was instrumental on court's church-state issues

By MATTHEW E. BERGER

WASHINGTON (JTA) — The modern-day legal guidelines on how religion fits into the American public square have largely been the creation of one woman — Supreme Court Justice Sandra Day O'Connor.

The U.S. Supreme Court has been fiercely divided for a quarter-century, with four justices opposing religious images in the public square and all federal money to religious organizations, and with four allowing for both.

At the center has been O'Connor, the first woman on the high court, who announced her resignation last Friday.

O'Connor's view — allowing for religious funding but crafting strict rules for religious symbols — has tipped the balance in many of the church-state cases since she joined the court in 1981. It has been her analysis that has led to federal funding for school vouchers, but has limited public displays of religious symbols.

"She feels government money doesn't make anyone feel unequal," said Noah Feldman, a law professor of New York University. "Symbols have the capacity to make people feel excluded."

Numerous interest groups, including a wide range of Jewish organizations, are expected to mobilize for and against President Bush's choice to replace O'Connor, 75. The stakes are high, since a conservative jurist, which Bush has suggested he would nominate, likely would change the court's stance on some of the issues the Jewish community cares about.

Alan Dershowitz, a Harvard Law School professor, said O'Connor "single-handedly

kept the wall of separation between church and state standing."

"If she had not been on the court we would have Christian prayer in the schools, Christian religious symbols displayed in public places," he said.

On many issues, O'Connor split the difference between the court's ideologues. Lawyers and activists say they often tailored briefs to court her vote, even including many of her previous opinions as background material, knowing she would be the swing justice on the issue.

"There was a joke among lawyers that you would just file briefs in her chambers and ignore the other eight justices," said Marc Stern, general counsel for the American Jewish Congress.

O'Connor established an "endorsement test" on religious symbols in 1984, suggesting that the message a religious icon conveys is as important as the intent of those who crafted it.

"What is crucial is that a government practice not have the effect of communicating a message of government endorsement or disapproval of religion," she wrote in *Lynch v. Donnelly*. "It is only practices having that effect, whether intentionally or unintentionally, that make religion relevant, in reality or public perception, to status in the political community."

That analysis led to split decisions on the public display of nativity scenes. A creche by itself was seen as religious, but incorporating other religious and secular symbols changed the context and made the display more about a holiday season.

At the same time, O'Connor sided with conservatives and members of the Ortho-

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BEHIND THE HEADLINES

■ *O'Connor is considered a moderate who bridged the court's ideologies*

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dox Jewish community, who argued in favor of permitting school vouchers and government funding for computer equipment to religious schools.

"The fact that she was a justice on the court while this evolution was going on meant it happened at a more moderate pace and more moderate tone than if you had a bloc of conservative justices," said Nathan Diament, the director of the Orthodox Union's Institute for Public Affairs in Washington.

O'Connor also was a strong proponent of religious liberty, arguing that the government must show a compelling interest before infringing on religious exercise.

In one of her final opinions last month, O'Connor took a strong stance for religious liberty in arguing against allowing the public display of the Ten Commandments in two Kentucky courthouses.

"It is true that many Americans find the Commandments in accord with their personal belief," she wrote in *McCreary County v. ACLU*. "But we do not count heads before enforcing the First Amendment."

Nathan Lewin, an Orthodox attorney who argued before the Supreme Court on numerous occasions, said O'Connor was the observant Jewish community's best friend on the combination of the establishment clause and issues tied to the free exercise of religion.

"She is very understanding and sympathetic of the needs of religious minori-

ties and the ability to display those needs publicly," Lewin said, noting that she dissented in several free exercise cases.

O'Connor's appointment was historic in itself: Nominated by President Reagan, she became the first woman on the high court.

"She's been a role model, a distinguished jurist, and furthered the advancement of women through her decisions, personality and presence," said Judge Norma Shapiro, a judge on the U.S. District Court for the Eastern District of Pennsylvania.

Court analysts say O'Connor made decisions based on fact, not ideology, and looked at each case on its merits. She also looked to ensure that the court did not move too quickly.

Indeed, she provided the swing vote in many of the civil-rights reforms of recent years, including repealing sodomy laws and upholding the principle of affirmative action.

"She came in as a moderate conservative," said Steven Green, the former general counsel of Americans United for Separation of Church and State. "She quickly fell under the influence of Justice Lewis Powell, who was the pre-eminent fence sitter and saw issues in shades of gray."

When Powell retired in 1987, O'Connor became the court's center.

O'Connor's moderate positions won her many fans in the American Jewish community. While she did not go as far as many liberal Jewish groups wanted on church-state cases, she was seen as preventing a total erosion of that constitutional separation.

"There's no question there is more left of the high wall of separation

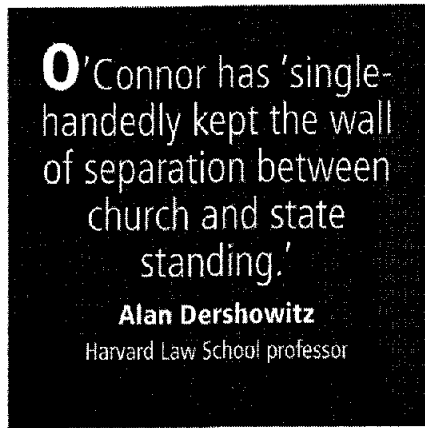
because O'Connor was on the court," Stern said.

Orthodox leaders also cite her as the reason that vouchers and other programs for religious schools are available today.

"You could well say that whole line of jurisprudence developments would not have happened without her," Diament said.

O'Connor traveled to Israel in December 1994 with the National Association of Women Judges. In Jerusalem, she read a psalm at the women's section of the Wailing Wall and was so moved at Yad Vashem, the Holocaust memorial, that she nearly collapsed, said Shapiro, who was on the trip.

"She's not anti-religion, but she respects the separation of church and state," Shapiro said. ■



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Iran sanctions bill gains support

By RON KAMPEAS

WASHINGTON (JTA) — Suspicion that Iran's president-elect participated in the takeover of the U.S. Embassy in Tehran 25 years ago is fueling support for an Iran sanctions bill.

Rep. Ileana Ros-Lehtinen (R-Fla.), the chairwoman of the U.S. House of Representatives' Middle East subcommittee, said the number of signatories to her Iran Freedom Support Act had increased from 250 to 300 since survivors of the 1979-1981 Iranian hostage crisis said they believed that Mahmoud Ahmadinejad

was among their captors.

The White House says it is investigating the charge.

"Election of a leader with Ahmadinejad's past is par for the course by Iran, a rogue nation whose unsavory behavior and associations render it one of the United States' greatest national security threats," Ros-Lehtinen said in a June 30 statement.

The bill, which would sanction third parties that do business with Iran and would fund Iranian opposition groups, has yet to come up for a full vote in the House of Representatives. ■

Germany relaxes immigration law

By TOBY AXELROD

BERLIN (JTA) — Germany has modified a tough new immigration law introduced last December, averting a feared clampdown on immigration by Jews from the former Soviet Union.

People with a Jewish mother or father once again are eligible to apply for immigration, with their spouses and minor children, it was announced last month.

The key is their acceptance into a Jewish community in Germany, and — in a move that grants increased authority to liberal German Jewish movements — both the Progressive movement and the nondenominational Central Council of Jews in Germany are empowered to extend an invitation.

Heike von Basewitz, spokesperson for the Central Welfare Council of Jews in Germany, which deals with policy and budget issues, told JTA that it will share responsibility with the Central Council, which deals with infrastructure and other matters, and the Union of Progressive Jews in Germany in determining who is eligible to emigrate as a Jew.

Jewish leaders reacted positively to the changes, made after months of negotiations with German officials and the Central Council.

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The Progressive Union was informed regularly of the proceedings, according to a spokesperson. There was no Israeli representation in the talks, though reportedly there was input in the original law last year from Israel's former minister for Diaspora affairs, Natan Sharansky, reflecting Israel's concern that too many Jews from the former Soviet Union were choosing to move to Germany over Israel.

The relaxing of the new regulations responds to the wish of German Jewish leaders here that immigration to Germany continue.

In a statement, Paul Spiegel, head of the Central Council, said that while he still disagrees with parts of the new law, the changes were "a fair compromise."

THIS WEEK

SUNDAY

■ The largest-ever Maccabiah Games begin in Israel. More than 7,000 Jewish athletes from around the world are slated to compete in the 17th Games.

The Central Council's general secretary, Stephan Kramer, told JTA that "we were all disappointed that there were restrictions on the process" of immigration, particularly in terms of economic need.

"But we have managed to include hardship cases and particularly to have the entire family picture considered," he said. "So the prognosis for integration will take into consideration not only the economic status of the applicant but also of the entire family."

Without a compromise, the decrease in immigration since Jan. 1 would have continued, Kramer said.

The Central Council's vice president, Charlotte Knobloch, told JTA she could "easily live with the compromise we reached, because it is a substantial improvement over the original" law.

Knobloch, who also heads the Jewish community of Munich and is a vice president of the World Jewish Congress, said the new regulations would help strengthen the future of Jewish life in Germany.

"The re-establishment of Jewish life in Germany — particularly in rural areas — is far from finished," she said in an e-mail to JTA.

German federal and state governments indicated their satisfaction with the compromise as well.

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Ralf Stegner, interior minister for the state of Schleswig Holstein, which coordinated the discussions, told JTA that the adjusted laws relate only to Jewish immigrants, due to Germany's responsibility to rebuild the Jewish community destroyed under the Nazis. Details of the agreement will be formalized within the next few weeks, he said.

Germany's openness to Jewish immigration long has been a sore point with the Israeli government, though there was an unofficial tolerance for German policy as an expression of reconciliation.

Without commenting on the compromise regulations, the outgoing chairman of the Jewish Agency for Israel, Sallai

Meridor, applauded both Germany's refusal to classify Jews from the former Soviet Union as refugees and the reduction in social benefits as a sign of Germany's "consideration for the interests of the Jewish people and Israel."

In December, Jewish leaders here had reacted with dismay to details of the new law, which prevented people over age 45 or who would be an economic burden to the state from immigrating.

The age limit now has been removed, and a more reasonable standard for evaluating a potential immigrant's

economic standing has been introduced, observers said. The door also is open to Jews persecuted under the Nazi regime.

The question of who is a Jew is decided according to Soviet practice: Anyone with one Jewish parent, and that person's spouse and children, may apply to the Central Welfare Council for the requisite invitation to join the Jewish community.

If the council rejects an applicant because he or she does not have a Jewish mother, the person may apply via the Reform group, but only as a potential convert, Muehlstein said. The European Reform movement does not accept patrilineal descent, but welcomes those who plan to convert.

The independent Jewish Cultural Association of Berlin called it unacceptable that applicants must apply to the Central Welfare Council to approve their invitation to join a Jewish congregation. This, it said, would negate the legislation accepting applicants with a Jewish father or mother.

In fact, there is a built-in loophole, Muehlstein explained: A committee including the Central Council and the Progressive Union will evaluate applications, he said, and the union can accept as members those who seriously plan to convert.

Of prime importance to many is that Germany's Jewish population continue to grow. The Jewish population in Germany has quadrupled to about 105,000 through Jewish immigration from the former Soviet Union since 1990. ■

'The re-establishment of Jewish life in Germany is far from finished.'

Charlotte Knobloch

Central Council of Jews in Germany

NEWS IN BRIEF

NORTH AMERICA

State partly suspends Gaza ban

The U.S. State Department suspended a ban on official U.S. travel to the Gaza Strip for two top officials seeking to ease Israel's withdrawal this summer.

The State Department banned U.S. officials from traveling to Gaza in October 2003 after Palestinians killed three men traveling with a U.S. diplomatic convoy there.

The ban was to remain in place until the Palestinian Authority showed that it had made a serious effort to capture the assailants, but on June 30 the State Department ended the ban so the two officials could help make Israel's withdrawal a success.

The two officials are Lt. Gen. William Ward, the top U.S. security envoy to the Palestinians, and James Wolfensohn, economic envoy of the "Quartet," the group comprised of the United States, United Nations, European Union and Russia that is driving the peace process.

E.U.-Hamis ties questioned

More than 40 U.S. lawmakers signed a letter asking the European Union to cut ties with Hamas.

The letter, written by Reps. Mark Kirk (R-Ill.) and Steve Rothman (D-N.J.), is a response to the E.U.'s decision to conduct low-level talks with the organization, designated a terrorist group by the United States and the European Union.

"Hamas is committed to the destruction of the State of Israel," said the letter, sent June 30 to the E.U.'s ambassador to the United States, John Bruton. "Its leaders do not share our vision of two states living side-by-side in peace and security."

Dialogue considered on Capitol Hill

Groups sponsoring Israeli-Palestinian dialogue convened on Capitol Hill to discuss Middle East peace efforts. The Alliance for Middle East Peace, an umbrella organization of non-governmental organizations, sponsored the June 30 event, entitled "Choose Peace."

The event drew a large number of congressional staffers. The ambassadors of Egypt and Jordan participated, as did a former U.S. consul general in Jerusalem and the ambassador of Luxembourg, whose country currently holds the European Union presidency.

No Israeli officials attended. Rabbi Marc Gopin of George Mason University led a session on interfaith peace efforts, and the Bronfman and Meyerhoff family foundations were among conference sponsors.

Lugar: Monitors for withdrawal

The top U.S. senator on foreign policy issues called for international monitors to prevent violence during Israel's withdrawal from the Gaza Strip.

"We should consider how international organizations, such as the United Nations or non-governmental groups, might help prevent violence by sending observers to monitor the Gaza disengagement," Sen. Richard Lugar (R-Ind.), chairman of the Senate Foreign Relations Committee, said at a June 30 hearing.

Lugar also suggested that the Western alliance could oversee disarmament.

MIDDLE EAST

Egypt, Israel ink gas deal

Egypt and Israel signed a \$2.5 billion natural gas deal.

Under the 15-year deal signed June 30, Egypt will sell 25 billion cubic meters of gas to the Israel Electric Corporation starting in October 2006, with an option to extend the deal for five more years, Ha'aretz reported. Egyptian Oil Minister Sameh Fahmy signed the deal with Israel's trade minister, Benjamin Ben-Eliezer.

Staying on the right side

Arabs from eastern Jerusalem appealed for Israel to keep them on its side of the West Bank security barrier.

Representatives of the Arab neighborhoods of Anata, Ras Hamis and Shuafat petitioned the High Court of Justice on Sunday with a request to order the Defense Ministry to reroute the fence so that it runs to the east, effectively corralling them in with western Jerusalem, which is predominantly Jewish.

The current route would lump the three neighborhoods in with Palestinian areas of the West Bank, cutting them off from Israel. The petitioners claimed the route is a de facto future border for Jerusalem, drawn along ethnic lines to ensure that the city retains a Jewish majority.

Israeli officials have said the fence is purely a security measure. There was no immediate date set for a court ruling on the petition.

Road rage helps Gaza plan

Israeli support for the upcoming Gaza Strip withdrawal has been buoyed by public anger at right-wing protests.

Weekend polls found around 62 percent of Israelis backing the plan to leave Gaza and the northern West Bank in August, up seven to 10 percentage points from the previous week.

Pollsters ascribed the hike to anger by many undecided Israelis at massive road-blocking protests mounted by anti-pullout activists last week.

At its peak, the plan enjoyed around 68 percent support, but support dipped in recent months over fears that the withdrawal will embolden Palestinian terrorists.

WORLD

U.N. concerned over Hezbollah attack

The U.N. Security Council expressed concern over a Hezbollah attack that killed an Israeli soldier. The statement made June 30, at the urging of the Israeli delegation to the United Nations, called on Lebanon to "exert its monopoly on the use of force and to put an end to all attacks emanating from its territory."

The United States had wanted a stronger statement reiterating Security Council calls on Hezbollah to disarm. The Hezbollah attack that killed the soldier patrolling Israel's northern border sparked a round of clashes.

In Britain, perks to join the synagogue

Britain's main Orthodox synagogue body launched a plan to offer freebies to encourage younger people to join synagogues.

The initiative by Tribe, the youth wing of the United Synagogue, enables singles nationwide aged 21-30 to join their chosen shul as full members, including burial rights, for a nominal fee.

In addition, participants could receive incentives such as free telephone calls and discounts on health insurance, travel, health and beauty services, as well as discounted kosher wine and food.

Russian Torah commentary on tap

The Reform movement will translate a Torah commentary into Russian.

The announcement of the plans to translate the Plaut Modern Torah Commentary, which would be the first modern interpretation of the Pentateuch in the Russian language, came as more than 400 Reform Jewish leaders from 24 countries gathered in Moscow for the 32nd International Biennial Convention of the World Union for Progressive Judaism. The conference opened June 30 and runs through Monday. In another initiative announced at the conference, Russian Jewish, Christian and Muslim youths will start a new project that will include joint charity work.