Review of the Year

UNITED STATES
THE PERIOD 1994 AND the first half of 1995 was a watershed for many of the core concerns of the American Jewish community. Not least of the portents of change was the upheaval in the U.S. Congress, with Republicans taking control of both houses for the first time in 40 years. Troubling rumblings continued during this period in the relationship between the black and Jewish communities, most especially—from the Jewish perspective—in the inadequate response of many black leaders to expressions of anti-Semitism by Nation of Islam spokesmen and others. Also on the agenda were church-state issues, relations with other religious and ethnic communities, and terrorist attacks in Israel, the United States, and abroad.

THE POLITICAL ARENA

Congressional Elections

Throughout 1994 there were indications that the political climate was unusually volatile. A growing number of incumbents, in what would turn out to be near-record proportions, declined to seek reelection. One of the most notable of these was Sen. Howard Metzenbaum (D., Ohio), a longtime champion of many foreign and domestic issues important to the Jewish community.

As the 1994 elections approached, polling data suggested an increase in the general population’s disaffection from the administration and the Congress. Many commentators suggested that one or both houses of Congress might be turned over to Republican control. In the end, the conjectures about possible changes in congressional leadership were vastly understated. On November 8, 1994—for the first time in 40 years—the electorate handed over control of both houses of Congress to the Republican Party. As the smoke cleared, and before taking into account the switch by several members in both houses from the Democratic to the Republican column (a phenomenon that began immediately after the election with Alabama senator Richard Shelby’s change of party on November 9 and continued throughout 1995), Republicans had a majority of 230–204—with one independent—in the House of Representatives and 52–48 in the Senate.
The 104th Congress elected in 1994 included a total of nine Jewish senators and 23 representatives, as compared to ten senators and 31 representatives in the 103rd Congress. The four Jewish senators up for reelection—Dianne Feinstein (D., Calif.), Herbert Kohl (D., Wis.), Frank Lautenberg (D., N.J.), and Joseph Lieberman (D., Conn.)—all managed to survive sometimes tough races, with the reduction by one ascribable to Senator Metzenbaum's retirement. In the House, however, there were a significant number of losses: Marjorie Margolies-Mezvinsky (D., Pa.), who lost to Republican Jon Fox, the only new Jewish member in the 104th Congress, Eric Fingerhut (D., Ohio), Dan Hamburg (D., Calif.), Herb Klein (D., N.J.), Lynn Schenk (D., Calif.), Dan Glickman (D., Kan.), and David Levy (R., N.Y.), who lost to a challenger in the Republican primary and ran as a third-party candidate in the general election. Jewish returnees to the Congress whose races had been in doubt included Nita Lowey (D., N.Y.) and Martin Frost (D., Tex.). Two Jewish members—Jane Harman (D., Calif.) and Sam Gejdenson (D., Conn.)—prevailed with such slim margins that their victories were subjected to challenge after the election, but ultimately their claims to retain their seats were upheld or the challenges withdrawn.

The Republicans elected to the 104th Congress were, of course, not monolithic. Nevertheless, the broad policies and principles of that group, elaborated in the ten-point "Contract with America" on which many of them ran, made it immediately evident that there would be a struggle between the Clinton administration and the Congress as to the future of domestic and foreign policy. For the Jewish community, which by and large voted Democratic and was politically active as part of a liberal-leaning coalition of ethnic, religious, urban, liberal, and labor groups, the election raised questions about the future of its domestic and foreign agenda. Some, in particular Jewish Republicans, argued that the election results presented another, even more fundamental question—whether the time had come for the Jewish community to rethink some of the positions and alliances to which it had long been committed. They urged that more Jews begin to support the GOP or "be left outside."

THE NEW MAJORITY TAKES CONTROL

The Republican majority's ascension to power was marked in its first half-year by marathon sessions, particularly in the House of Representatives, as leaders of that body moved to make good on their pledge to hold floor votes within the 104th Congress's first 100 days on the items described in the "Contract with America." While many aspects of the contract were not high on the Jewish community's agenda, pro or con, there were several items, such as proposals for welfare reform, as to which that community had substantial concerns. In addition, it was expected that various other troubling issues not part of the contract would arise later in the session, among them school prayer, repeal of the assault weapons ban passed by the 103rd Congress, immigration reform, and foreign aid.
To be sure, there were several areas in which the Jewish community had reason to hope for support in the new Congress, such as aid for Israel, antiterrorism legislation, and the Workplace Religious Freedom Act. Further, that part of the Jewish community which supported vouchers for parochial and other private education had reason to expect support from the 104th Congress. Some argued that representative Jewish agencies had become too identified with a liberal agenda, and, in particular, that of the Democratic Party. At the February 1995 plenum of the National Jewish Community Relations Advisory Council (NJCRAC), an umbrella organization encompassing 117 local and 13 national agencies, a past chairman of one local council complained that "our organization is viewed as the liberal wing of the Democratic Party, and as such we are less and less relevant."

The Religious Right

The rising political strength of the religious right was tellingly demonstrated by the results of the 1994 election. Even before 1994 it was widely accepted that the role of the religious right in the Republican Party was a significant reason why American Jews, alone among non-Hispanic whites, continued to vote by such strong majorities for Democrats. Nothing about the campaigns of 1994 nor the clear role of the religious right in its result alleviated those concerns.

Thus, 1994 saw Christian "religious right" groups achieve substantial success within state Republican parties in procuring the nomination of candidates representing their viewpoints, most notably the nomination of Oliver North as the Republican candidate for senator from Virginia. The Republican National Committee estimated that persons affiliated with the religious right constituted as much as 25 percent of the party's active members, even though they were not even 12 percent of the total party membership.

Jewish concern over the increased influence of the religious right within the Republican Party was not simply a function of differences over particular political issues. Rather, there was a substantial fear that the religious right's apparent opposition to the principle of separation of church and state—articulated by some in the religious right as a belief that the United States is a "Christian nation"—constituted a threat to religious pluralism in America. Of course, these concerns were not solely those of the Jewish community. With the growing strength of the religious right, the opposition attempted to better mobilize at the grassroots level, including projects to identify candidates for school-board seats and other local bodies with ties to the religious right. Increasingly, these grassroots efforts were undertaken by local groups in coordination with national groups as part of a unified strategy.

Leaders of the Jewish community, both within and without the Republican Party, sought assurances during the summer of 1994 from Republican National Committee chairman Haley Barbour that the Republican leadership shared their concerns. Instead, Barbour denied that there was any danger of a "takeover" of the Republican Party. In another forum, he asserted that those raising alarms of an assault on
the Republican Party by the religious right were themselves engaged in a "Christian-bashing campaign," seeking to use the religious right as a wedge issue to drive voters away from the Republican Party.

This response was exemplified by the controversy that arose in the summer of 1994 after the Anti-Defamation League (ADL) published *The Religious Right: The Assault on Tolerance and Pluralism in America*. Conservative columnists and religious-right groups accused the ADL of anti-Christian bigotry and of working on behalf of the Democratic Party to undermine Republican candidates. For its part, the Christian Coalition—a political organization founded by Pat Robertson in 1989 that is closely identified with the religious right's agenda—steadfastly maintained that it was, in any event, not a partisan organization, and that its members would support candidates from either party so long as those candidates' views were consistent with the coalition's policy positions. In August the Christian Coalition circulated to its membership, members of Congress, and the media a 29-page document, "A Campaign of Falsehoods: The Anti-Defamation League's Defamation of Religious Conservatives," refuting the ADL report.

Questions as to the implications of religious-right activism for the Republican Party did not all come from outside the GOP. In a late October speech before the Anti-Defamation League, Sen. Arlen Specter (R., Pa.), who is Jewish, warned of far-right excesses as exemplified when delegates to the 1994 Texas Republican convention held up signs saying, "A vote for [a named candidate] is a vote for God." He also took on Christian Coalition president Pat Robertson when, in April 1995, he disputed as "flatly untrue" Robertson's claims that he had never called the United States a "Christian nation." Nevertheless, Specter indicated at various points his difference with many in the Jewish community in his estimate that what he termed the "far-right fringe" constituted no more than 5 percent of Republican voters. In addition, he criticized the ADL's 1994 report as "painted with too broad a brush in comments that could be construed as critical of religious citizens' participation in politics and public life." Senator Specter's differences with the religious right became a theme of the campaign for president that he launched in 1995.

Not all Jewish groups perceived the Jewish community's interests as antithetical to those of the religious right. Americans for a Safe Israel pointed to the religious right's support for Israel as a reason for American Jews to adopt a less confrontational attitude toward that political movement. On August 2, 1994, a group of 75 Jewish conservatives, many of whom were aligned with the Christian Coalition on such issues as efforts to limit the size of government and opposition to teaching about homosexuality in public schools, signed onto an advertisement in the *New York Times* that called the ADL publication "defamation" and "bigotry." The advertisement was taken out by Toward Tradition, a group founded by Rabbi David Lapin to provide a forum for Jewish conservatives. Rabbi Lapin regularly appeared at meetings of the Christian Coalition, and Ralph Reed, the Christian Coalition's executive director, appeared at the Toward Tradition conference held in Washington, D.C. in October 1994.
A separate but related issue was the accusation made by some Jewish leaders that the religious right was linked to anti-Semitic elements. Thus, the ADL report cited writings and statements of Pat Robertson in which he attacked Jews for persecuting Christians and warned that they were endangering Christian support for Israel. Another much-cited article by Robertson had him making a comparison between the “plight” of evangelical Christians in the United States and that of Jews under the Nazi regime. In a June 22, 1994 letter, Robertson asserted that what he described as “false charges of anti-Semitism” were “an obvious attempt to discredit the role of people of faith in the civic process.” ADL national director Abraham Foxman responded in a letter of July 13 that his organization’s focus was “on political positions and statements held by the Coalition and other religious right groups on certain issues—not with the role of religious people in the civic process.”

An attempt to clear the air, or at least lower the level of rhetoric, took place in late November in the form of a Washington, D.C. “summit” between representatives from approximately 30 mainstream Jewish and religious right organizations. The conference was sponsored by the International Fellowship of Christians and Jews. At the end of the session, Rabbi Yechiel Eckstein, president of the fellowship, said, “We agreed to disagree without maligning or impugning the motives or character of others,” and also agreed to work on “finding a middle ground between theocracy and a naked public square.” Representatives of Jewish organizations came away from the session feeling, for the most part, that it provided an opportunity for each side to listen to the other but not to arrive at agreement on the policy issues that divided them. (See also below, “Evangelical Christians.”)

In addition, during the first half of 1995, Ralph Reed, executive director of the Christian Coalition, spoke before large gatherings of the Anti-Defamation League and the American Jewish Committee in an attempt to move the relationship of Jews and evangelical Christians “beyond the pain of the past and the uneasy tolerance of the present towards a genuine friendship in the future.” Reed asserted that, while the coalition supported “voluntary, ecumenical and nondenominational” prayer at school functions, his organization did not favor prayer in classrooms because that is a “compulsory setting”; he also renounced the notion that the United States is a “Christian nation,” stating that “the separation of church and state as an institution is inviolable.” Still, leaders of the Jewish organizations continued to express skepticism.

The prominent role of the religious right in the Republican Party was once again underlined when, on May 17, 1995, the Christian Coalition unveiled its “Contract with the American Family” at a Capitol Hill press conference. Sen. Phil Gramm (R., Tex.) and Speaker Newt Gingrich (R., Ga.) were among the Republican leaders who appeared at that event to endorse the ten-point “contract.” Modeled on the prior year’s “Contract with America” and intended to press the Christian Coalition’s social-issues agenda, the “Contract with the American Family” called for, among other things, a “religious equality” constitutional amendment, vouchers for private school education, a $500 per child annual tax credit, dismantling of the U.S.
Department of Education, and anti-abortion measures.

Many Jewish organizations and a number of other religious and civil-liberties groups, together with Democrats and some Republicans (including Senator Specter), were quick to condemn many of the “contract’s” provisions. The American Jewish Congress, at a press conference called by religious leaders opposing the initiative, termed the document a “Contract with Some of America’s Families” that “runs roughshod over the diversity of American family and religious life.” Orthodox Jewish groups, however, indicated that they would deal with the “contract” issue by issue, as they had in the past supported at least of some of its particulars. The Union of Orthodox Jewish Congregations, for instance, supported vouchers even while it joined other Jewish organizations in opposing the constitutional amendment that the “contract” proposed.

The Clinton Administration

A sign of the friendly relationship between the Jewish community and the Clinton administration was the fact that President Clinton and First Lady Hillary Rodham Clinton attended Rosh Hashanah services at a Martha’s Vineyard synagogue in September 1994. The president, believed to be the first chief executive ever to attend a High Holy Days service, wished congregants “Shana Tovah,” sang along with several of the prayers—using a transliterated prayer book—and listened as the congregation’s rabbi blew a long blast on a shofar. It’s “sort of like a Jewish saxophone,” Rabbi Joshua Plaut explained to the president.

In early December, President Clinton named Robert Rubin, one of his chief economic advisors and director of the National Economic Council, to replace Lloyd Bentsen as secretary of the treasury. This was followed later that month by the designation of Dan Glickman, who had been defeated in his bid for reelection to a Kansas congressional seat, to succeed Mike Espy as agriculture secretary. Taken together with sitting labor secretary Robert Reich, these appointments brought the number of Jewish members of the cabinet to three. Perhaps the most noteworthy aspect of the number of Jewish members at this high level of the administration was the lack of note that anybody—in the Jewish community or in the community at large—seemed to take of it.

Also noteworthy was the Senate’s confirmation in March 1995 of Martin Indyk, by voice vote and with no debate, as U.S. ambassador to Israel. The first Jew ever to serve in that position, the Australian-born Indyk was a former consultant for the American Israel Public Affairs Committee (AIPAC) and founding executive director of the Washington Institute for Near East Policy, a pro-Israel think tank.

(See also “Supreme Court Appointment,” below.)
Terrorism

On April 19, 1995, a car bomb exploded in front of the Alfred P. Murrah federal office building in Oklahoma City, injuring hundreds and killing 177 in the worst act of terror committed on American soil in the nation’s history. The casualties included 15 dead children who attended a day-care center located on the second floor of the nine-story building. For days after the blast, the nation and the world watched, collective breath held in the agonized hope that survivors would be found in the building’s ruins.

While law-enforcement officials and Jewish agencies were quick to caution against any rush to judgment as to responsibility for the blast, there was immediate speculation—based in part on similarities to the 1993 World Trade Center bombing—of some connection to radical Islamic fundamentalism. But there were other speculations as well. Nine days before the attack, the American Jewish Committee, in a report issued by Kenneth Stern, its program specialist on anti-Semitism and extremism, had warned that April 19—the two-year anniversary of the raid that led to the destruction of the Branch Davidian compound in Waco, Texas—"is a day of extreme importance to the militia movement." Stern’s warning proved sadly prescient, as, within days of the attack, federal authorities arrested a suspect, Timothy McVeigh, a man with links to paramilitary groups. Also held for questioning were Terry and James Nichols, brothers and friends of McVeigh, the former of whom was ultimately charged as well.

The Oklahoma City bombing focused public attention on the militia movement, which claimed the loyalty of more than 10,000 members in at least 13 states. Many of these groups subscribe to a virulently antigovernment ideology linked to paranoid theories of conspiracy. This ideology—which Stern characterized as "really a rewrite of the Protocols of the Elders of Zion" in which "anti-Semitism is recast as anti-governmentalism"—views the federal government as fundamentally illegitimate and engaged in a concealed effort to cede American sovereignty to international authority. Although the militia leaders were to some extent allied with such hate groups as the Aryan Nation and the Ku Klux Klan, their ideology targeted the U.S. government and not necessarily blacks, Jews, or foreigners.

The need to address the threat of terrorism and the desire to strengthen the hand of law-enforcement authorities—if necessary—in combatting the activities of terrorists were on the agenda of Jewish groups and public officials even before the events in Oklahoma City. In March 1994 the House Banking Committee approved an amendment sponsored by Rep. Douglas Bereuter (R., Neb.) and Peter Deutsch (D., Fla.) to provide the Federal Bureau of Investigation with access, for investigatory purposes, to the credit reports of terrorists and terrorist groups. These questions were also taken up by the Clinton administration, which, in the latter part of 1994, began to seek ways to stop the flow of millions of dollars annually from the United States to Islamic extremist terrorists in the Middle East. At the same time, an eight-agency federal task force formed after the World Trade Center bombi—
including representatives of the State Department, FBI, Justice Department, and White House—was charged with putting together a proposed package of antiterrorism legislation to deal with those areas for which it concluded the law was inadequate.

As 1995 began, the Clinton administration acted on the work done by its interagency task force. With public attention heightened by the terrorist bombing at Beit Lid Junction in Israel on January 22, the administration announced a ban on charitable contributions to 12 Middle East terrorist groups and the freezing of their assets in the United States. The action, applauded by many in the Jewish community, encompassed Arab groups such as Hamas and Islamic Jihad and two Jewish militant groups, Kach and Kahane Chai. At about the same time, the administration unveiled its proposal for omnibus antiterrorism legislation intended to strengthen the hand of law-enforcement authorities.

Formally introduced in Congress on February 10, 1995, the omnibus bill included provisions for expanding federal jurisdiction over terrorist acts in the United States and abroad; special closed-door handling of classified information in deportation hearings for aliens accused of terrorist activity; restricting transfer of funds to organizations designated by the president as engaged in terrorist activities; and relaxing of the standards under which law-enforcement officials may launch and continue investigations of persons suspected of supporting terrorist activity. Even as the bill was introduced, its sponsors noted that there were constitutional concerns about certain of the initiative's provisions and promised to address those as hearings went forward. Many Jewish groups expressed their support for the initiative, although some noted civil liberties concerns about certain aspects of the legislation. Those concerns were expressed more vociferously by a variety of civil rights and ethnic organizations, including the American Civil Liberties Union and the National Association of Arab Americans, which urged that the bill should be defeated as a blatant violation of constitutional protection.

The smoke from the Oklahoma City bombing had not yet cleared before calls issued for swift passage of the pending legislation, and the administration proposed a revised version of the bill, with additional provisions intended to strengthen the ability of law-enforcement authorities to counter domestic terrorism.

As the legislation moved through the hearing and mark-up process in both houses, new versions were substituted by the House and Senate leadership for those introduced at the behest of the administration. The Anti-Defamation League and the American Jewish Committee were among the most prominent voices in the Jewish community calling for strong legislation to respond to the threat of terrorism, both following up on their respective initiatives in late 1994 in which each had proposed a multipoint program of responses at international and domestic levels. The two organizations had different approaches, however, to the specific legislative packages moving through Congress. The ADL urged certain changes in response to the constitutional concerns that had been raised, but wanted to see the antiterrorism legislation enacted whether or not those changes were made. The AJCommittee
more strongly expressed its civil-liberties concerns, noting in testimony before Congress that there were many urgently needed provisions in the bills but that other provisions it could not support "as written."

On June 7, 1995, the Senate passed a substantially revised version of the legislation, introduced by Sen. Bob Dole (R., Kan.) and shepherded by Sen. Orrin Hatch (R., Utah), that went some distance in addressing civil-liberties concerns. By the reckoning of some in the Jewish community it went too far in that direction, raising doubts, for example, that the bar on fund-raising by or for "designated" organizations would even be enforceable. On the other hand, many in the Jewish community were alarmed at the Senate-passed bill's inclusion of provisions that would vitiate the role of the federal courts as a protector of constitutional rights in state criminal proceedings. On the House side, on June 20, the Judiciary Committee approved a substitute prepared by Chairman Henry Hyde (R., Ill.) by a vote of 23-12, a tally that reflected support and opposition from both sides of the aisle. As with the Senate bill, it made improvements vis-à-vis some civil-liberties concerns but left others unaddressed.

Soviet Jewry, Refugees, and Immigration

The organized Jewish community continued its long-standing commitment to maintain legislation that allowed Jews from the former Soviet Union to obtain asylum in the United States without, in each case, having to satisfy the individualized burden of proof that is usually applicable to those who seek refugee status. The legislation in question, first enacted in 1990 and generally known as the "Lautenberg Amendment," afforded this eased standard to refugees considered members of "historically persecuted groups," a status that encompassed not only Soviet Jews but also, among others, some Indochinese. The amendment was extended through fiscal 1996 by Congress in 1994, but by mid-1995 a proposed extension through fiscal 1997 had not yet been passed.

At the same time, because of a $100-million budget shortfall, the U.S. Immigration and Naturalization Office announced in June 1994 that beginning on July 1, the number of refugee interviews would be nearly halved from 84 a day to 48. By June 1995 it was noted that some 25,000 Jews were expected to arrive over the course of the year from the former Soviet Union, as compared to the 32,000 permitted entry under prevailing law.

For the first time ever, Russia was declared by the president in 1994 to be in compliance with the Jackson-Vanik Amendment, thereby exempting Russia from the annual presidential review of its emigration practices that the statutory provision would otherwise require. Although Jewish groups had earlier in the year opposed a repeal of Jackson-Vanik, they by and large supported the president's September action as "appropriate." "It's about recognizing progress when progress takes place," said Mark Levin, executive director of the National Conference on Soviet Jewry. It was noted by Jewish representatives that Jackson-Vanik would remain in
effect should the improvement in treatment of Jews by the Russian government not continue.

The 104th Congress brought Sen. Alan Simpson (R., Wyo.) to the chair of the Senate Judiciary Subcommittee on Immigration, with Rep. Lamar Smith (R., Tex.) chairing the House's counterpart subcommittee. From the start, both men pushed proposals to cut the number of refugees allowed into the United States each year by more than 50 percent, with substantial reductions also contemplated for the number of immigrants to be allowed into the country and the elimination of certain relatives of American citizens from eligibility for family reunification. Alarmed at the impact these initiatives would have on Jewish refugee programs and motivated by a long-standing general commitment to fair and generous immigration policies, the Council of Jewish Federations and a number of other Jewish organizations mobilized in opposition.

Jewish concern about U.S. treatment of refugees was not limited to those fleeing persecution in the former Soviet Union. A coalition of 16 Jewish local and national organizations supported the efforts of Haitian refugees fleeing from their island country's military regime to be granted status as political refugees or, if not ultimately granted asylum status, to be afforded “safe haven,” possibly in a third country. The situation changed completely, and these urgings were largely mooted, when, in September 1994, the ruling junta—in the face of an imminent American invasion—agreed to depart the country and allow deposed president Jean-Bertrand Aristide to return to power.

The widely shared view within the Jewish community that the world generally, and the United States in particular, was not responding adequately to the atrocities in Bosnia—heightened by that community's sense of a special obligation to speak out because of the Jewish people's experiences during the Holocaust—continued to manifest itself throughout 1994 and into the next year. Thus, the National Hillel Foundation conceived, and played a leading role in organizing, a national day of education on college campuses early in the year about the Bosnian civil war and its implications. On February 16, 1994, approximately 200 Jews gathered outside the White House and listened to the blowing of shofars intended to draw greater attention to the ongoing crisis. The American Jewish Congress used the occasion to reiterate its call for stronger U.S. action to combat the "ethnic cleansing" being carried out by Serbs against Bosnian Muslims. The American Jewish Committee, which had earlier sought a more direct and active U.S. involvement, urged in December 1994 that the U.S. government and the international community take a more active role in ending "ethnic cleansing" and Serb military aggression.

In the meantime, Jewish organizations engaged in efforts to help victims of the violence in Bosnia. Some of these initiatives, such as Hesed International's, were meant to provide general relief for the populace at large, while others, such as American ORT's, were intended to assist Jewish victims of the conflict. The Hebrew Immigrant Aid Society and the Jewish Federation of Metropolitan Chicago established a joint program to resettle Bosnian Muslim refugees in Chicago.
Foreign Aid

Much of the Jewish community was committed to the maintenance of foreign aid, both out of concern to preserve aid to Israel at its prevailing $3-billion-a-year level and in the belief that the modest level of U.S. foreign aid serves the national interest. Throughout 1994, the pro-Israel constituency kept a close watch over proposals by the Clinton administration to overhaul the nation's foreign aid program so as to link the aid to broad international concerns, as opposed to the existing practice of designating specific amounts of aid for specific countries. By year's end, however, there had been little movement in the direction sketched out by the administration.

With the arrival of a new Congress, the weight of concern over the future of foreign aid shifted to the other end of Pennsylvania Avenue. There seemed little danger that Israel would be denied the $3 billion in direct assistance recommended by the administration in February 1995, but other portions of the foreign aid package were quickly placed in question. The Jewish community, generally supportive of foreign aid, was split as to how to respond to legislation that gave the community what it wanted on aid to Israel but not in other crucial areas. AIPAC urged Congress to vote for the package; the American Jewish Committee, in contrast, advised legislators that, notwithstanding the provision for aid to Israel at current levels, the agency could not support a bill that so slashed foreign aid. By June 1995 the U.S. Congress had passed an authorization bill that drastically cut foreign aid other than to participants in the Middle East peace process. In an unusual turnaround, it carried only because of Republican support. Many Democrats, including the pro-Israel Congressional Black Caucus and Jewish House members, voted against it, arguing that, together with its other flaws, it would undermine future aid to Israel. The president vetoed the authorization bill, leaving Congress to set foreign aid levels for the coming year in the foreign aid appropriations bill.

Arab Boycott

As the peace process continued, there were signs that the Arab boycott against Israel, in place since the Jewish state's founding in 1948, was beginning to deteriorate, particularly the "secondary" and "tertiary" boycotts directed at companies doing business with Israel and not at the state itself. Nevertheless, it remained necessary for the U.S. Commerce Department to bring enforcement actions for violations of American law prohibiting cooperation with the boycott. In May 1994 the Atlanta branch of Banca Nazionale del Lavoro paid a civil fine of $475,000 for providing information to Iraqi banks about foreign companies' relationships with Israel and for its failure to report to the Commerce Department on requests for boycott-related information from various Arab countries. At various times throughout the year, the Commerce Department continued to announce the levy of fines assessed against U.S. companies for allegedly complying with the boycott.

A sign of the times: in October 1994 the American Jewish Congress announced
that after 18 years it would be ending publication of its *Boycott Report*, a newsletter that kept tabs on the Arab boycott and steps taken against it. "We think the boycott is on its last legs," said AJCongress general counsel Will Maslow, the guiding hand behind the newsletter from its beginning. AJCongress indicated that it would instead be issuing a new publication, this time focused on radical Islamic fundamentalism. Similarly, the inclusion of antiboycott provisions in the House-considered version of legislation to ratify the General Agreement on Tariffs and Trade drew only cursory support, if at all, from Jewish groups.

**ANTI-SEMITISM AND EXTREMISM**

*Assessing Anti-Semitism*

The Anti-Defamation League released its annual audit of anti-Semitic incidents in early 1994 and 1995. The 1,867 incidents reported for 1993, as compared with 1985's 1,044 incidents, was the highest number since 1980, the year ADL began preparing the audit; the 1994 report saw yet another increase, this time to 2,066 incidents. A particularly troublesome trend was the increase in numbers of incidents reported on college campuses: 122 incidents on 81 campuses for 1993 and 143 incidents on 79 campuses for 1994, as compared to 114 incidents on 60 campuses in 1992. While the number of incidents reported in these audits reached a new high, the number of reported incidents of anti-Semitic graffiti and violence declined in 1993 for the third straight year — only to rise to 869 in 1994, a higher number than in recent years. Commenting on the 1994 numbers, Jerome Chanes, co-director for domestic concerns of the National Jewish Community Relations Advisory Council, asserted that, notwithstanding the new high in overall incidents, "you have a very dramatic, well-documented decline in attitudinal anti-Semitism over many years which continues. [But] the relatively few individuals who harbor anti-Jewish attitudes have had in recent years a greater propensity to act out their views."

Also released in the first part of 1994 was the annual Hate Crimes Report of the Federal Bureau of Investigation for the year 1992, according to which Jews were by far the most frequent targets of hate crimes based on religion. Crimes against Jews constituted an overwhelming 87 percent of all reported crimes motivated by bias against religious groups, with crimes motivated by religious bias making up 15.4 percent of all hate crimes reported. Anti-Jewish crimes made up 13.4 percent of all hate crimes of any category, followed (not very closely) by anti-Protestant crimes at 0.4 percent and anti-Muslim crimes at 0.2 percent. The process by which the FBI compiled its report was open to criticism. Collected pursuant to the directive of the 1990 Hate Crimes Statistics Act, the information upon which the report relies was collected from state and local law-enforcement authorities on a voluntary basis. Fewer than half the nation's law-enforcement
agencies provided information on hate crimes for 1992. Moreover, for some states the numbers were so low as to suggest that the standards propounded by the FBI as to what does and does not constitute a hate crime had not been fully understood and applied by the responsible agencies.

Notwithstanding the apparent recent upward trend in acts of anti-Semitism, there were other indications of a long-term favorable trend. A report published by the American Jewish Committee in June 1994 indicated that anti-Semitism in the United States had decreased appreciably over the last half-century, and that circumstances were not ripe for its resurgence. The author of the report, Tom W. Smith, director of the General Social Survey at the National Opinion Research Center, University of Chicago, reviewed public-opinion polls going back to 1948 and found that, while “virulent anti-Semitism persists among fringe hate groups,” it lacked a “critical mass” to become significant in the general population. Rather, the indications were that over the decades there have been “direct or indirect decreases in anti-Semitism.” Nevertheless, the report cautioned that “Jews are still recognized as an ethnic and religious group and are evaluated as such. While stereotypes have ebbed and social distance has narrowed, anti-Semitic prejudices still survive and anti-Semitic activities are all too common.”

Acts of Violence

There was substantial concern about the potential for violence against Jews after the February 25, 1994, murder by a Jewish settler of over 40 Arabs praying in a mosque at the Tomb of the Patriarchs in Hebron. Security was tightened at Jewish institutions around the country in the wake of the shooting, especially so in New York, where jury deliberations had begun in the trial of several of the persons accused in the World Trade Center bombing.

The validity of these fears seemed borne out the very week after the massacre with the drive-by shooting attack on a van of Lubavitch Hassidim en route to Brooklyn from Manhattan, reportedly by an Arab male who shouted “Death to the Jews” as he fired. Of four victims injured in the shooting, one, 15-year-old Ari Halberstam, later died; another, 18-year-old Nochum Sossonkin, was injured so seriously that his later substantial (if not complete) recovery and return home were hailed as nothing less than a miracle by his community.

Police quickly arrested and charged Rashid Baz, a 28-year-old Lebanese national, in the shooting. There was immediate concern that the American Arab community not be stigmatized by this incident. Mayor Rudolph Giuliani stressed that “this act of evil is not the act of a people, it’s the act of a person or persons,” a point that was made by the Jewish community as well. Baz was convicted of murder and attempted murder at trial, and in January 1995 was sentenced to a total of 141 years and eight months.

A Torah academy in suburban Chicago was gutted in a late January 1994 arson, a crime in which three Palestinians were charged. The fire was allegedly set in
protest of Israeli treatment of Palestinians. It was one of five separate acts of vandalism and arson that took place on the same date, but no connection was conclusively established. The incident was condemned by local public officials and community organizations, including local Arab leaders.

In March 1994 Kansas City police arrested three young men who had engaged in a two-month rash of anti-Semitic vandalism. These acts of vandalism included spray-painting graffiti at two synagogues and a shopping mall and planting a Molotov cocktail—that failed to explode—at a local Chabad House. While there was no initial evidence that the arrested youths (two of them young enough to be referred to juvenile court) were connected to any hate group, the spray-painted slogans reflected awareness of the organized white supremacist movement (these included a shield, the symbol of the Aryan Nations movement, and the words “White Power” with a line through the “o”).

Two members of local skinhead gangs in Eugene, Oregon, were arrested in April for their role in a drive-by shooting in which bullets went through two stained-glass windows of a local synagogue. Representatives of several local churches and community groups, including the NAACP and the Eugene Human Rights Commission, made a show of support at a press conference held the day after the shooting, and local Christian leaders held nightly vigils at the synagogue for several days thereafter. In other incidents, a Jewish cemetery was desecrated twice in two months in Bayside, Queens, in New York City, with approximately 50 headstones knocked over and anti-Semitic epithets such as “kill the Jews” and “hate Jews” scrawled on them.

A long-standing, but declining, Jewish community was dealt a harsh blow when, in July 1994, the Congregation Derech Emunoh synagogue in the Arverne section of Queens, New York, was gutted in an early-morning arson fire. That same week, a synagogue on Chicago’s North Side was hit by a makeshift bomb, with minimal damage, yet another in a series of anti-Semitic acts of vandalism in that neighborhood.

An 18-year-old case of anti-Semitic murder was resolved in November 1994 when a white supremacist, already sentenced to life in prison for the murder of four other people, confessed to the 1977 killing of a Jewish St. Louis resident. Joseph Paul Franklin admitted that he had killed Gerald Gordon as he left a synagogue and wounded two other men in the attack, because he had “planned to kill as many Jews as he could that day.” Franklin was charged with murder and related counts after the confession and could face the death penalty if convicted. Franklin was a former member of the Ku Klux Klan and a neo-Nazi party.

CROWN HEIGHTS DEVELOPMENTS

On January 25, 1994, U.S. attorney general Janet Reno announced that the Justice Department was willing to empanel a federal grand jury to investigate the murder of Yankel Rosenbaum, the Hassidic scholar who was stabbed to death.
during the 1991 Crown Heights riots. This announcement received an ambivalent reaction from the New York Jewish community. While welcoming it as a step forward, many agreed with the comment of Judah Gribetz, president of the Jewish Community Relations Council of New York, that the inquiry was but an "important first step into the long overdue federal civil rights inquiry" into not just the Rosenbaum murder but also the Crown Heights riots generally.

Similar ambivalence greeted the report in August 1994 that Lemrick Nelson, Jr., had been indicted on federal criminal charges of violating Rosenbaum's civil rights. Nelson, who was the only person ever arrested in connection with the Rosenbaum killing, was acquitted on state murder charges in 1992. Some in the Crown Heights community questioned whether, notwithstanding the indictment, federal investigators were pursuing leads and interviewing witnesses vigorously enough. In addition, a spokesperson for the Crown Heights Jewish Community Council, joined by a number of national Jewish organizations, called for indictments for the "hundreds of [other] acts of violence" that were committed against "Jewish citizens of Crown Heights" in the course of the riots.

The continuing disappointment in the handling of the Rosenbaum case deepened in April 1995 with the decision by U.S. district court judge David Trager that Nelson would be tried as a juvenile. Various Jewish groups, area congressional representatives, and other local political leaders weighed in with statements asserting that the court had failed to treat this offense with the appropriate seriousness. If convicted after trial as a juvenile, Lemrick would be subject to a maximum sentence of five years, whereas if tried and convicted on all counts as an adult, he would receive a mandatory life sentence. In May 1995 the Justice Department filed an appeal from Judge Trager's decision.

Extremist Groups

High-technology had come into play as a new means for promoting anti-Semitism, according to reports issued in 1994 by the London-based Institute of Jewish Affairs (IJA). The IJA report asserted that electronic dissemination of anti-Semitic material through computer networks and bulletin-board systems and distribution of anti-Semitic computer games, video cassettes, and radio and television programs had increased substantially. The IJA also indicated that the National Socialist German Workers Party—Overseas Organization, an American neo-Nazi group, was distributing its publications by computer to Austria, Germany, France, and the Netherlands. Much of the anti-Semitic material that found its way into Europe originated in the United States, which, unlike many other countries, had not enacted restrictions on hate speech.
Holocaust Denial

Responding to the practice of many university newspapers of accepting ads for publication that denied the Holocaust or distorted its extent, the Synagogue Council of America (SCA) joined together with the National Conference of Catholic Bishops (NCCB) in March 1994 in a statement that described the notion that there is any obligation to publish this material as a “perversion of the First Amendment.”

Some university newspapers published the advertisements based on the premise that even Holocaust deniers have a right to express their views, while others published the text of the advertisements accompanied by an editorial refutation. In their statement, the SCA and NCCB urged that neither of these responses was appropriate, that newspaper advertisers should simply refuse to run these ads and not operate on the basis of misguided notions of freedom of speech. “If someone has stated that the world is flat, we don’t have to give it publicity as an alternative view,” said Rabbi Shel Schiffman, executive vice-president of the Synagogue Council.

In January 1995 advocates of Holocaust education considered their cause strengthened when House Speaker Newt Gingrich announced—and quickly withdrew—the appointment as House historian of an educator who had opposed funding a Holocaust education program for not reflecting “the Nazi point of view.” Gingrich fired Christina Jeffrey within hours of learning that she had opposed a middle-school and high-school Holocaust curriculum as “biased.” The Speaker’s action, said Benjamin Meed, president of the American Gathering of Holocaust Survivors, “sends an important message that there’s no place for this type of view in the country.” Jeffrey denied being a Holocaust denier and vowed to seek vindication.

Bigotry on the Campus

The ongoing controversy over Prof. Leonard Jeffries continued to unfold. Jeffries was discharged in March 1992 from his position as chairman of the Black Studies Department of the City College of the City University of New York (CUNY) because of the anti-Semitic content of a speech given by him in 1991. The speech was part and parcel of a racist and anti-Semitic ideology that he had been expounding for years, but it received greater attention because of the public forum in which it was delivered. Jeffries was reinstated to his post, one he had occupied since 1972, when a federal trial court ruled that the university had violated his First Amendment rights. This determination was upheld in April 1994 by a federal appeals court. The appeals court reversed, however, the earlier determination that Jeffries was entitled to $360,000 damages.

In November 1994 the U.S. Supreme Court issued a two-sentence ruling that required the appeals court to reconsider its ruling in light of a decision earlier that year by the high court suggesting that public employers have some latitude in disciplining employees whose speech disrupts the workplace. Jewish groups ap-
plauded the Supreme Court's action, expressing their belief that a university has the right to deny a bigot a position that makes him or her, in effect, the institution's spokesperson. During the period between the appeals court's and the Supreme Court's rulings, the City University announced the creation of the CUNY Institute for Research on the Diaspora in the Americas and Caribbean. This new black research institute was to be operated independently of Jeffries' department and to be headed by Edmund Gordon, the professor who led the Black Studies Department during the period between Jeffries' ouster and reinstatement.

Against the backdrop of this Supreme Court ruling, in April 1995 the federal appeals court for the Second Circuit reversed the earlier ruling reinstating Jeffries as head of City College's Black Studies Department. Samuel Rabinove, legal director of the American Jewish Committee, noted that this decision reflected an appropriate distinction between a professor and a department head: "Department heads represent the university much more visibly, so a university should have much greater latitude in terms of deciding who will lead a department." In June 1995 the department faculty announced that it had elected Prof. Moyibi Amodo to succeed Jeffries as its head. Jeffries indicated that, while he would continue as a tenured professor at the university, he would not seek another term as department chair. Representatives of various Jewish organizations noted their satisfaction that there was now some closure to this long-standing controversy.

Howard University, generally recognized as the nation's leading black university, received some unwelcome attention in 1994, in February as host—by invitation of a student group—for one of Khalid Muhammad's fiery racist diatribes, and then in April as the site of a series of anti-Semitic presentations, as Muhammad, Jeffries, and Wellesley College professor Tony Martin spoke at a student-sponsored event to an enthusiastic crowd of 2,000. University officials indicated that they had consented to the event only because they felt bound to do so by the First Amendment. With hatred of Jews a leitmotif of the evening, the already familiar accusations of Jewish dominance of the slave trade were joined by fresh rhetoric diminishing the horrors of the Holocaust and claiming that Jewish Holocaust memorials were nothing more than an effort to divert attention from the "black Holocaust" of Africans under slavery.

In the aftermath of these events, Howard University officials were left to fight the perception in some quarters that its student body supported the views of anti-Semites and racists. The controversy was heightened by the news in early April that Yale University historian David Brion Davis, an expert on the history of slavery, who happens to be Jewish, was asked to postpone a scheduled lecture because of fear that he would be heckled. Local Jewish groups criticized the university for not moving quickly enough to distance itself from the views expressed by Muhammad, Jeffries, and Martin. The university was faced with threats from various sources of cutoffs in personal or institutional support. University officials insisted at a press conference held after the Muhammad-Jeffries-Martin event that most of those attending the speeches were not students but area residents, and that the views
expressed by the speakers did not enjoy widespread student support.

Clear across the country, San Francisco State University was the scene of perhaps the year's most widely reported clash between Jewish and black students. On May 19, 1994, a black student group unveiled an on-campus mural of Malcolm X, which included Stars of David surrounded by dollar signs, skulls and crossbones, and the words "African blood." Jewish students attacked the mural as anti-Semitic and called for removal of the offending portion; African-American students responded by closing ranks in support of what they asserted was a symbol of the black struggle for self-determination. In the end, university president Robert Corrigan declared that "if we were to allow the mural to remain as it is, we would be contributing to a hostile campus environment, one which says to students: 'We tolerate intolerance; we are silent in the face of bigotry.'" He directed that the mural be painted over.

Legislative and Judicial Activity

Legislation to establish hate-crime prevention programs in schools around the country was approved in March 1994 as an amendment to the House of Representatives' major education bill. Under this legislation, sponsored by Rep. Nydia Velazquez (D., N.Y.), the Department of Education would award grants to local education and community groups to develop training programs and curricula to fight prejudice.

In a decision that surprised virtually nobody, the New Jersey Supreme Court overturned the state's hate-crimes law in May 1994 on the grounds that it violated the First Amendment's protection of free speech, while upholding another law that allows for enhanced penalties for individuals who harass others on the basis of racial or ethnic bias. The stricken law, which made it illegal to burn a cross or display a swastika or any other symbol on another person's property if it exposed that person to increased fear of physical harm caused as a result of ethnic bias, tracked in many respects the statute overturned by the U.S. Supreme Court in a 1992 opinion. The law the New Jersey high court upheld, in contrast, was substantially similar to a Wisconsin municipal regulation upheld by the U.S. high court in 1993. Rather than punishing the expression of hate, the upheld New Jersey law increases the level of the crime and the penalty when an individual acts on such beliefs and intentionally carries out an act of harassment based on the victim's race, religion, or ethnic background.

The controversial $30-billion federal crime bill signed into law by the president in 1994, while containing some provisions to which many Jewish groups were opposed (in particular, its expansion of the death penalty), included measures directed at terrorism and hate crimes. One provision, the Hate Crime Sentencing Enhancement Act, enhances the penalty for federal crimes in which the victim of the offense is selected by reason of such categories as religion or race. The bill also establishes new categories of federal crimes associated with terrorism and makes it a crime to provide "material support" for carrying out designated terrorist offenses.
These antiterrorism measures, while not widely noted, drew opposition from Irish-American and civil-liberties groups concerned that the portions directed at fund-raising activities would penalize Americans who want to support the legitimate charitable activities of groups that also engage in (depending on one's point of view) terrorism or armed resistance. In the end, in response to the advocacy of those groups, certain of those latter provisions were somewhat weakened.

Other Anti-Semitic Incidents

There were, as usual, a number of instances in which prominent persons let slip comments invoking anti-Semitic stereotypes that generally resulted in an apology from the offender when protested. Thus, after a complaint from the ADL, country singer Dolly Parton apologized for asserting in a magazine interview that she had abandoned the idea of doing a television series about a gospel singer "because most of the people out here [in Hollywood] are Jewish, and it's a frightening thing for them to promote Christianity."

In another case, Phillies pitcher Steve Carlton denied remarks attributed to him to the effect that "the elders of Zion rule the world." The reporter who made these comments public stood by his story, and Carlton stood by his denial. In the end, Jewish groups, while reacting with concern to the nature of the reported remarks, described as a positive development Carlton's rejection of the legitimacy of racist remarks.

Michael Jackson's June 1995 album was not even in the stores when it was enveloped in controversy. The lyrics of "They Don't Care About Us," a song in the album, included the phrases "Jew me" and "kike me." Jackson's initial reaction, when questioned about the lyrics, was to assert that the song symbolized all victims of prejudice. He soon apologized and promised to include a paragraph with all copies of the album not already shipped expressing regrets "to anyone who might have been hurt," and stating that "unfortunately, my words have unintentionally hurt the very people I want to stand in solidarity with." By the end of the month, it was announced, later editions of his album would be revised so as not to include the objectionable lyrics.

Ed Rollins, the well-known political adviser and a senior consultant to Senate Majority Leader Bob Dole in the latter's presidential run, was strongly criticized by Jewish groups when, in May 1995, he referred to Representatives Howard Berman and Henry Waxman, both Democrats from California, as "those two Hymie boys." Rollins apologized for his remarks as without "justification or excuse," but sought to mitigate the offense by asserting that the comments were made "with great irreverence and attempt at humor." The Dole campaign apologized for Rollins' comments as "totally inexcusable" and then, within days, Rollins resigned from his role in the campaign.
1994 saw the further unfolding of a theme that had been a discordant note in black-Jewish relations for several years—the disappointment of the organized American Jewish community at the legitimacy afforded the Nation of Islam (NOI) and its leader, Minister Louis Farrakhan, by much of the black community, notwithstanding the rampant anti-Semitism and racism of that movement’s teachings.

Late in 1993, Nation of Islam spokesman Khalid Muhammad delivered a speech at New Jersey’s Kean College in the course of which, along with other anti-Semitic, anti-white, anti-Catholic, and anti-gay comments, he referred to Jews as “the blood-suckers of the black nation,” claimed that they controlled the White House, the media, and the Federal Reserve, and said that they had brought the Holocaust on themselves. These remarks initially received little attention outside of the Jewish community, but the picture changed dramatically when, on January 16, 1994, the Anti-Defamation League ran a full-page advertisement in the New York Times with extensive verbatim excerpts from Muhammad’s speech.

Almost immediately there was a chorus of condemnation from many leaders in the black community. Rep. Kweisi Mfume (R., Md.), who, as chairman of the Congressional Black Caucus, had some two months earlier spoken of a “sacred covenant” with the Nation of Islam, condemned Muhammad and called on Farrakhan to disavow him. Benjamin Chavis, Jr., executive director of the National Association for the Advancement of Colored People, asserted that he was “appalled that any human being would stoop so low to make such violence-prone anti-Semitic statements.” Jesse Jackson described the speech as “racist, anti-Semitic, divisive, untrue and chilling” and called on Farrakhan to distance himself from its assertions.

Farrakhan did nothing of the sort. Instead, during a speech given in late January, he made his own conspiratorial accusations of Jewish plotting against him, suggesting in response to black condemnation of Muhammad that his enemies “want to use some of our brothers and some of our brothers are willing to be used.” Any hope that Farrakhan would distance himself from the repugnant ideology of his lieutenant was given its final interment at a press conference held on Thursday, February 3. Announcing that he was disciplining Muhammad, “not for the message but for the manner in which it had been delivered,” Farrakhan went on to deliver remarks that were themselves racist and anti-Semitic. These included a substantial dose of conspiratorial allegations explicitly directed at the Anti-Defamation League, claiming that the ADL “seeks total control of the Jewish people, many of whom would have dialogued with us if it were not for the wicked aim and purpose of the ADL and its leadership.” David Harris, executive director of the American Jewish Com-
mittee, characterized Farrakhan’s comments as “the same old bone-chilling hate delivered with a smile.”

The day before the press conference, Mfume announced that the Congressional Black Caucus disavowed the “sacred covenant” with the Nation of Islam, citing “a question by some of our membership about the NOI’s sensitivity to the right of all people and all religions to be free from attacks, vilification and defamation.” That same day, the Senate voted 97-0 to pass a resolution, sponsored by Senators John Danforth (R., Mo.) and Edward Kennedy (D., Mass.), condemning the Muhammad speech. The House later adopted a similar resolution by a vote of 361-34, as did the U.S. Commission on Civil Rights by a unanimous vote of its eight-member panel.

If the day before the Farrakhan press conference offered evidence of the distancing from the Nation of Islam leader for which the Jewish community had long been arguing, the days after his remarks were a letdown. Many African-American leaders declined to respond to Farrakhan’s espousal of hateful views as forcefully as they had those of Muhammad. The starkest example of this was the statement of Benjamin Chavis that the NAACP was “satisfied” with Farrakhan’s disciplinary action against Muhammad. “The NAACP is prepared to believe Minister Farrakhan’s statement that he is neither anti-Semitic nor racist,” said Chavis. The American Jewish Committee, in an unusually direct criticism of the actions of the leader of another civil-rights organization, sharply criticized this statement, asserting that the NAACP’s failure to repudiate Farrakhan’s speech “not only turns a deaf ear to bigotry, but also seeks to rehabilitate the bigot.”

There were, to be sure, contrary voices in the black community, as witnessed by those who, together with representatives from a diverse array of racial, ethnic, and religious groups, signed on to an ad, placed by the American Jewish Committee in the New York Times on February 25, that condemned the racism of the NOI and reminded readers that “with all our differences, we are indeed united, as Americans.”

At the same time, some within the Jewish community suggested that an ongoing confrontation with the black community over Farrakhan detracted from more productive aspects of black-Jewish relations, such as coalitional work on pressing public-policy issues. “We should not allow Farrakhan to define relations between Jews and African Americans,” commented Karen Senter, co-director of national concerns for NJCRAC. “It’s time to move on.”

In the weeks and months following the Farrakhan press conference there were ongoing attempts by many in the Jewish community to do exactly that. Leaders of the ADL and the NAACP met for two-and-a-half-hours in mid-February, but emerged with little to say except that both organizations wished to continue to work together on “issues of mutual concern.” At the annual plenum of NJCRAC later that month, a number of Jewish communal officials questioned the wisdom of pressing black leaders to condemn Farrakhan, since blacks who denounced anti-Semites in their community came to be seen as bowing to outsiders and therefore
lost credibility. Instead, it was suggested, it might be best not to raise a fuss when mainstream civil-rights organizations reached out to Farrakhan, but instead make the point that the relationships of those organizations with the Jewish community were long-standing and secure. Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism, suggested at the NJCRAC plenum that it was necessary for the Jewish community “not to legitimize and give attention to propagators of hate,” on the one hand, and “not allow bigotry to be sanctioned by silence,” on the other.

The Jewish community attempted a tempered response to the NAACP’s June 1994 African-American leadership summit in Baltimore. Farrakhan was invited by the NAACP, along with some 100 other black community, political, and religious leaders, to participate in this conference on strategies for economic development, community empowerment, and moral and spiritual renewal in the black community. Jewish groups expressed their distress at the inclusion of Farrakhan in this meeting of mainstream black leaders, while not treating his inclusion as a “line in the sand,” the crossing of which would damage black-Jewish relations.

Nevertheless, protests were held outside the conference, led by Michael Lerner, editor of Tikkun magazine. The tensions between blacks and Jews arising out of Farrakhan’s continuing leadership role did not go unremarked upon at the Baltimore summit, notwithstanding that Jewish protests of Farrakhan’s participation in the conference had been relatively muted. Reportedly, the word “Jew” was not spoken at that meeting, but there were allusions by summit organizer Benjamin Chavis to “intimidations and threats,” and Chavis stated at a concluding press conference that “never again will we allow any external forces to dictate to the African-American community who we will meet with.” Some Jewish observers were disturbed by these remarks, reflecting as they did the focus on an external “enemy,” without so much as a condemnation of all bigotry and hate, whatever its source.

A particular sore point for the American Jewish community was the ongoing assertion by the Nation of Islam that Jews had played a disproportionate role in the slave trade, a claim made by Muhammad and Farrakhan in their speeches and “documented” in The Secret Relationship Between Blacks and Jews, a 334-page book published by the Nation of Islam in 1991 and cited by Farrakhan at his February 3 press conference. Substantial evidence was adduced by a number of experts to disprove the NOI’s charges, showing, instead, that Jews had played a very minor role when compared with their Christian counterparts. Critics, including prominent black leaders, pointed out that the NOI’s claims were an attempt to distort history so as to suit the movement’s political agenda. Nevertheless, the libelous charges had, by all reports, gained an unfortunate level of legitimacy within the black community, even influencing many unaffiliated with Farrakhan.

The 104th Congress brought with it renewed attention to the security-services business run by Nation of Islam-affiliated organizations, serving federally funded public-housing projects, with contracts valued at an estimated $10 million. Several Jewish organizations had, without success, earlier called for the U.S. Housing and
Urban Development Department (HUD) to investigate whether these NOI security agencies discriminated against whites and Jews in their hiring practices and proselytized on the premises of the housing projects. In January 1995, apparently responding to pressure from the new leadership in Congress and the ongoing urgings of Jewish organizations, HUD secretary Henry Cisneros announced that there would be an investigation to identify any such discriminatory conduct.

The initial results of that investigation, announced by Cisneros at an early March oversight hearing by a House banking subcommittee, far from satisfied those Jewish organizations or several of the members on the subcommittee, notably Rep. Peter King (R., N.Y.). Cisneros asserted that his department's inquiry had found no evidence of wrongdoing and that continuing the investigation "would simply be using government resources to persecute" the Nation of Islam, and questioned whether HUD had authority to deal with claims of employment discrimination by the security services. Jewish groups testifying at the hearing differed with the assessment, asserting, in the words of American Jewish Congress counsel Marc Stern, that this is "an HUD responsibility" and that "HUD did not ask the right questions." Secretary Cisneros backed off somewhat from the positions asserted at the hearing when, in communications with the World Jewish Congress and B'nai B'rith approximately one month later, he denounced Farrakhan's injection of hatred into the "national discourse" and pronounced HUD's investigation of alleged violations of contracts with NOI security agencies to be "ongoing." It was also reported at about the same time that the Department of Health and Human Services had begun its own investigation into allegations of patient discrimination at the NOI-linked Abundant Life Clinic, an AIDS treatment facility in Washington, D.C., that received federal funding through contracts with the District of Columbia.

MAINSTREAM CIVIL-RIGHTS ORGANIZATIONS

The tensions between the Jewish and black communities aroused by Farrakhan's continued, even increased, prominence threatened to eclipse other, more conciliatory voices and the ongoing day-to-day cooperation between Jews and blacks on a variety of issues at national and local levels.

Hugh Price, who became president of the National Urban League in July 1994, began his tenure by immediately praising Jews as "long-standing allies" of the black community and by stressing that a weakened economy and a lack of communal infrastructure—not white racism—were the major obstacles to progress for poor blacks. While calling for measures to promote economic self-sufficiency that, at least in broad strokes, recalled some of the themes struck by Farrakhan, Price clearly referred to Farrakhan in emphasizing the importance of denouncing racism, whatever its source. Price differed, however, with those who suggested that blacks ought not to be engaged in dialogue with all segments of their community, however objectionable some of their views. Price's appointment and the themes he struck, notwithstanding the obvious disagreement by many in the Jewish community on the
issue of meeting with Farrakhan, drew praise and support from Jewish organiza-
tional leaders.

Among his other outreach efforts, Price met in October with the National Jewish
Community Relations Advisory Council, at which time he stressed his “agenda of
racial inclusion” and called for focus on public education and the needs of young
people as an area in which NJCRAC member agencies and the Urban League could
work together. He expressed his hope that he would “not have to make a career out of”
talking about Farrakhan.

Jesse Jackson paid a six-day visit to Israel in April 1994 during which he was
greeted with significantly greater warmth by Israelis and representatives of American
Jewish organizations than had been the case with his disastrous trip 15 years
earlier. The 1979 trip, which included a snub by Menachem Begin and a famous
embrace between Jackson and Yasir Arafat, contributed greatly to the sense of
distrust that many in the Jewish community felt about Jackson for a number of
years. In contrast, in 1994 he was afforded the trappings of an official visit by both
the Israeli government and its now recognized negotiating partner, the Palestine
Liberation Organization. For Israel, Jackson’s visit presented an important opportu-
nity to cultivate a relationship with one of the best-known figures in the increasingly
important black leadership. For Jackson, the trip provided an opportunity to claim
a leadership role in moving the Mideast peace process forward, and to lay another
building block in the more positive relationship with American Jews that he had
established in recent years.

American Jewish groups distanced themselves from the NAACP in the first part
of 1994, largely because of executive director Benjamin Chavis’s outreach to Farra-
khan. Relations improved, however, after Chavis was ousted by the agency’s board
of directors in August, with questions about his handling of the NAACP’s financial
affairs as the precipitating factor.

This brightening outlook was reinforced in March 1995 with the election of
Myrlie Evers-Williams as NAACP chairwoman. Evers-Williams, widow of slain
1960s civil-rights leader Medgar Evers and widely seen as a proponent of close
cooperation between the Jewish and black communities, narrowly defeated Dr.
William Gibson in his bid for reelection. Gibson had brought Chavis on as executive
director and sided with him in the vote that led to the latter official’s ouster.
Nevertheless, Rabbi David Saperstein, director of the Religious Action Center of
Reform Judaism and a member of the NAACP board, took pains to assert that the
March vote had not been cast on the question of future relations with the Jewish
community. “Dr. Gibson was always very friendly with the Jewish community,” he
said. “These were not policy issues. These were internal administrative issues,”
largely having to do with the need to repair the NAACP’s disastrous financial
situation.

Not everyone agreed on the road to follow in dealing with the tensions between
the black and Jewish communities. Murray Friedman, director of the American
Jewish Committee’s Philadelphia chapter and a former U.S. civil rights commis-
sioner, argued at an intergroup conference held in New York in September 1994—anticipating themes articulated in a book he would publish in 1995 (What Went Wrong? The Creation and Collapse of the Black-Jewish Alliance)—for a "cooling-off" period of "separation" between the communities. Asserting that the "black-Jewish alliance that once existed is gone," he suggested that blacks and Jews should simply work jointly on issues of common interest and agree to disagree on other issues. This approach was rejected by the Reverend Calvin Butts, senior minister of Harlem's Abyssinian Baptist Church; he argued against the notion that there is "strong anti-Semitism among African Americans" and urged not disengagement but joint efforts to improve social conditions.

A study conducted by the American Jewish Congress in 1994 indicated that at the congressional level black and Jewish members remained closely aligned on key issues. The voting patterns of the 39 members of the Congressional Black Caucus and the 32 Jewish members of the House of Representatives on issues such as foreign aid, public funding of private schools, and school prayer showed that "Jewish members of Congress were far more likely to support votes by the [Caucus] than the other members of the [House]." And, similarly, black members were more likely than members in general to support the positions of the "Jewish community." Jesse Jackson, speaking at the press conference announcing this report, stressed the importance of the black-Jewish coalition outside the halls of Congress as well, asserting that David Duke would have won his 1991 race for governor of Louisiana if not for the "black-Jewish coalition."

CIVIL-RIGHTS ISSUES

While the black and Jewish communities continued to cooperate in many areas, the Jewish community was far from of one mind on two issues viewed by many African-Americans as crucial to their interests: redistricting and affirmative action.

In redistricting decisions handed down in 1994 and 1995, in both instances on the last day of the term, the U.S. Supreme Court cast in doubt the practice of delineating election districts so as to promote minority representation. Those decisions brought a mixed reaction from the Jewish community, with some supporting limitations on race-based districting practices while others agreed with Justice Ruth Bader Ginsburg's assertion in the 1995 case that the Court had imposed an unmanageable standard that would spawn endless challenges to state districting decisions.

As with developments on redistricting, the Jewish community was divided over the implications of the Supreme Court's June 1995 ruling that racially conscious federal affirmative-action programs are presumably unconstitutional unless the government is able to show a "compelling state interest" for the challenged practice. Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism, termed the decision "disappointing," while noting that the import of the case was "an affirmation of affirmative action, but a limitation of the circumstances where it is appropriate to apply it." The ADL saw the decision as consistent with its position,
that "government preferences or benefits based upon race, religious beliefs or ethnic origin are as threatening to the American ideal as the historic discriminatory practices used to justify those preferences."

In both the redistricting and the affirmative-action cases, the close decisions of the Court and the lack of clarity about the types of practices that would be upheld left the door open for continuing litigation.

YOUTH INTERGROUP EFFORTS

Interactions between Jewish and black students on high-school and college campuses were not all confrontational. At a grass-roots level, nearly 200 teenagers from around the world, including 90 Jewish high-school students attending under the banner of the B'nai B'rith Youth Organization (BBYO), attended a gathering in Washington in February 1994 to promote understanding and tolerance among various ethnic groups. The convocation, taking place under the banner of "Stop the Hate" and initiated by BBYO, conducted interviews about prejudice with members of Congress, spoke out against hate in various public locations, and attended a discussion about the ethnic conflict in Bosnia.

Similar efforts by young people at intergroup understanding took place throughout the year. In March 1994, 12 Jewish undergraduates from Yeshiva University and 12 black undergraduates from the City College of New York met to exchange views on the recent tensions between the black and Jewish communities. In the course of the discussion, some of the CCNY students expressed disagreement with the ideas presented by Khalid Muhammad at various college campuses and rejected the notion that he spoke for the African-American community. Students from both schools agreed on the need for further communication and for blacks and Jews to learn more about each other's histories.

A joint effort of the United Negro College Fund (UNCF) and several Jewish educational institutions, including the World Jewish Congress, the World Zionist Organization, and the Israeli Consulate Office of Academic Affairs in the United States, was undertaken to implement an exchange program between Jewish and black college students. The program was carried out during the 1994–95 academic year through a number of components: student summer and full-semester exchanges; a faculty exchange; expansion of the National Center for Black-Jewish Relations at Dillard University in New Orleans; a UNCF mission to Israel; and a college-level "Operation Understanding," a long-standing program under which black and Jewish students travel together to Africa and Israel.

Asian-Jewish Relations

Ongoing efforts to maintain, and expand upon, relations between Jewish and other ethnic groups continued throughout the year, with trips by leaders of non-Jewish groups to Israel often a focal point for building understanding and relation-
ships. Thus, in February 1994, 11 Asian-Americans of varying backgrounds, including Chinese, Korean, Japanese, and Vietnamese, traveled to Israel under the auspices of Project Interchange and the Pacific Rim Institute, divisions of the American Jewish Committee. Jews and Asian-Americans had long been coalition partners on such issues as immigration, responses to hate crimes, and civil rights, and it was hoped that this might be expanded to support by Asian-Americans for Israel-Asian political and trade relations.

**Interreligious Relations**

**MAINLINE PROTESTANTS**

In a dramatic development in the evolution of Christian teachings about Jews and Judaism, the Evangelical Lutheran Church in America announced on April 18, 1994, that it had formally rejected the anti-Semitic writings of Martin Luther, the communion's founder. The Evangelical Lutheran Church is the largest branch of the Lutheran denomination in America.

**EVANGELICAL CHRISTIANS**

As relations between the Christian Coalition and its supporters, on the one hand, and the organized Jewish community, on the other, continued to simmer, representatives of Jewish and evangelical Christian organizations met in Washington soon after the 1994 elections. The meeting, convened by Yechiel Eckstein, president of the International Fellowship of Christians and Jews, was intended as a vehicle “to shatter stereotypes.” “There is a common ground,” he said, “even on moral values between evangelicals and Jews which hasn’t been discerned yet.” The delicate nature of relations between evangelical Christians and Jews was underlined, however, when, in March 1995, the National Jewish Coalition (NJC) pulled out of a conference on Israel scheduled for May on the grounds that several of the Christian groups participating “have as their chief purpose the conversion of Jews to Christianity.” The action of the coalition, an organization representing Jewish Republicans, followed withdrawal by the Israeli embassy from the same Washington-based conference. “Their active support of missionizing,” wrote NJC executive director Matthew Brooks, “is, in practice, a determined effort to destroy the Jewish people. I cannot in good conscience participate in an event, even one dedicated to support for Israel, which includes organizations whose primary goal I vehemently oppose.” Rabbi Daniel Lapin, on the other hand, director of the conservative group Toward Tradition, indicated that he had no concern in working in common cause with missionizers, asserting that “to whatever extent they succeed, the indictment is not on them, but on us.”
MORMONS

A dispute between Jewish Holocaust survivors and the Church of Jesus Christ of Latter-day Saints was resolved when, in April 1995, the church agreed to halt its practice of posthumously baptizing Jews. Mormon tenets call upon that faith's adherents to research their own ancestry and to have their forebears baptized; some adherents have gone further, however, collecting the names of, and then baptizing, prominent people and Holocaust victims. Ernest Michel, chairman of the American Gathering of Jewish Holocaust Survivors and a son of Jews murdered at Auschwitz, approached the Mormon leadership upon discovering that his parents had been listed as members of the Mormon faith in this fashion. With apologies for any unintended offense to Holocaust survivors, the church agreed not only to cease the practice but also to expunge from its records the names of all Jews who were "improperly included."

CATHOLICS

In a series of interviews and public statements, Pope John Paul II placed Catholic-Jewish relations high on his ecumenical agenda, terming Jews "elder brothers in the faith" to Catholics and attacking anti-Semitism as "anti-Christian." While building on the foundations laid down by the Second Vatican Council some 30 years earlier, the pope broke significant new ground when, in an interview given shortly before Easter 1994, he recognized the right of Jews to settle in Israel—this following only a few months after the Vatican and Israel established diplomatic relations. In addition, 1994 saw the first official Vatican commemoration of the Holocaust, in the form of a Yom Hashoah concert on April 7 in Rome, attended by dignitaries from around the world. Rabbi A. James Rudin, director of interreligious affairs for the American Jewish Committee, hailed these developments as having removed what had been stumbling blocks in the relations between Catholics and Jews. What is significant, Rabbi Rudin commented, is that the pope is "not talking to Jews about the Jewish people; he's speaking to Catholics."

In February 1995, Pope John Paul II met in private audience with leaders of the American Jewish Committee, who urged that he issue a formal encyclical against anti-Semitism. At the meeting, which took place in commemoration of the 30th anniversary of the Second Vatican Council's "Nostra Aetate" declaration, AJCommittee president Robert S. Rifkind expressed gratification for the strides made since 1965 in Jewish-Catholic relations, with hopes that the two communities would continue to build "on the foundations already laid."

MUSLIMS

In February 1994, Rabbi Arthur Schneier, head of the Appeal of Conscience Foundation, brought together a convocation in New York of Jewish, Eastern Ortho-
dox, Roman Catholic, and Muslim clergy for an interfaith Conference on Peace and Tolerance, with a major focus on the civil war in the former Yugoslavia. The convocation was cosponsored by the Ecumenical Patriarchate and Bartholomew I, leader of the Eastern Orthodox Church. Although reportedly faced with significant division on a number of issues, the conference did issue a statement condemning “ethnic cleansing” and rejecting “the concept that it was possible to justify one’s actions in any armed conflict in the name of God.”

A series of interfaith initiatives followed the Hebron massacre the same month. Interfaith services were held at a church, a synagogue, and a mosque in New York, and in Los Angeles Jewish and Arab organizations held a joint memorial service and press conference. Jewish students at colleges throughout the nation condemned the killings and held interfaith services and vigils with Muslim students and others. The Reform movement sent out packets to its member congregations urging, among other things, that Jewish leaders make condolence calls to Muslim leaders and write letters to local newspapers condemning the attack.

In a further development in Jewish-Muslim relations, a ground-breaking conference on “Women, Families and Children in Islamic and Judaic Traditions” was held in Denver in late October 1994. Although the conference was framed as an academic event, broader issues of intergroup relations were addressed. The conference was organized by Rabbi Rudin of the AJCommittee and Salam al-Maryati, director of the Los Angeles-based Muslim Public Affairs Council. As part of the program, participants began to explore public-policy issues of common concern on which their respective communities might work together.

Although interest in building a relationship had increased with developments in the Middle East peace process, there were still tensions arising out of differences on fundamental issues. Muslims viewed government investigations of American Muslim groups for possible links to Middle East terrorism, with the intent of cutting off the flow of American funds to Hamas, as a form of scapegoating. American Jewish groups largely supported those efforts, while urging that they should be undertaken with due regard for civil liberties and due process concerns.

**CHURCH-STATE MATTERS**

**Legislative Activity**

In 1994 the organized Jewish community continued its long-standing battle to preserve separation of church and state. Dissenting positions were taken by the Orthodox, not on the broad commitment to that principle but on certain specific applications, in particular the Jewish community’s opposition to federally funded school vouchers for parochial and other private schools.

Throughout much of the year, Jewish organizations worked together with such coalition partners as the Baptist Joint Committee and Americans United for Separat-
tion of Church and State to oppose efforts, spearheaded by Sen. Jesse Helms (R., N.C.), to add a school-prayer amendment to major education legislation. The amendment would have subjected schools to cutoffs of their federal funding if they did not protect the rights of students voluntarily to engage in "constitutionally protected prayer." After an initial defeat—the Senate adopted the Helms amendment in March as part of the "Goals 2000" education bill—the coalition succeeded in blocking the initiative from being enacted into law. "Goals 2000" emerged from conference without any school-prayer amendment, and the education appropriations legislation enacted into law later in the year included, instead, a far less problematic alternative sponsored by Sen. Nancy Kassebaum (R., Kan.). (The Kassebaum language subjects a school to a funds cutoff only if it violates an actual court order with respect to religious expression.)

Less threatening but still problematic was the Senate's passage in February, by a vote of 78-8, of a resolution supporting a moment of silence during the school day that would allow students a moment for voluntary prayer. No action was taken in the House on this initiative, which was, in any event, a nonbinding resolution. Richard Foltin, legislative director and counsel for the American Jewish Committee, suggested that the provision served little purpose as, in any event, "there is no serious question of a school's right to provide for a truly voluntary moment of silence and of a student's right to engage in nondisruptive prayer during such a moment, or, in fact, at any other time during the school day." Rabbi Abraham Shemtov, national director of the American Friends of Lubavitch, on the other hand, endorsed the initiative. "A moment of silence brings about the awareness in children of the existence of the Supreme Being," he said.

An initiative introduced in both the 103rd and 104th Congresses by the bipartisan team of Senators Joseph Lieberman (D., Conn.) and Dan Coats (R., Ind.) would allow federal funds to be used to support parochial and other private schools on a pilot-project basis. Opposed by most Jewish groups, among others, as a violation of separation of church and state and a threat to the public-school system, it was supported by the Orthodox Jewish community as an important resource to enable children to attend religious schools. The bill failed to win approval in the 1994 session and had not moved by midyear 1995.

As the 1994 congressional year closed out, and even before the election returns had come in, advocates of separation of church and state were concerned about the future of their cause. After all, even though ultimately defeated in both cases, the Helms school-prayer provision was attached to the "Goals 2000" education bill—in a Democratic Senate—by a 75-22 vote, and was accepted as part of another education bill in the Democrat-controlled House by a landslide vote of 345-64. These votes suggested that "we have a lot to do as far as educating members of Congress about school prayer in particular and the separation of church and state in general," commented Mark Pelavin, Washington representative of the American Jewish Congress.

That work was clearly expanded by the election results. Within days of the
election, soon-to-be House Speaker Newt Gingrich alarmed the Jewish community when he indicated that he favored a vote by July 1995 on an amendment to the Constitution permitting officially sanctioned school prayer. President Clinton touched off a firestorm when, later in November, he made a statement that appeared to express a willingness to consider a school-prayer constitutional amendment. Shortly thereafter, the president clarified that he was against any school-prayer amendment to the Constitution, although he was prepared to consider legislation providing for a neutral moment of silence—a position he had long held.

By the end of November, the organized Jewish community had joined together with a broad-ranging group of religious and civil-liberties organizations to form the Coalition for Preservation of Religious Liberty, the mission of which was to oppose the proposed amendment. The coalition, co-chaired by Rabbi David Saperstein of the Religious Action Center of Reform Judaism and the Reverend Brent Walker of the Baptist Joint Committee, included organizational representation from all the major movements of American Judaism, including the Union of Orthodox Jewish Congregations. Agudath Israel of America also spoke out in opposition to a school-prayer amendment to the Constitution.

As the 104th Congress began, the coalition, with Jewish groups continuing to play an important leadership role, urgently began its task of trying to keep on top of what the school-prayer initiative would look like and of canvassing the new Congress in a search for allies on both sides of the aisle. The new year had hardly begun when Rep. Jon Fox (R., Pa.), the only Jewish freshman, announced that while he would support a moment of silence in schools, he would oppose amending the Constitution to allow school prayer.

The new Congress saw several school-prayer initiatives put forward, but given the other priorities established by the Republican majority in the “Contract with America” and the opposition of a number of Republican moderates to any quick action in this area, it seemed unlikely that there would be early votes on any of these initiatives. Perhaps most crucially, early in 1995 reports began to filter out that proponents of a constitutional amendment were rethinking exactly what form an amendment ought to take.

That rethinking received a public airing when the Christian Coalition included as an item in its ten-point “Contract with the American Family” a call for a “religious equality amendment,” and no reference to a “school-prayer amendment.” The premise of this amendment was that religion had somehow become the subject of unfair discrimination, both in the courts and by virtue of government practice, and that the drastic measure of amending the Constitution was necessary to alleviate the situation. The proposed amendment would allow for prayer at graduations, for student-led prayers in schools, and for religious symbols in public places, protection of other forms of religious speech, and equivalent funding of sectarian and secular institutions. By mid-1995 the “religious equality amendment” remained a work in progress. Although there were no votes in either house, whether on the floor or in committee—and, in fact, not yet even a proposed text—initial hearings were held
on "religious liberty issues" before the House Judiciary Subcommittee in June 1995, with more to follow. The hearings demonstrated that advocates of the amendment were at loggerheads over what its final language should be and even, to some extent, over just what aspects of existing church-state doctrine ought to be revisited.

If the proponents of the amendment had not come to agreement by midyear, there was, for once, strong consensus virtually across the spectrum of the Jewish community that the "religious equality amendment" was a dangerous and unnecessary initiative packaged with an attractive name. Thus, even though it opposed much of the rest of the Jewish community in its support for vouchers, the Union of Orthodox Jewish Congregations joined with its coreligionists in opposition to the constitutional initiative. And, for the most part, those who did not join in the opposition, such as Agudath Israel of America, took a "wait-and-see" attitude rather than weigh in on the side of the Christian Coalition.

Judicial Action

In March 1994, on one of the middle days of Passover, the U.S. Supreme Court heard arguments in Board of Education of Kiryas Joel v. Grumet. The result of this case was somewhat comforting to the "strict" church-state separationists, but it also demonstrated the thin margin by which any Court decision in this area was likely to be rendered. In addition, the case demonstrated the divisions within the Jewish community as to the principles on which these issues ought to be decided.

The case involved a challenge to New York State's creation of a special school district, its borders congruent with those of the existing village of Kiryas Joel, in order to provide remedial educational services for handicapped Hassidic children. The school district was created because the state was prohibited by Supreme Court precedent from providing the federally funded remedial services on the premises of Kiryas Joel's parochial schools, even while the Hassidic parents asserted that they could not send their children to nearby public schools for these services because they believed the children would be harassed.

The state and the Satmar Hassidim, represented by Washington lawyer Nathan Lewin, argued that creation of the school district was a constitutionally appropriate accommodation of the needs of a particular religious community. The two taxpayers bringing the challenge countered, and the New York Court of Appeals held, that the state's action had created a "religiously segregated environment" that violated the constitutional prohibition on government establishment of religion, and that there were other, more appropriate, means of accommodating the concerns of the Hassidic parents. Orthodox groups, including Agudath Israel of America and the Union of Orthodox Jewish Congregations of America, filed friend-of-the-court briefs in support of the district's creation, with briefs on the other side filed by the American Jewish Committee, the American Jewish Congress, and the Religious Action Center of Reform Judaism, among others.

As the Supreme Court neared the end of its term in June 1994, it issued a 6-3
ruling sustaining the lower courts’ finding that the Kiryas Joel school district was unconstitutional. Most Jewish groups other than the Orthodox hailed the ruling. Even so, those claiming victory acknowledged that the problem yet remained as to how to accommodate the needs of the Hassidic children in a fashion that would not violate separation of church and state.

Chief Justice William Rehnquist and Justices Antonin Scalia and Clarence Thomas dissented from the majority opinion and would have ruled in favor of the school district. Their opinions reiterated a theme from earlier cases—their view that it was time to revisit a church-state doctrine that they viewed as hostile to religion. Of the remaining justices, four—Justices Harry Blackmun, John Paul Stevens, Sandra Day O'Connor, and Ruth Bader Ginsburg—joined in the majority opinion of Justice David Souter that struck down the district. They did so, however, on a relatively narrow basis, that civil authority may not be delegated on the basis of religious criteria. Broader questions with respect to traditional church-state analysis remained unresolved. The concurring opinion of Justice Anthony Kennedy, the remaining justice in the majority, revealed that he had voted to strike down the district not out of Establishment Clause concerns, but because he opposed the creation of the district as equivalent to the creation of election districts on the basis of race, a practice whose constitutionality he questioned.

Justice Souter’s opinion for the Court, stressing that the ruling did not prevent appropriate accommodations of religious practice, set forth a number of ways in which the Hassidic children might receive the remedial services without the Constitution being violated. Instead of following Justice Souter’s suggestions, the New York State legislature, pointing to language in Justice O’Connor’s concurrence which found a problem in the Kiryas Joel district because it was created by the legislature to benefit Hassidic children directly, passed a law—within a week of the decision—that allowed any village to form a school district if certain conditions were met. Opponents challenged this enactment as a subterfuge, claiming that these supposedly generic conditions were in fact applicable only to Kiryas Joel. They warned that this step would invite a Balkanization of communities in which diverse religious, racial, ethnic, and sexual groups would all want their own school districts.

A challenge to the constitutionality of the new statute was turned back in March 1995 by a New York State trial level court, the same court whose decision overturning the earlier legislation had earlier found its way to the U.S. Supreme Court. This left the Kiryas Joel Village School District in place as the case once again began to wend its way through the appellate process. Meanwhile, the U.S. Supreme Court heard argument on two new church-state cases and, on the last day of the term in June 1995, rendered potentially ground-breaking decisions.

One case, *Rosenberger v. Rectors of the University of Virginia*, involved a challenge by the editor of a student-run Christian magazine to the university’s refusal to allocate it funds generally available to student publications on the grounds that this action violated his freedom of speech. The university had refused the funding because, in its view, to do otherwise would violate church-state separation. Voting
5–4, the majority held that the “viewpoint discrimination” on the part of the university was not justified, even if the motive of the school officials was to avoid a violation of the establishment clause. The opinion of the Court, written by Justice Kennedy, made much of the fact that the funding program was “neutral toward religion,” not a general tax levied “for the direct support of a church.” He also referred to the fact that the funds would be paid to the printer and not to the religious club. Justice Souter wrote for the dissenters, contending that the Court had “for the first time, approve[d] direct funding of core religious activities by an arm of the State.” Evenhandedness in distributing benefits, he asserted, was not sufficient to overcome the constitutional ban on such an action by the state.

The other case, Capitol Square Review and Advisory Board v. Pinette, argued in April, saw the Court hold by a 7–2 vote that the Ku Klux Klan had a free-speech right to display an unattended wooden cross on the Ohio statehouse lawn because other religious and nonreligious displays had been allowed. There was no majority opinion, however, as to the rationale for this decision. Justice Scalia, writing for four of the majority justices, argued that purely private religious expression that occurs in a “public forum” open to all on equal terms is, by definition, not a violation of the Establishment Clause. Justices Stevens and Ginsburg dissented, contending, among other things, that a reasonable observer would infer government endorsement of even a private religious expression.

Faced with complex questions about the relationship between the Constitution’s prohibition on establishment of religion and its protection of free speech, the organized Jewish community seemed nearly as split as the Supreme Court on these two cases, particularly with respect to Pinette. “These two cases together shrink the Establishment Clause,” asserted Samuel Rabinove, legal director for the American Jewish Committee. “Thomas Jefferson, who disestablished the Anglican Church in Virginia and who founded the University of Virginia must be turning over in his grave.” The American Jewish Congress expressed less alarm about the long-term impact of the cases even though it had filed on the same side as AJCommittee. Attorneys for the Orthodox community, in contrast to both of the AJCs, hailed the decisions as a welcome recognition by the Court that, in the words of attorney Nathan Lewin, “religious expression is entitled to the same respect as secular expression.” Agudath Israel general counsel David Zwiebel argued as well that the Rosenberger case was “a step closer” to the upholding of voucher programs as constitutional.

SUPREME COURT APPOINTMENT

With the retirement of Justice Harry Blackmun at the close of the U.S. Supreme Court’s 1993 term (in the summer of 1994), the organized Jewish community lost a strong supporter of its positions on such issues as religious liberty and abortion rights. In naming Justice Blackmun’s successor—his second appointment to the high court—President Clinton once again named a Jewish jurist, this time Judge
Stephen Breyer of the U.S. Court of Appeals for the First Circuit. Justice Breyer was confirmed in July 1994 by a Senate vote of 87-9. The Harvard Law School-educated Breyer brought with him a reputation for high legal competence, even brilliance, and for consensus building.

Following nearly two-and-a-half decades in which no Jew sat on the Supreme Court—a period that ended only with the 1993 appointment of Ruth Bader Ginsburg—Justice Breyer's appointment meant that, for the first time since 1938, there were two Jewish justices. In the view of many Jewish commentators, Clinton's second Jewish appointment was particularly gratifying because the decision had clearly been made based on merit and not on religion. In addition, they were reassured by statements made by Judge Breyer at his confirmation hearing that placed him firmly in support of the principle of separation of church and state.

**“Free-Exercise” Developments**

Religious harassment in the workplace became an issue, starting in March 1994, when the Christian Coalition attacked guidelines proposed by the Equal Employment Opportunity Commission (EEOC) to protect employees from harassing and derogatory slurs targeted at them because of their religious beliefs.

The Christian Coalition and other conservative Christian groups claimed that, rather than protect employees from harassment, the guidelines would push employers into making their workplaces “religion-free,” so that any form of religious expression would be prohibited. The guidelines opponents quickly garnered support from a number of senators in their attempt to have the guidelines withdrawn, with hearings held on the issue before a Senate committee. Many Christian and civil-liberties groups, joined by a virtually unanimous Jewish community, differed sharply with this attack on the EEOC guidelines, viewing them as an important protection of religious free exercise—even while conceding that the guidelines ought to be revised so as to make clear that they were directed only at truly harassing and derogatory behavior. Abba Cohen, Washington representative of Agudath Israel of America, stressed that Orthodox Jews are often harassed by questions or comments concerning their mode of dress or their observance of the Sabbath. Supporters of the guidelines were championed by Sen. Howard Metzenbaum, who asked, “What kind of signal would that send? That we abhor racial or sexual slurs, but that religious slurs are somehow less abhorrent, or even acceptable?”

In September 1994, following the inclusion in appropriations legislation of language that restricted EEOC autonomy in dealing with religious harassment, the EEOC withdrew the entire set of guidelines, including the portions dealing with other forms of harassment. Given the changes in Congress following the November election, it was unlikely that the EEOC would soon reissue guidelines on this subject.

Not to be confused with—but related to—religious harassment is the issue of religious accommodation. In the closing days of the 103rd Congress, Rep. Jerrold Nadler (D., N.Y.) introduced the Workplace Religious Freedom Act, legislation
that would protect the right of employees to practice their religion without the fear of losing their jobs or being passed over for promotions. A 1972 amendment to the Civil Rights Act of 1964 ostensibly provided religiously observant employees with a right to religious accommodation. However, the courts had so narrowly interpreted that amendment that it left employers with relatively little obligation. The Workplace Religious Freedom Act, American Jewish Committee legislative director and counsel Richard Foltin argued, "would give the protection the weight Congress intended in the first place."

**OTHER DEVELOPMENTS**

**Holocaust-Related Matters**

There were further developments in the case of John Demjanjuk, the man who may not have been "Ivan the Terrible" but by all the evidence was an Ivan culpable for many horrors visited upon Jewish men, women, and children during the Holocaust. Following his return to the United States in September 1993, after the Israeli Supreme Court reversed his conviction on the grounds that the prosecution had not met its burden of proof, a three-judge panel of the U.S. Court of Appeals for the Sixth Circuit overturned Demjanjuk's extradition, thus allowing him to remain in the United States. That decision was affirmed by the full Court of Appeals in February 1994.

The three-judge panel found, in issuing its ruling, that the Justice Department's Office of Special Investigations (OSI) had committed fraud in the 1985 proceedings in which Demjanjuk's extradition to Israel was initially ordered, and that OSI had been unduly influenced by Jewish groups, including the Anti-Defamation League, in its bringing the action in the first place. Neither of these findings was set aside in the full court's reconsideration of the matter, even though they ran counter to the 1992 conclusions of U.S. district court Judge Thomas Wiseman, Jr., who, as a special master appointed by the appellate court, had exonerated OSI on these points.

OSI filed an appeal with the U.S. Supreme Court, asserting that the government had acted in good faith. OSI's petition to have the case heard by the high court was supported by the World Jewish Congress, among others, whose brief asserted that the lower court's decision perpetuated a "vicious stereotype" of Jews. On Monday, October 3, 1994, the opening day of a new term, the high court declined to hear the case.

The Supreme Court's decision did not end the case. The Sixth Circuit determination had not overturned the 1981 ruling by U.S. District Judge Frank Battisti that denaturalized Demjanjuk on the grounds that Demjanjuk had lied about his activities during the war in his application for citizenship. The Justice Department filed a motion with the district court in December 1993 asking that this finding be
reaffirmed, an action that would provide the basis for Demjanjuk’s deportation. Judge Battisti had stayed action on that petition pending resolution of the appeal to the high court. The month was not out, however, before Judge Battisti died, thus assuring further delay on a final resolution of the matter.

With far less public attention, the Justice Department’s Office of Special Investigations continued its work in other cases of gathering and presenting evidence of alleged involvement in World War II atrocities by persons who had obtained U.S. citizenship after the war. In late January 1994, OSI filed new documents in its ongoing attempt (dating back to 1992) to denaturalize Jonas Stelmokas, a Lithuanian-American residing in Philadelphia, on the grounds that, among other things, he had allegedly been a platoon commander of a Lithuanian police battalion that participated in the liquidation of the Kovno Jewish ghetto on October 29, 1941, in which 9,200 Jews, almost half of them children, died in mass executions.

In March 1994, within a week of being served with notice of an OSI deportation proceeding, Peter Mueller—a Colorado resident and German national who was alleged to have served as an armed Nazi concentration-camp guard in France during World War II—voluntarily left the United States for Germany. In April a federal immigration judge in Milwaukee ordered the deportation of Croatian-born Anton Tittjung, a former guard at the Mauthausen concentration camp in Austria, on the grounds that he had lied about his wartime record to gain entry to the United States and, later, to obtain citizenship. And in September OSI brought citizenship-revocation proceedings against two men accused of war crimes in Lithuania, including Aleksandras Lileikis of Norwood, Massachusetts, who was said to have been the chief of the Lithuanian Security Police—the Saugumas—for the entire Vilnius (Vilna) Province during the German occupation. The Saugumas were responsible for some of the most brutal atrocities against Jews and others during World War II.

Actions were brought by OSI against other war criminals throughout 1994 and into 1995, as well. In all, OSI reported in September 1994, 50 Nazi war criminals up until that time had lost their citizenship because of OSI cases, and 42 of those had been removed from the United States. As of that date, OSI was investigating more than 300 additional possible war criminals.

OSI’s top leadership changed in 1994. Director Neal Sher left OSI, after 15 years of government service, to become executive director of the American Israel Public Affairs Committee (AIPAC). Sher’s departure, taken together with the accusations leveled at OSI by an appellate court in the wake of the unfavorable result in the Demjanjuk case, raised some concern that the Justice Department office might see its mission compromised or its very existence threatened. For the Jewish community, however, there was a general conviction that the OSI’s mission was more essential than ever, given the new flow of information from a democratizing Eastern Europe that was likely to mean new opportunities to identify, and take action against, war criminals.
Eli Rosenbaum, a longtime attorney on the OSI staff, was appointed acting director upon Sher's departure and director in February 1995. He was generally regarded by the Jewish community as a capable lawyer and passionate advocate of OSI's work.

Pollard and Manning

Late in 1993, outgoing defense secretary Les Aspin advised President Clinton that Jonathan Pollard, who was serving a life sentence for delivering sensitive U.S. classified material to Israel, had tried to send out top secret information in 14 letters from his prison cell. 1994 began with a rebuttal to this charge by spy novelist Howard Kaplan, who released a censored letter he had received from Pollard some six years earlier, in order to demonstrate that all of Pollard's correspondence was subject to heavy censorship and that Pollard knew that it was.

The controversy over Aspin's allegations was related to an ongoing controversy within the administration over whether Pollard should be granted clemency, with the State and Justice Departments reportedly for and the Defense Department and intelligence agencies reportedly against.

Israeli prime minister Yitzhak Rabin and several American Jewish organizations appealed to President Clinton to reduce Pollard's life sentence on humanitarian grounds, the effect of which reduction would be to make Pollard eligible for immediate parole. The National Jewish Community Relations Advisory Council, after years of avoiding the fray, wrote to the president, urging that there be a review of the case and that, if the president found the sentence improper, he consider reducing the sentence to time served.

On March 23, President Clinton announced his decision to deny clemency to Pollard, noting that this decision reflected "the unanimous views of the law enforcement and national security agencies," including Attorney General Janet Reno, based on "the grave nature" of Pollard's crime and "the considerable damage that his actions caused our nation." Pollard's attorneys, as well as his supporters in the Jewish community, who had long argued that he committed his crimes out of love for Israel, and that the fruits of his espionage were shared only with a friendly nation, expressed their disappointment and anger at this determination.

Pollard's supporters now focused their attention on a campaign to win him parole on humanitarian grounds when he first became eligible in November 1995. In the meantime, in May 1994, Pollard married Elaine Zeitz, the head of a Canadian support group seeking his release. The wedding took place at a federal correctional institution in Butner, North Carolina, where Pollard was serving his term.

California-born Robert Manning, a dual Israeli-American national, was sentenced by an American court to life imprisonment—without possibility of parole for 30 years—for his role in the 1980 mail-bomb death of a Los Angeles secretary. Manning had been named as a suspect by Los Angeles authorities in a number of cases involving attacks against Arab-Americans and neo-Nazis, but the sentence in
this case was for a crime with no apparent political or religious connection. His wife, Rachel Manning, also a dual national, was ordered extradited to the United States by Israel for her role in the same crime, but died of a heart attack on March 18, 1994, while still in Israeli custody.

RICHARD T. FOLTIN