

## IN THE NEWS

### Little known about court nominee

Harriet Miers, President Bush's nominee as associate justice on the U.S. Supreme Court, was honored by the Anti-Defamation League in 1996.

Miers, Bush's White House counsel, was nominated Monday to take Sandra Day O'Connor's seat on the high court.

Miers' political and judicial philosophies are little known. [Story, Pg. 3]

### Sharon, Abbas scheduled to meet

Ariel Sharon and Mahmoud Abbas agreed to hold a summit later this month.

The Israeli prime minister and Palestinian Authority president, who had postponed a meeting scheduled for Sunday because of instability in the Gaza Strip, spoke by phone and exchanged Rosh Hashanah and Ramadan greetings.

According to Sharon aides, the two leaders agreed that the summit would be held later this month, ideally before Abbas flies to Washington to meet President Bush on Oct. 20.

Abbas also called Israel's president, Moshe Katsav, and wished him a happy new year.

### Security alert for Rosh Hashanah

Israel imposed a closure on the West Bank for Rosh Hashanah.

The ban on Palestinian travel into Israel follows intelligence warnings that terrorist attacks are planned, police said Monday.

Troops and police also were deployed in force around the Jewish state.

The Gaza Strip remains sealed off since Israel left the territory last month.

**JTA wishes all its readers a happy and sweet new year! We also remind them that the JTA World Report will not be published on Wednesday, Oct. 5, and Thursday, Oct. 6.**

# WORLD REPORT

PUBLISHED WEEKDAYS BY JTA—THE GLOBAL NEWS SERVICE OF THE JEWISH PEOPLE · WWW.JTA.ORG

## Judge in AIPAC case focuses on government refusal to share tapes

By RON KAMPEAS and MATTHEW E. BERGER

**W**ASHINGTON (JTA) — The judge hearing a case against two former staffers of the American Israel Public Affairs Committee has raised tough questions about the government's reluctance to share information with the defendants, suggesting the reluctance could lead to a dismissal.

The contours of the trial against Steve Rosen, AIPAC's former foreign policy director, and Keith Weissman, a former Iran analyst, on charges of trading in classified information are beginning to become clear in preliminary hearings. The trial date is set for Jan. 2.

Lawrence Franklin, a former Pentagon analyst who is charged as a co-conspirator, is set to plead guilty on Wednesday, which would require him to testify against Rosen and Weissman.

In a routine scheduling session Sept. 19, Judge T.S. Ellis was taken aback by prosecutor Kevin DiGregori's plans to withhold from the defense a portion of tapes and transcripts of conversations among Rosen, Weissman and others in which the defendants allegedly incriminate themselves.

"I am having a hard time, Mr. DiGregori, getting over the fact that the defendants can't hear their own statements, and whether that is so fundamental that if it doesn't happen, this case will have to be dismissed," Ellis said. "Have you ever heard of a case where a defendant couldn't have his own statements? I have been on the bench 18 years, with another 20 years before that, and it has never

happened. I don't know of any reported case."

Prosecutors said the wiretap material was "owned" by various government intelligence agencies, and it was up to those agencies to share the material.

Thomas Reilly, a Justice Department lawyer, invoked the secrecy of the three-judge panel that orders wiretaps under the Foreign Intelligence Surveillance Act, and suggested that the sensitivity lay not in what Rosen and Weissman had said but in whom they were speaking with.

"It involves FISA-derived electronic surveillance, your honor, of the defendants and third parties,"

Reilly said.

The indictment speaks of information garnered from two U.S. government officials and relayed to three foreign officials, understood to be senior Israeli Embassy staffers.

JTA has learned that one of the U.S. government officials is David Satterfield, then deputy assistant secretary of state for Near Eastern affairs and now the No. 2 man at the U.S. Embassy in Baghdad. The other is Kenneth Pollack, a Clinton-era National Security Council staffer and now an analyst at the Brookings Institution.

One of the Israelis is Naor Gilon, who until this summer was the chief political officer at the embassy.

None of those men has been charged. That raises questions about the government's case against Rosen and Weissman, who — according to the government scenario — would

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HEADLINES

## ■ *Could the case against two former AIPAC staffers be dismissed?*

*Continued from page 1*

have been middlemen in the whole affair.

Rosen and Weissman also allegedly relayed some of the information in question to journalists at The Washington Post and The Nation magazine. The government may be sensitive about revealing that it wiretapped conversations of journalists and Israeli diplomats, some close to the case say.

Judge Ellis was skeptical of the government's position, but gave the government until Sept. 29 to explain its case.

"I can understand how that conceivably might be national security information, but I find it hard to understand how the defendants shouldn't have access to it," he said, adding that he might review the material himself.

In a response filed Sept. 29, the government cited precedents to show that prosecutors need not reveal wiretapped information that is not exculpatory or is irrelevant to the defense. They likened keeping the information secret to laws that protect informants.

In the Sept. 19 hearing, Ellis said it was up to him to determine relevancy. The defendants have until Friday to respond.

Rosen's lawyer, Abbe Lowell, had raised the matter because he said a lack of access to material would prevent him from meeting court deadlines to file motions to dismiss. Ellis appeared sympathetic and postponed some of the hearings, though he was adamant that the trial would start

Jan. 2.

Lowell said in court that he had spoken to lawyers for the foreign officials — apparently the Israelis — and had little hope of calling them for the defense.

"My initial inclination, from what I have spoken to counsel" for the foreign officials, "is that they are not going to make this very easy," he said.

More broadly, Lowell suggested that the government's proposed release of nine hours

of recorded material was sparse, because his client was under surveillance for four years. He suggested that the government had much more material than it claimed.

"I am happy to hear, but would be surprised to find out, that there are only nine hours of surveillance tape," he said. "On the issue of motions, it will be necessary to hear everything my client said."

DiGregori suggested that the material the government wished to suppress was a small portion of the whole.

"Except for two outstanding issues on some of the FISA material," he would release everything, DiGregori said.

In the later written submission to the court, DiGregori said that even the quantity of the government's recordings should remain classified.

If Ellis allows the government to withhold some of the wiretap recordings, the defendants could consider it grounds for appeal.

AIPAC is committed to paying for the legal defense of Rosen and Weissman because of an indemnification clause in employee contracts, JTA has learned. AIPAC employees sign an agreement that protects them from legal harm until all appeals are exhausted, according to a source close to the defense of Rosen and Weissman who has firsthand knowledge of the clause.

JTA previously had learned that AIPAC's bill for the pair's defense had topped \$1 million, even though AIPAC fired Rosen and Weissman in April, allegedly because of information

arising out of the FBI investigation. AIPAC declined to comment, as did Lowell.

Franklin, the Pentagon analyst who has been charged along with Rosen and Weissman, plans to plead guilty Wednesday, a clerk for the court told JTA. The clerk, Edward Adams, said he did not know what charge Franklin would plead to, or if the plea is part of a larger deal.

Plato Cacheris, Franklin's lawyer,

would not say what his client would plead to, but confirmed to JTA that negotiations with the government are under way and that his client would be required to testify if he pleads.

Cacheris also confirmed that part of the negotiations involved retaining Franklin's pension. Franklin has five children and an ill wife.

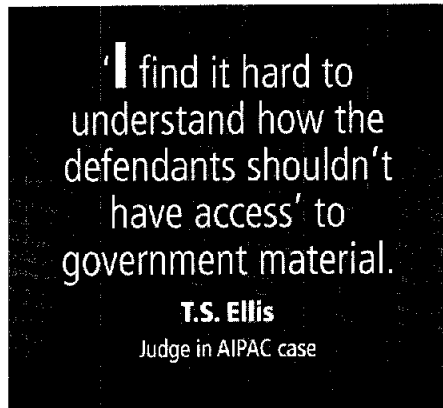
In the past, Cacheris had suggested that Franklin would plead guilty to charges that he moved classified documents out of a designated area to his home in West Virginia. That is the least of the charges against him, and doesn't involve Rosen or Weissman.

Rosen and Weissman were charged with "conspiracy to communicate national defense information to people not entitled to receive it," which carries a maximum sentence of 10 years in prison. Rosen also is charged with actual communication of national defense information, which also is punishable by 10 years in prison.

The charges come under the Espionage Act, but do not rise to the level of espionage.

The indictment lists charges involving incidents dating back to 1999, and is related to information on Iran and terrorist attacks in Central Asia and Saudi Arabia. For a period in 2004, Franklin worked covertly with the government and relayed allegedly classified information to Rosen and Weissman.

One charge against the pair accuses them of relaying the information in turn to Gilon, the Israeli Embassy staffer.



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JTA WORLD REPORT is published five days a week, except holidays, by the Jewish Telegraphic Agency Inc., 330 Seventh Ave., New York, N.Y. 10001-5010. For more information about how to subscribe by e-mail, fax or regular mail, call (212) 643-1890, or visit our Web site at [www.jta.org](http://www.jta.org). © JTA. Reproduction only with permission.

# Groups scramble to learn about nominee

By MATTHEW E. BERGER

NEW YORK (JTA) — Perhaps it was Sen. Charles Schumer (D-N.Y.) who best summarized the American Jewish community's position on Harriet Miers.

"We know even less about this nominee than we did about John Roberts," Schumer said Monday after President Bush nominated Miers, his White House counsel, to succeed Justice Sandra Day O'Connor on the U.S. Supreme Court.

When Roberts was nominated to the high court in July — he later was promoted to chief justice after the death of William Rehnquist — most American Jewish groups said they would have to wait until his confirmation hearing before casting judgment, citing his limited judicial record.

Because Miers, 60, has never been a judge and has not weighed in on most controversial issues, her political and judicial philosophies are even less known.

"We're in somewhat the same position as we were in with Roberts, in that the hearings will be very important," said Mark Pelavin, associate director of the Religious Action Center for Reform Judaism.

Two major differences between the nominations already have emerged. First, Miers lacks the universal praise Roberts received for his intellect and experience. Miers also would be replacing O'Connor, who served as the swing vote in many contentious issues since 1981, raising the stakes of the confirmation.

"This is the battle that is going to swing the court one way or another," said Phyllis Snyder, president of the National Council of Jewish Women.

In the hours before the Jewish community broke for the Rosh Hashanah holiday Monday, analysts were scrambling to learn what they could about Miers. At the RAC's Washington office, staffers were purchasing domain names for people to solicit potential questions for Miers to be asked at confirmation hearings before the Senate Judiciary Committee. They launched similar Web sites seeking questions for Roberts over the summer.

"It is the responsibility of every gen-

eration to be true to the founders' vision of the proper role of the courts in our society," Miers said Monday. "If confirmed, I recognize that I will have a tremendous responsibility to keep our judicial system strong, and to help ensure that the courts meet their obligations to strictly apply the laws and the Constitution."

Bush said Miers has the "talent, experience and judicial philosophy to make her a superb choice."

"Harriet Miers will strictly interpret our Constitution and laws," the president said. "She will not legislate from the bench."

In the days before Bush decided on Miers, liberal Jewish organizations were quietly raising concerns that the nominee might be more conservative than Roberts. Several groups, including the RAC, decided not to oppose Roberts, reserving political capital to fight the expected conservative nominee for the O'Connor vacancy.

Miers' nomination changes the game plan. Groups cannot oppose her out of the gate, as the NCJW did with Roberts, and will have to learn more before making an assessment.

"I think we all have to sit back and pause and see what we know about her and don't know about her," Snyder said. "We have to do our research."

But it's unclear where the information will come from. A former president of the Texas State Bar Association, Miers spent most of her career in private practice, and her work at the White House could be protected as privileged.

One tidbit has emerged: In 1992 Miers worked against an American Bar Association resolution supporting abortion rights. But reports said she did not speak to the merits of *Roe v. Wade*, only to the appropriateness of the lawyers' group taking a stand.

Fred Zeidman, chairman of the U.S. Holocaust Memorial Council, noted Miers' reputation for integrity when she was chairwoman of the Texas Lot-

tery Commission from 1995 to 2001. She is reported to have cleaned up an institution with a history of questionable practices.

"The deal with Harriet was, whatever was going to happen," said Zeidman, who also is from Texas. "No compromise politically."

Miers would not be an "activist" judge — either from the right or the left, Zeidman said.

"If she doesn't fit the suit of the Republican right, that's

fine with me," said Zeidman, one of the top Jewish contributors to past Bush campaigns.

Steve Gutow, a Dallas-based lawyer who recently became executive director of the Jewish Council for Public Affairs, said he had met Miers several times in legal circles, but did not know her well. He said she had a reputation as a conservative, and was well regarded as a lawyer.

"My friends who knew her respected her," he said.

Miers was recognized as a major presence on the Dallas scene because of her relationship with Bush. She received the Dallas ADL's Jurisprudence Award in 1996 for her "commitment to democratic values that characterize America."

Bush, who at the time was governor of Texas, and his wife attended the luncheon in Dallas as honorary chairpersons, and he described Miers there as a "pit bull in size six shoes."

Marlene Gorin, community relations director for the Greater Dallas Jewish Federation, said Miers had been slated to join a civic leadership mission to Israel run by the federation in 2000.

However, Miers cancelled three days before the trip because her law firm had taken on a major case.

Gorin said Miers was remarkable for her lack of profile on issues affecting the Jewish community.

"She has absolutely no profile" on those issues, Gorin said.

(JTA's Washington Bureau Chief Ron Kampeas contributed to this report.)

**'This is the battle that is going to swing the court one way or another.'**

**Phyllis Snyder**

President,  
National Council of Jewish Women

**BEHIND  
THE  
HEADLINES**

# NEWS IN BRIEF

## MIDDLE EAST

### P.A., Hamas clash

Palestinian Authority police and Hamas gunmen clashed in the Gaza Strip.

At least three people were killed and 40 wounded in Sunday night's shootouts in and around Gaza City, which began when policemen tried to disarm a Hamas squad as part of a law-and-order campaign by Palestinian Authority President Mahmoud Abbas.

It was the worst internal violence since Israel withdrew from Gaza last month, but both the Palestinian Authority and the Islamic terrorist group vowed that it would not spill over into civil war.

### Israeli ship implicated in accident

Israel's biggest shipping company said one of its vessels was involved in a deadly accident off Japan's coast.

Zim offered apologies and compensation to the families of seven Japanese fishermen who died in a collision with one of its tankers last week near the northern island of Hokkaido.

Zim originally had denied involvement. Israel's Transportation Ministry has said it will aid in the investigation.

## NORTH AMERICA

### Canadian Palestinian charged with threat

The leader of a Palestinian organization in Canada was charged with making an unspecified threat against the Jewish community.

Burhan Azzeh, co-president of the Niagara Palestinian Association, spent one night in jail last week and was ordered to keep away from the B'nai Israel Synagogue in St. Catharines, Ontario.

He also was ordered to surrender his passport to police, stay in the Niagara region, and avoid "any function or protest where members of the Jewish community can reasonably be expected to be in attendance."

Niagara Regional Police would not divulge details about comments Azzeh allegedly made at his workplace that led to the charges. Azzeh's lawyer and his wife, Susan Howard-Azzeh, who also heads the association, said he is not guilty.

### Fashion for Katrina's victims

A fashion designer who is the daughter of a rabbi donated \$250,000 worth of shoes and clothing to Hurricane Katrina victims.

Jamie Kreitman, daughter of Rabbi Benjamin Kreitman, who was executive vice president emeritus of the United Synagogue of America and president of the World Council of Synagogues, made the donation this week.

"Beautiful items in happy colors will make the women, girls and even men smile! And shoes that sparkle are any girl's dream," Jamie Kreitman said in a statement.

### Yad Vashem site welcoming millions

Nearly 6 million people have used a Yad Vashem database of Holocaust victims.

The database was established at [www.yadvashem.org](http://www.yadvashem.org) in November 2004.

Individuals are encouraged to visit the site to add names to the millions already there.

### Ex-yeshiva principal is gay

The former principal of a yeshiva in Brooklyn came out as a gay man. Rabbi Alan Stadtmauer had resigned as principal of the Yeshiva of Flatbush in June, the Forward reported.

The paper quoted a letter from the school's president, Jack Rahmey, informing parents that Stadtmauer had said he is gay and "no longer considered himself an Orthodox Jew."

### New beer for the new year

North America's only Jewish beer company has brewed a special beer for Rosh Hashanah.

He'Brew's Jewbelation 5766 is a nut-brown ale made from nine malts and hops to mark the company's ninth anniversary, He'Brew owner Jeremy Cowan said.

The company currently makes 24,000 cases of its different styles each year.

More information on the Jewbelation 5766 brew is available at [www.schmaltz.com](http://www.schmaltz.com).

### Catholic school to offer Jewish studies minor

A U.S. Catholic university will offer a minor in Jewish studies.

Professors at Boston College, which has a student population that is 70 percent Catholic and 1 percent Jewish, expect the majority of the students in its Jewish studies program will be Jewish, the Boston Globe reported.

Other Catholic universities offer similar programs, but not schools that belong to the Jesuit wing of Catholicism, like Boston College.

Students who choose the minor will be required to take at least six courses in at least three different departments; students also can participate in a study-abroad program at Hebrew University in Jerusalem.

## WORLD

### Blair sends New Year greetings

Tony Blair praised the Jewish community's contribution to Britain in his New Year's greetings.

That contribution "is something for all of us to celebrate," the British prime minister said. Blair also wished the Jewish community a "successful and sweet New Year."

### Putin sends New Year greetings

Russia's president sent Rosh Hashanah greetings to the country's Jewish community.

"Russian followers of Judaism, similar to representatives of other faiths, are making a valuable contribution toward the strengthening of stability and concord, development of a constructive public dialogue" in Russia, Vladimir Putin said.

In contrast to previous years, this year's greeting was sent to both chief rabbis, Berel Lazar and Adolph Shayevich, and was addressed to Russian Jews, not to one of the chief rabbis.

Meanwhile, Moscow's chief rabbi, Pinchas Goldschmidt, sent his New Year's greetings to his congregation from Israel, noting that he was unable to celebrate the holiday with them "due to circumstances beyond my control."

Goldschmidt's Russian visa was annulled at a Moscow airport last week; Russian authorities have not provided any explanation.

Goldschmidt, whose family is in Moscow, was unable to get a new visa in time for the holiday.

### Australian synagogue gets female leader

The oldest synagogue in Sydney, Australia, appointed a woman as president for the first time in its 128-year history.

Rosalind Fischl was elected unopposed, receiving a standing ovation and sustained applause following the announcement of her election to the post at the Great Synagogue.

Synagogue rules were changed this year to allow a woman to assume the presidency of the synagogue, she said.

Fischl will not address the congregation during services and will not be involved in issues of Jewish law; her vice president, Herman Eisenberg, will assume those responsibilities.