United States

National Affairs

IF THE DAWNING OF THE new millennium brought with it neither the catastrophe which some had feared nor the redemption for which others had hoped, it was, for all of that, a remarkable year. On the national scene, while Jewish organizations and activists continued their long-standing efforts to counter anti-Semitism, improve relations with other ethnic and religious groups, bolster American support for Israel, and promote public-policy positions that served the interests of Jews and all Americans, an exciting new ingredient was added to the mix in 2000.

This was a year when, for the first time, a Jew was nominated to the national ticket of a major American political party, bringing an unprecedented message of acceptance by a great nation of its tiny Jewish minority. For some, it also brought visions of a kosher kitchen at the Naval Observatory, home of the vice president, only to have the achingly close race decided, as much as any other single factor, by a badly designed Florida ballot that led a crucial number of Jewish votes to be cast, inadvertently, for the candidate on the ballot most Jews found most appalling. Nevertheless, the nomination had broken a barrier, and Jewish life in America had entered a new era.

THE POLITICAL ARENA

The Presidential Election

PRIMARY SEASON

Since Jews tended overwhelmingly to vote Democratic, the contest between Vice President Al Gore and former New Jersey senator Bill Bradley for the Democratic nomination attracted great interest in the Jewish community. New York, the state with the largest concentration of Jews, had its primary scheduled for "Super Tuesday," March 7. Even though Gore could boast a long pro-Israel record, and had, over the years, nurtured more extensive connections with the Jewish com-

munity than Bradley, he did not take the New York Jewish vote for granted. Both men spoke before Jewish audiences, Gore telling the Conference of Presidents of Major American Jewish Organizations the day before the primary of his strong commitment to Israel and warning that it would be "unwise" for the Palestinians to declare statehood unilaterally. Gore won New York easily, capturing 62 percent of the Jewish Democratic vote as against 38 percent for Bradley.

The New York primary raised fears among Jews about the deference both Democratic candidates accorded the Rev. Al Sharpton, the black leader widely regarded in the Jewish community as a promoter of anti-Semitism and racial divisiveness. Gore met with Sharpton privately in 1999 and Bradley did so in a more public setting in January 2000. Defending his visit, Bradley said, "I don't agree with Al Sharpton on everything, but I think that he's got to be given respect, and people have to be allowed to grow." Gore, for his part, commented simply that he "was not hesitant" to meet with Sharpton. Jewish concerns were aggravated in February, when Sharpton was accorded the honor of asking the first question at a nationally televised Democratic presidential debate held at the Apollo Theater in Harlem.

Among Jewish Republicans in New York, Senator John McCain of Arizona scored an even more decisive win than Gore had among Democrats, besting Governor George W. Bush of Texas 64 percent to 23 percent. Earlier, in the course of a debate moderated by CNN host Larry King in February before the South Carolina primary, the two Republicans had both confirmed their commitment to American recognition of Jerusalem as the capital of Israel. Bush said, "I think we ought to recognize it, yes," and McCain suggested that recognizing Jerusalem's status would make the peace process "simpler" because "as soon as the Palestinians and others know exactly where that capital is, then it'll be off the table."

In late May both Gore and Bush, having each locked up the delegates necessary for their respective party nominations, appeared at the annual policy conference of the American Israel Public Affairs Committee (AIPAC), the preeminent lobby for Israel, to promote their pro-Israel bona fides. The Jewish Telegraphic Agency pronounced their messages "indistinguishable," as "both candidates reiterated a strong relationship—and commitment—to Israel, condemned Iran for its trial of 13 Jews accused of espionage and expressed support for the Middle East peace process." In one important difference in tone, at least, Governor Bush stressed that the United States should avoid interfering in Israel's democratic process, thereby suggesting that the Clinton administration had pushed Israel too hard on the peace process. Vice President Gore defended the administration's role in what he described as facilitating, but not forcing, the movement toward a peaceful resolution of Israel's conflicts with its neighbors.

As had been the case throughout the primary season, the Republicans made clear at their national convention that they would contend for the Jewish vote in the fall despite the marked Democratic leanings of American Jews. This outreach was tempered, however, by the recognition that Republican positions on social

issues — with which candidate Bush was solidly identified — were not likely to appeal to most Jews.

The unusual prominence of issues relating to religion and politics in the campaign, already apparent in the closing weeks of 1999, became more pronounced as the race gathered steam in 2000. At a January debate in Iowa, the Republican presidential candidates—with the exception of McCain, who did not speak directly to the issue—all announced their support for posting the Ten Commandments in public schools. Bush said, "No matter what a person's religion is, there's some inherent values in those great commandments," while fellow candidate Gary Bauer, formerly head of the Family Research Council and a one-time Reagan administration official, went him one better by announcing that he would post the commandments not only in schools, but also in the Oval Office. In the run-up to the convention, the American Jewish Congress and other Jewish groups criticized Governor Bush for having signed a proclamation declaring June 10, 2000, to be Jesus Day in Texas. While the proclamation did not have the force of law, AJ-Congress pronounced it a violation of the separation of church and state.

At events held by Jewish groups during the Philadelphia convention in July, the Republican leadership tended to downplay the social issues and concentrate on the commitment of their candidate and their platform to the security of Israel. Expanding on a theme they had used during the primaries, they criticized the Clinton administration for allegedly pressing Israel at the Camp David summit to make unilateral concessions to the Palestinians. This emphasis on the Middle East was also intended to counter the common Jewish perception that the candidate's father, President George H. W. Bush, and, in particular, his secretary of state, James Baker, had been hostile to Israel. Striking a bipartisan tone in her address to the convention, Condoleezza Rice, the likely national security adviser in a Bush administration, declared that Bush would join with past presidents of both parties in supporting "Israel's quest for enduring peace with its neighbors."

Governor Bush's vice-presidential selection—Richard Cheney, his father's secretary of defense—raised once again the question of just how different a second Bush presidency would be. Cheney himself contributed to Jewish misgivings when he suggested, soon after Bush announced his choice, that unilateral sanctions against Iran and Libya should be lifted because "they don't work." Nevertheless, the Jewish community greeted Cheney's selection with almost uniform expressions of respect for his foreign policy expertise and experience, and appreciation for the close working relationship he had developed with Israel during and after the Gulf War, even if with misgivings about policies he had previously espoused—on the sale of AWACs to Saudi Arabia, for example, and positions he had taken as a congressman on a range of domestic issues. Typifying this guarded but on-the-whole favorable response to the Cheney nomination was the observation of Jess Hordes, director of the Anti-Defamation League's Washington office, that while Cheney was "not automatically supportive of every action that Israel took," his overall record "is generally viewed as positive."

THE LIEBERMAN NOMINATION

Al Gore had set himself a deadline of the week prior to the opening of the Democratic convention, set for Sunday, August 13, to announce his choice of a running mate. On Saturday, August 5, Ed Rendell, the chairman of the Democratic National Committee, who was himself Jewish, offhandedly told reporters that Senator Joseph I. Lieberman of Connecticut was "maybe the finest person in politics" and that if "Lieberman was Episcopalian I think he'd almost be a slam dunk." However, he added, "I don't think anyone can calculate the effect of having a Jew on the ticket."

But by Monday morning, August 7, word had gotten out that the Connecticut senator was indeed to be Gore's pick. That day, Senator Lieberman advised the press of the telephone call he had received from Gore, and noted that, in the course of the call, they had "said a short prayer together." The next day Lieberman joined Al Gore in Nashville, where, in praising his running mate, Gore noted proudly that the Democratic Party would "tear down an old wall of division" in nominating Lieberman for vice president. Lieberman's own remarks were infused with religion, as he said to those assembled: "I ask you to allow me to let the spirit move me as it does to remember the words from Chronicles, which are to give thanks to God, to give thanks to God and declare his name and make his acts known to the people, to be glad of spirit, to sing to God and to make music to God and most of all, to give glory and gratitude to God from whom all blessings do truly fall. Dear Lord, maker of all miracles, I thank you for bringing me to this extraordinary moment in my life." His wife, Hadassah Lieberman, spoke of her parents, who had survived the Holocaust, and of the role of American soldiers in liberating her mother from a concentration camp.

Lieberman's name had been on Gore's "short list" since the spring, though many had assumed, like Rendell, that placing a Jew on a national ticket was too great a risk. A political centrist—and therefore often a distinctly minority voice within the liberal-leaning Democratic caucus on such issues as vouchers and foreign policy, though well within the Democratic mainstream on issues like abortion and gun control—Lieberman was expected to attract support for the ticket from moderate voters. But many political observers suggested that the most important factor in Gore's calculations was that Lieberman had been an early Democratic critic of President Bill Clinton during the Monica Lewinsky scandal, and this would help provide Vice President Gore some credible separation between himself and the outgoing administration.

By all accounts, it was difficult to find many outside the Jewish community who found the notion of a Jewish vice president problematic. Those of a certain age could well recall the burden of doubt presidential candidate John F. Kennedy had to overcome in 1960 over whether, as a Roman Catholic, he would be independent of the Vatican. But attitudes had changed. While Gallup surveys taken in 1932 found that only 46 percent of Americans were willing to vote for a Jew for

president, in 1999, 92 percent said they would. Alan Lichtman, chairman of the history department at American University, observed, "those who would not be likely to vote for Joe Lieberman on religious grounds would not be likely to vote for Al Gore anyway." In fact, observers suggested, an Orthodox Jew on the Democratic ticket—a person with strong religious commitments and deeply pro-Israel—might even prove an asset for the Democrats with Christian fundamentalist voters. But some with positive feelings about the Jewish nominee for vice president also demonstrated confusion about the nature of Jewish religious practice: On the day Lieberman's nomination was announced, the influential Senator John Breaux (D., La.) remarked, "I think people don't care so much about where he goes to church on Sunday, but just that he has the morals and principles to lead the country."

The fascination among the general public with things Jewish that followed Gore's announcement resulted in a national education on the tenets and practices of Judaism that was without parallel in American history. At least initially this interest reflected the need of some Americans to be assured that the obligations of Senator Lieberman's observance would not be inconsistent with his duties as vice president or, if circumstances demanded, president. But there was also a good deal of innocent curiosity about a minority religion that was based on what Christians called the Old Testament and that was nevertheless distinct from the majority Christian faith.

For the Jewish community, the nomination was a sensation: This was the first time a Jew had been named to a major party's national ticket—and he was not just a nominal Jew, but observant, indeed Orthodox. American Jews of every political and religious stripe were quick to hail Senator Lieberman's nomination not only as a source of pride for the community but also as confirmation that the United States was an open society where minorities could aspire to the highest levels of national leadership. "We're seeing another barrier come down," said Malcolm Hoenlein, executive vice chairman of the Conference of President of Major American Jewish Organizations. "This is an important message to all young Americans, that anyone of hard work and integrity can answer the call to public service, regardless of religion, ethnicity or race." But Jewish leaders sought to make it clear that there was no automatic "Jewish" vote. Dr. Mandell Ganchrow, president of the Union of Orthodox Jewish Congregations (OU), noted that even though all Jews took pride in Lieberman's nomination, they would not vote for him based simply on his religious identity: "People will judge him on the issues. And that's the way it should be." Republican Jewish Coalition executive director Matthew Brooks noted that Jewish Republicans joined in the expressions of pride in the Lieberman pick, "but that doesn't necessarily mean that you're going to vote for him."

Yet there was an undercurrent of concern in some Jewish circles—rarely stated openly—that Lieberman's Jewish identity, given the high profile he seemed determined to give it, might prove problematic if the ticket were victorious. Would

Vice President Lieberman feel a need to show "even-handedness" on Middle East policy? If things went wrong in a Gore-Lieberman administration, would America blame "the Jews?" Rabbi Laura Geller, a Reform rabbi from Los Angeles, suggested that there was a generational divide in the community: some older Jews, who recalled the days when Jews in public life felt compelled to bend over backward so as not to appear "too Jewish," felt uncomfortable with the nomination, but as for younger Jews, she said, "we've seen a profound change in attitude, so that we can be both Jews at home and Jews in the street." Abraham Foxman, national director of the Anti-Defamation League, an organization whose mission it was to monitor anti-Semitism, expressed surprise at the concerns over anti-Semitism should Lieberman be elected. Foxman pointed out that the level of anti-Semitism was "the lowest it's ever been," and that "at the end of the day, Joe Lieberman will be judged as an individual and not by the fact that he goes to shul or doesn't go to shul." And as for lingering Jewish discomfort with the Senator's explicit references to his faith and his level of observance, no less an expert on politics than President Clinton reassured Jews that Lieberman's "God-talk" was a mark of his character and sincerity. At an event hosted by Jewish groups in Los Angeles on the Sunday the Democratic convention opened, the president declared: "More and more people will respect the fact that Senator Lieberman gives up all work and politics on the Sabbath."

This millennial tone reached its crescendo on the third night of the convention, as Senator Lieberman came to the podium to deliver his address. He was preceded by remarks delivered by his wife, Hadassah Lieberman, who was herself greeted by a sea of "Hadassah" signs. Mrs. Lieberman spoke of her "Joey's" bedrock values of "family, faith, congregation, and neighborhood. Senator Lieberman's speech, marked by humor and expressions of gratitude to a nation that had allowed one of its Jewish sons to progress so far (as well as by some old-fashioned digs at the Republicans), was greeted by raucous applause and standing ovations. He began by asking, "Is America a great country or what?" and finished by saying, "Only in America." Lieberman contrasted the persecution his immigrant grandmother had endured in her native Europe and the acceptance by Christian neighbors that she found in America, and noted the similar experience of his wife's parents, Holocaust survivors saved by American GIs who liberated the concentration camps.

However, for some in the Jewish community, the euphoria of seeing a Jewish nominee on a national ticket was quickly dissipated by what they felt were Lieberman's too-frequent invocations of God and the Bible in the course of his campaign. Nobody seemed terribly concerned that the senator delivered remarks that were, in effect, an English version of the traditional *shehehiyanu* prayer at the announcement that Gore had chosen him to run, and even the repeated references to God in his acceptance speech in Los Angeles brought few complaints. But in late August, speaking at an African American church in Detroit, Lieberman called on Americans to renew the "dedication of our nation and ourselves to God

and God's purpose," and cited George Washington's warning not to assume that "morality can be maintained without religion."

The Anti-Defamation League immediately responded, sending him a letter similar to the one it had sent Republican and Democratic candidates the year before after several of them had made statements invoking their faiths. The ADL letter said, "Appealing along religious lines, or belief in God, is contrary to the American ideal," and that "to even suggest that one cannot be a moral person without being a religious person is an affront to many highly ethical citizens." Americans United for Separation of Church and State also wrote Lieberman, calling on him to cease using religion as part of his "campaign rhetoric." Lieberman, who had previously asserted the view that the public declaration of religious faith was not inconsistent with church-state separation, had a spokesman assert that the senator "respectfully disagrees" with the ADL. Lieberman, said the spokesman, was committed to "the importance of the separation of church and state" even as he had "great respect for the role faith has played in the lives of so many Americans."

It quickly became evident that the ADL critique of Lieberman did not express the sentiments of the entire Jewish community. David Zwiebel, executive vice president for government and public affairs of the (Orthodox) Agudath Israel of America, commented: "At a time when perhaps the greatest crisis America faces is a crisis of values, a candidate for national office who speaks unashamedly of his own religious faith and of the positive role religion can play in strengthening our society is to be commended, not condemned." The National Jewish Democratic Council made the point that Lieberman had never used his references to faith to exclude others or to justify public policies. Rabbi David Saperstein, director of the Religion Action Center of Reform Judaism, suggested that Lieberman, whose religious background was so unfamiliar to the general public, was in a sense compelled to do what the other candidates did not have to do, namely educate the public about his religious beliefs.

A Reuters/Zogby poll released in early September demonstrated that only a minority of the general population was concerned that Senator Lieberman's remarks about faith had gone too far. Some 48 percent of Americans felt that Senator Lieberman was not talking too much about religion, 24 percent believed that he was, and 24 percent were not sure. Indeed, a survey carried out by the Philadelphia-based Center for Jewish Community Studies, issued in the concluding days of the campaign but reflecting data gathered in September, indicated that non-Jews were twice as likely as Jews to approve of Senator Lieberman's references to God and Scripture. Furthermore, while 84 percent of Jews were pleased that the Jewish senator had been nominated for vice president, a lower number—55 percent—were happy that he was a "religious Jew."

In an address at Notre Dame University on October 24, Lieberman called for a national "conversation" on the place of religious values in "the public square." Challenging the notion that the Founding Fathers wanted a strict separation of

church and state, Lieberman suggested that they "knew that our experience in self-government was contingent on our faith and trust in the Creator who endowed us with the inalienable rights to life, liberty and the pursuit of happiness." Thus, he asserted, while the line of separation between church and state "is an important one and has always been hard to draw, . . . in recent years we have gone far beyond what the framers ever imagined in separating the two. So much so that we have practically banished religious values and religious institutions from the public square." Lieberman also defended his use of religious speech in the course of the campaign, arguing that one could discuss faith in politics without excluding those with differing viewpoints.

ADL national director Foxman characterized Lieberman's remarks at Notre Dame as "softer" and "more inclusive" than his earlier remarks at the black church that the ADL had criticized. But Foxman demurred nonetheless, arguing that "this is a debate that belongs in American society, not on the campaign trail," and that "the issue remains that if you're a person who's an atheist or a Muslim or a Buddhist, you felt excluded." Other criticisms were also heard. Matthew Brooks, executive director of the Republican Jewish Coalition, characterized the senator's speech as "hypocritical" in light of past Democratic responses to Republicans who invoked God in policy debates. And Robert Boston, assistant communications director for Americans United for Separation of Church and State, termed Lieberman's earlier reference to the commandment "honor thy mother and father" as a basis for Medicare reform as "turning religion into just another political football."

After arousing some consternation in traditionalist Jewish circles with remarks in August and September asserting that Judaism opposed neither freedom of choice on abortion nor intermarriage (see below, p. 234), in late September Lieberman dropped another bombshell. During an interview on a black-oriented radio station, he said that he had respect for Nation of Islam leader Louis Farrakhan "and for the Muslim community generally," and that he would be prepared to meet with Farrakhan and seek to work together with him on racial and religious reconciliation. His comments, seen by many as a continuation of the outreach to the black community that he had begun at the Democratic convention, brought sharp reactions from Jewish leaders, who saw Farrakhan and the group he headed as anti-Semitic and racist, notwithstanding Lieberman's suggestion in his radio remarks that the views Farrakhan had expressed were simply "not informed."

In remarks that were echoed by the Republican Jewish Coalition, Richard Foltin, legislative director of the American Jewish Committee, said that Farrakhan "is far outside of the mainstream of American politics" and that "by virtue of his statements and his extremist positions, he has not earned a place at the table in terms of discussions of race relations or public policy." And even Ira Forman, executive director of the National Jewish Democratic Council—while defending Lieberman's commitment to the well-being of the Jewish community—acknowledged that he would not have suggested a meet-

ing with Farrakhan and asserted that the NJDC would continue to work from "within the Democratic Party to exclude Farrakhan from the political process."

Farrakhan, ironically, had been quick after Lieberman's nomination to question whether the candidate would be capable of placing loyalty to the United State ahead of loyalty to Israel—a theme that he reiterated in mid-October, along with other anti-Semitic calumnies. A few days after these latter comments, Senator Lieberman said that he would not meet with Farrakhan after all because such a meeting would not be constructive and would be "too loaded with political controversy."

As a centrist Democrat whose views were sometimes at odds with those of his party's core constituency, Senator Lieberman's nomination initially raised some concerns unrelated to his religion: His record presented some ambiguity on issues such as vouchers and affirmative action. Lieberman's record of commitment to civil rights was not in question. As a college student he had traveled to Mississippi during the 1960s to register black voters, and as senator he had compiled a solid voting record on civil rights, including votes in 1995 and 1998 to preserve affirmative-action programs. Nevertheless, he had expressed some degree of support for a failed 1996 California referendum directed at that state's affirmative-action programs. And he had supported pilot projects involving vouchers when they came up for a vote in the Senate.

Early in the campaign Lieberman moved to clarify his positions on these and similar issues and to affirm that, in any event, he would carry out the policies of a President Gore and not seek to implement his own views where they differed. Upon his arrival in Los Angeles for the Democratic convention, Lieberman met with members of the Congressional Black Caucus and assured them that "I have supported affirmative action, I do support affirmative action and I will support affirmative action," a point he reinforced in his acceptance speech, which endorsed President Clinton's "mend it, don't end it" approach to affirmative action. Representative Maxine Waters (D., Cal.), a caucus member who had expressed some initial concern, pronounced herself satisfied with Lieberman's assurances. Other civil rights leaders took advantage of speaking opportunities at the convention to enunciate their support. The Rev. Jesse Jackson, who already the week before had hailed the Lieberman pick as an indication that "the tent is getting bigger and bigger," told the convention, "Gore ended the quota of zero of Jewish Americans on the national ticket last month. This was a bold act of affirmative action." And his fellow civil rights veteran Rep. John Lewis (D., Ga.), invoking his and Lieberman's common history as part of the 1960s civil-rights movement, asserted, "We need a man like Joseph Lieberman to walk with us."

ELECTION ISSUES

Though at times it may have seemed that way, the Lieberman candidacy was not the only matter of Jewish interest during the election campaign.

After a first debate that focused entirely on domestic affairs—including vouchers and other education issues as well as abortion—Vice President Gore and Governor Bush turned to foreign policy in their second meeting. There was little if any distance between them on the Middle East, as each man restated his support for Israel and urged PLO chairman Yasir Arafat to take steps to end the violence. In an area of concern to many in the Jewish community, Gore stressed his support for the enactment of federal hate-crimes legislation, while Bush suggested that state legislative action and aggressive prosecution, as he said was typical of Texas, would be adequate to deal with these crimes. The third and final presidential debate reprised the first in its primary focus on domestic matters, but both candidates took the opportunity to reemphasize their strong support for Israel.

The sole vice-presidential debate, held on the evening of October 5, played out with even less discussion of Israel. Senator Lieberman asserted that his running mate had had "a critical role in advancing [the peace] process" and, reflecting on the violence that had broken out over the preceding week, said: "I hope I might, through my friendships in Israel and throughout the Middle East, play a unique role in bringing peace to this sacred region of the world." Republican candidate Dick Cheney, following the same strategy as George W. Bush, avoided criticizing the Clinton administration's handling of the peace process, and instead spoke broadly of the need to "reassure both Arabs and Israelis that the United States would play a major role" in the Middle East. While Lieberman made references to God, prayer, and his faith during the debate—as had been his wont throughout the campaign—the topic of the role of religion in politics did not come up.

The campaign also brought to the fore certain views of Green Party presidential candidate Ralph Nader on Israel and the peace process that had not previously been generally known. In October, Nader termed Al Gore "cowardly" for supporting Israel as it confronted rising Palestinian violence. Nader maintained that Israel was responsible for the violence and asserted that the Middle East would not see peace "without justice for the Palestinians." As the election came down to the wire the Gore campaign came increasingly to fear that Nader might siphon off enough Democratic votes in a few close states to elect Bush. One tactic it used to stave off this possibility was to focus the attention of Jewish voters on Nader's seemingly pro-Palestinian views.

In the last week of what would clearly be a very close election race, both Democrats and Republicans contended for Jewish votes with a flurry of charges and counter-charges that the other side's candidate had backed away from support for moving the U.S. embassy in Israel from Tel Aviv to Jerusalem. Gore supporters pointed to assurances by former Republican congressman Paul Findley of Illinois to Arab and Muslim Americans, carried on the Web site of the American Muslim Alliance, that Bush would be more amenable than Gore to changing his position on this and other issues, while Bush supporters circulated reports ap-

pearing in the Wall Street Journal and several Michigan newspapers that Gore had told Arab Americans during a closed-door meeting in Dearborn that he supported keeping the embassy in Tel Aviv. The Bush campaign denied the report aimed at their man, reiterating his commitment to move the embassy, while Gore's campaign contended that the vice president had said that he supports relocation of the embassy but that it should take place in the context of the peace process. This version was confirmed by Gore campaign adviser and American Arab Institute president James Zogby, a participant in the Michigan meeting.

Although the winner of the presidential election would not be decided for some five weeks after Election Day, exit polls available the next day confirmed that Jewish Americans, following their historic tradition, still heavily favored the Democrats. In contrast to the uncannily even split between Bush and Gore nationwide—with 2 percent of the vote going to Green Party candidate Ralph Nader and 1 percent to Reform Party candidate Pat Buchanan — Jews, making up 4 percent of the electorate, preferred Gore over Bush by 79 percent to 19 percent, with 1 percent for Nader. Other than self-described Democrats and liberals, the only demographic group more favorable to Gore than the Jews were African Americans.

The great imponderable, one that political observers would surely debate for many years to come, was the impact of Joseph Lieberman on the ticket. Gore succeeded in states with significant Jewish populations, but these states—California, New York, New Jersey, Illinois, and Pennsylvania—had gone Democratic in recent presidential elections anyway. Some suggested that Gore's near-success in Florida, the state on which the election ultimately turned, was in part attributable to a Jewish running mate with tremendous appeal among a key constituency. But an analysis published by the Jewish Telegraphic Agency the day after the election suggested that there was little evidence that Lieberman's presence on the ticket had made a material difference in the already Democraticleaning Jewish vote. And it remained a possibility—though there was no evidence one way or the other—that in Florida and elsewhere some voters turned away from the ticket because of Lieberman's religion. Weighing these factors, a postelection analysis prepared by the Washington office of the American Jewish Committee concluded:

[Slurely Senator Lieberman proved to be a formidable asset to the campaign, a warm and energetic counterpoint to the sometimes fusty presidential nominee, and early polls found him appealing to voters across the religious, ethnic and even ideological spectrum. . . . [T]he consensus of political analysts immediately after the vice president made his selection . . . held that potential voters turned off by a Jewish candidate were probably unwinnable by Gore anyway, and that the few marginal voters Lieberman might cost the ticket would probably be more than offset by those voters, of various ethnic and religious backgrounds, he would likely attract. As Lieberman waged his spirited, almost successful, fight, the analysts' consensus held.

A FIVE-WEEK ELECTION NIGHT

In the early morning hours after Election Day it became apparent that the contest would be decided by the vote in Florida. Even though the Gore-Lieberman ticket seemed to have won the national popular vote, the Electoral College was so close that the victor in Florida would win a majority of the electoral vote, and therefore the presidency. But the result in Florida was too close to call, and as soon as that reality began to sink in a stunned American public realized that it would have to wait days, and perhaps longer, to learn the identity of the next president of the United States. As it became evident that rounds of recounts and challenges—possibly even an election decided by the United States Congress—could be in store, reports began to emerge of mammoth problems in the way votes were cast and counted in Florida.

Of all the irregularities alleged about the Florida vote, one particular development presented a striking irony for the Jewish community. While a Jewish candidate appeared on a major party's national ticket for the first time in U.S. history, there was a very real possibility that Jewish voters inadvertently voted for the wrong candidate—one who was, in fact, anathema to them—and that by doing so they had innocently sent the Jewish candidate and his running mate down to defeat.

In an effort to provide a ballot with type large enough to be readable by its sizable elderly population, the Palm Beach County Elections Canvassing Commission created a "butterfly ballot" on which it was not clear to many voters which punch hole corresponded to which candidate's name. The confusing ballot apparently led as many as thousands of the elderly, overwhelmingly Democratic, Jewish voters in the county to vote for Reform Party presidential candidate Patrick Buchanan—the conservative journalist and commentator whose animus toward Israel and differences with the Jewish community on a host of other issues aroused fear and loathing among many Jews — instead of the man they intended to back, Al Gore. Other voters, realizing in the voting booth that they had mistakenly punched a hole for the wrong candidate, sought to cure the problem by punching an additional hole for their choice, leading to a ballot that was discarded as an "overvote." More than 19,000 votes were discarded by Palm Beach County in the course of the vote count. The margin of miscast votes could conceivably have tipped the vote in Florida, and the election, away from Gore-Lieberman. As Jan Lederman, executive director of the Sarasota-Manatee Jewish Federation, observed as the story broke, "This entire election is now focused on a retired little old lady in Century Village in Boca Raton who cast the wrong ballot."

Long before the polls closed, angry Palm Beach County voters who had deposited their ballots, some already confused when they voted and others realizing only after the fact that they might have voted for the wrong candidate or spoiled their ballots, demanded to be allowed to correct their votes, a request that election supervisors had no choice but to deny. Other voters called Florida's elec-

tion offices demanding recounts or a chance to recast their votes. There were reports of Jewish voters reduced to tears, crying out as they left the polling place, "I voted for Buchanan!" Buchanan won a remarkable 4,000 votes in Palm Beach County, well in excess of the votes he received in any other Florida county, a circumstance which, given the nature of the county's electorate, led even Buchanan himself to observe that many of the votes he received could hardly have been intended for him. In the aftermath of this debacle, an additional indignity was the portrayal of these long-time voters in the news media and on late-night comedy shows as too dim-witted to understand how to cast a ballot.

A lawsuit was brought in Florida state court calling for a revote before the winner of Florida's primary was finally determined, citing other cases in which courts had directed revotes. But the special circumstances of a presidential election led many legal experts to conclude that no court was likely to grant this relief—and, in fact, the suit was ultimately dismissed.

For some, Election Day's bizarre Palm Beach County events proved a catalyst for seeking to strengthen the historic black-Jewish civil-rights partnership. In the days and weeks after the vote, civil-rights leaders found a link between the distraught Jewish voters and the tens of thousands of blacks who, they believed, had been disenfranchised in various ways—the purging of individuals from the election rolls on the basis of nonexistent felony records, the intimidating presence of police officials at or near polling places, and the disqualification of votes of blacks and other minorities at far higher rates than whites because of the less advanced voting methods utilized in minority districts.

Thus the Rev. Jesse Jackson, a leading figure in the election protest, came together with local Jewish leaders at rallies throughout Florida in the weeks after Election Day, often joined by Rabbi Steven Jacobs, spiritual leader of Kol Tikvah in Woodland Hills, California, who argued that the recount dispute was a fundamental issue of civil rights. On November 29, Rev. Jackson came to the Stephen Wise Free Synagogue in New York City where he joined with area rabbis and Jewish and black politicians in a call to some 1,000 attending Jews and blacks to "keep your eyes on the prize" and to demand an "accurate count" of the Florida vote. Rabbi Balfour Brickner, rabbi emeritus at the Reform synagogue, echoed remarks that Rabbi Jacobs had made earlier, criticizing Florida rabbis and national Jewish organizations for treating the recount dispute as a partisan matter in which they did not want to be involved.

Senator Lieberman was widely credited with a leading role in urging Vice President Gore to continue the fight for a vote recount in Florida, and this led hundreds of Bush supporters to hold a demonstration outside of his Connecticut home. The timing of the protest—the Jewish Sabbath—caused some Democrats to charge the demonstration's organizers with anti-Semitism. In any event, Senator Lieberman was in Washington, D.C., on that particular Sabbath.

The historic fight for the presidency finally ended on the night of December 12 when the Supreme Court rendered its five-to-four decision effectively hand-

ing the presidency to Governor Bush. Some 24 hours later, Al Gore delivered his concession speech in the course of which he praised his running mate, saying that Lieberman had brought "passion and high purpose to our partnership, and opened new doors, not just for our campaign, but for our country."

The next day, Senator Lieberman came to the Senate floor to deliver his own coda to the race's remarkable denouement, complete with—in what was by now his accustomed fashion—a biblical flourish. In addition to calling for bipartisan investigation and reform of an election system that had left the close race so unsettled, Lieberman expressed his appreciation to Vice President Gore for having named a Jewish American, for the first time, to a place on the national ticket of a major party. He noted that, "while my faith was the focus of much of the early media reaction to my candidacy, it was not even mentioned at the end of the campaign, and that is the way we had all hoped it would be." Lieberman closed by invoking a theme from the 30th Psalm that seemed appropriate for what had, in the end, turned out to be an unsuccessful campaign: "So today, as some of us weep for what could have been, we look to the future with faith that on another morning, joy will surely come." As Lieberman finished his remarks, the presiding Republican senator commented, "We are all very proud of the Senator from Connecticut." Although he was speaking for his fellow lawmakers, the presiding senator could just as easily have been expressing the sentiment of the great bulk of American Jewry.

Congressional Elections

SENATOR CLINTON

First Lady and prospective New York senatorial candidate Hillary Rodham Clinton was faced, early in 2000, with a contretemps over her appearance at a program at the headquarters of the Rev. Al Sharpton marking Martin Luther King's birthday. Another speaker, appearing on the program before Mrs. Clinton's arrival, delivered remarks offensive to Jews, an offense made all the more egregious by Sharpton's reputation in much of the Jewish community as, at best, a borderline anti-Semite. In contrast to her delayed response the previous year to blood libels uttered by Palestinian Authority first lady Suha Arafat, Mrs. Clinton, alerted to the comments that had preceded her arrival, asserted in her speech that "we know that anti-Semitism still stalks our land. And she later told reporters, "I heard that one of the speakers made some divisive comments, which I soundly reject." Her participation in the event was criticized nevertheless—by Republicans, unsurprisingly, but also by Dr. Mandell Ganchrow, president of the Union of Orthodox Jewish Congregations (OU), who wondered why Mrs. Clinton would choose to commemorate Martin Luther King Day with such a "divisive" figure as Al Sharpton.

As Hillary Clinton continued her quest for the Jewish vote throughout the elec-

tion year, her attendance at an event with Sharpton receded in importance as doubts over the depth of her support for Israel became the primary source of contention. When Mrs. Clinton officially announced her candidacy in February, she stressed that she would support a Middle East peace accord that "guarantees Israel's security." Since Jews made up as much as 14 percent of the electorate in New York, and they usually but not always tended to vote Democratic, appeals to the state's substantial Jewish community to vote either for or against her remained aggressive and relentless throughout the campaign.

Following New York City mayor Rudolph Giuliani's withdrawal from the Senate race in May in the wake of a diagnosis of prostate cancer, Rick Lazio, a Long Island congressman, assumed the role of Republican standard bearer. At times, the contest in the Jewish community seemed to boil down to whether Lazio or Mrs. Clinton would earn the title of Israel's best friend. Mrs. Clinton took exception to her husband's cautious stance on moving the U.S. embassy to Jerusalem, and distanced herself from her earlier comments expressing support for Palestinian statehood. Representative Lazio emphasized his votes for aid to Israel and for moving the embassy to Jerusalem.

Mrs. Clinton's cause was not helped when, in July, a report emerged that, following Bill Clinton's loss in a 1974 race for Congress, she had called her husband's campaign manager an anti-Semitic epithet. Mrs. Clinton quickly moved to deny the report as an "outrageous lie," with supportive remarks delivered as well by her husband and by Jewish congresswoman Nita Lowey (D., N.Y.). Some Jewish critics of Mrs. Clinton, distrusting her on other grounds, jumped on the report, while acknowledging that they had no way of knowing whether it was true. But at least one of her leading critics, State Assemblyman Dov Hikind, a Brooklyn Democrat, stressed to reporters that his differences with Mrs. Clinton were "about her record" and that he did not consider her to be an anti-Semite.

Mrs. Clinton received a bit of an assist when, in September—following Lazio's criticism of her for receiving the now notorious Suha Arafat kiss—the White House released a 1998 photo of the Republican candidate shaking hands with Yasir Arafat. In late October, Mrs. Clinton returned \$50,000 in campaign contributions raised at a June event after the New York Daily News reported that the fund-raiser had been organized by the American Muslim Alliance, a group whose leader was quoted as saying that he supported the Palestinians' use of armed force against Israel, Earlier, Mrs. Clinton's returned \$1,000 to Abudrahman Alamoudi of the American Muslim Council because of statements he had made supporting Hamas. But these actions, in response to criticism from some parts of the Jewish community that was quickly picked up by the Lazio camp, led to a predictable backlash in the Muslim and Arab communities. James Zogby, a Gore campaign adviser and president of the Arab American Institute, said that he wished the Clinton campaign would return the \$500 contribution that he had made, even as he also disparaged Lazio's criticism of Mrs. Clinton for having taken the contentious contributions in the first place.

In the final week of what was surely the most scrutinized congressional race in the nation, one poll gave Mrs. Clinton some 63 percent of the Jewish vote, a figure considered low enough among that heavily Democratic constituency to place Lazio within striking distance of victory. In the end, Mrs. Clinton defeated Lazio by a decisive 55-43 percent. While the positions of the two candidates on Israel were hard to differentiate, other issues in this generally Democratic state seemed to break in Mrs. Clinton's favor among Jewish voters: She allied herself with the Gore-Lieberman messages on the economy, abortion rights, health-care costs, gun control, and future Supreme Court appointments. Nevertheless, according to Election Day exit polls, Mrs. Clinton defeated Lazio among Jewish voters by a slightly smaller percentage than the vote in the overall electorate, 53-45. This margin was less than even the latest polls had shown, and it was certainly lower than the percentage of Jewish voters traditionally won by Democratic candidates for statewide office in New York.

THE NEW CONGRESS

Even as election night stretched out into several weeks for the candidates at the top of the tickets, several congressional races also proved too close to call when the polls closed. In the end, two of those races, both involving Jewish challengers to sitting members, were resolved in favor of the incumbents. Democrat Elaine Bloom was defeated in her bid to unseat Rep. Clay Shaw (R., Fla.), while former New Jersey Republican representative Dick Zimmer, who had relinquished his seat to make an unsuccessful bid for the Senate back in 1996, failed to regain it from Rush Holt, the incumbent Democrat.

As the smoke cleared in the weeks after Election Day, it became clear that the Republican Senate majority had lost five seats and defeated one sitting Democrat, creating a 50-50 parity. A Gore victory would have left Republicans with a one-seat majority since the Republican governor of Connecticut was poised to appoint a Republican replacement as soon as returning Senator Joseph Lieberman resigned his Senate seat to assume the position of vice president. Lieberman, in fact, had come under criticism from fellow Democrats for running for reelection to his Senate seat simultaneously with his run for national office, setting up this possibility of tipping control of the Senate into Republican hands. Having lost the national election, however, Lieberman kept that Senate seat — and his day job. Republicans would control the upper chamber only by virtue of the tiebreaking vote of the incoming vice president, Dick Cheney.

Lieberman's return to the Senate meant that that body would retain an egalitarian minyan (quorum) of ten Jews, one less than in the 106th Congress. The reduction was attributable to the retirement of three-term Democrat Frank Lautenberg of New Jersey, a longtime champion of Israel and Soviet Jewry, among other causes important to American Jews. In addition to Lieberman, two other Jewish senators sought and easily won reelection—Democrats Dianne Feinstein

in California and Herb Kohl in Wisconsin. Also remaining in the 107th Congress were the Senate's lone Jewish Republican, Arlen Specter of Pennsylvania, and Democrats Barbara Boxer of California, Russell Feingold of Wisconsin, Carl Levin of Michigan, Charles Schumer of New York, Paul Wellstone of Minnesota, and Ron Wyden of Oregon.

On the House side, Democrats failed in their effort to overcome the Republicans' 13-seat advantage and win back the control of that body. They made gains in a few contests but suffered losses in others, and ended up with a net gain of two seats, thereby narrowing the Republican margin to 9. The chamber would have 221 Republicans, 212 Democrats, and two independents.

Unlike the relatively steady situation in the Senate, the House's Jewish contingent went up considerably as a result of the 2000 election, from 23 members in the 106th Congress to 27 in the 107th. That number would include two Republicans — veteran New York representative and chairman of the House International Relations Committee Benjamin Gilman, and freshman Eric Cantor of Virginia. Except for Bernard Sanders, the Vermont independent who typically voted Democratic but did not identify with the party, all other Jewish House members in the incoming Congress were Democrats. The new additions to the group were Jane Harman of California, a former representative who returned to a seat she relinquished after three terms to make an unsuccessful bid for the gubernatorial nomination in 1998; Susan Davis and Adam Schiff, also of California; and Steve Israel of New York, a former area director for the American Jewish Congress. Rounding out the Jewish "caucus" in the House for the 107th Congress were Democrats Gary Ackerman of New York, Shelley Berkley of Nevada, Howard Berman of California, Benjamin Cardin of Maryland, Peter Deutsch of Florida, Eliot Engel of New York, Bob Filner of California, Barney Frank of Massachusetts, Martin Frost of Texas, Tom Lantos of California, Sander Levin of Michigan, Nita Lowey of New York, Jerrold Nadler of New York, Steve Rothman of New Jersey, Jan Schakowsky of Illinois, Brad Sherman of California, Norman Sisisky of Virginia, Henry Waxman of California, Anthony Weiner of New York, and Robert Wexler of Florida. The senior Jewish Democrat in the incoming House was Rep. Waxman, who easily won his 14th term.

Democrat Sam Gejdenson of Connecticut, a son of Holocaust survivors who was born in a displaced persons camp, was one of only a few sitting members to be defeated in a bid for reelection. Gejdenson's hold on the seat had been insecure for years; he won by just 21 votes in 1994. Nevertheless, he had risen to the important position of ranking Democrat on the International Relations Committee, where he worked closely with Benjamin Gilman, the committee's Republican chairman. It was quickly confirmed after the election that the ranking post would be taken over by Rep. Tom Lantos of California, himself a Holocaust survivor. It was less certain at election time who would wield the chairman's gavel on that committee. A Republican caucus rule, instituted when the Republicans assumed the majority in 1995, barred representatives from holding a particular

chairmanship for more than three terms. Although he was lobbying for a waiver of this rule, as the year closed it appeared likely that Gilman, who was known for his advocacy of a close U.S.-Israel relationship and his support for direct, bilateral negotiations between Israel and its Arab neighbors, would have to relinquish his post. But credible reports had it that Gilman was to take over a newly created subcommittee on the Middle East in the new Congress, and so Gilman seemed likely to retain a prominent role in foreign policy issues of profound concern to the Jewish community.

The Bush Administration Takes Shape

With his election finally confirmed by the Supreme Court, George W. Bush moved quickly, in the short time left before his inauguration, to name the members of his cabinet—subject to Senate confirmation—and other high-ranking officials of the incoming administration. Bush's inner circle included at least two Jews—press secretary Ari Fleischer and former Indianapolis mayor Stephen Goldsmith, a key adviser on the faith-based-action initiative the new president was eager to promote. But despite its strikingly diverse makeup, and in stark contrast to the outgoing administration, there were no Jewish members in the new Bush cabinet.

As the names of Bush's high-level appointments emerged, the Jewish community greeted them with mixed reviews. The designation of Donald Rumsfeld as secretary of defense received high marks (notwithstanding his consistent opposition to clemency for convicted spy Jonathan Pollard), based primarily on his substantial experience, including a previous turn in the position under President Ford, and his role in highlighting the national-security threat posed by ballistic missiles. General Colin Powell, designated to head the State Department, was well regarded as a former head of the Joint Chiefs of Staff, but his views on Israel and the Middle East were unclear and some observers worried about his perceived reluctance to utilize American military power in international conflicts. At the announcement of his nomination on December 16, Powell spoke reassuringly of the need for American Middle East policy to be "based on the principle that we must always ensure that Israel lives in freedom and in security and peace." Powell echoed the Bush campaign theme that the United States could not impose a timetable on the Middle East for resolution of its conflicts. For his part, Bush himself named only one nation in his remarks announcing Powell's appointment, and it was Israel. Bush asserted, "We will defend America's interest in the Persian Gulf and advance peace in the Middle East, based, as any lasting peace must be, on a secure Israel." Condoleeza Rice, named as Bush's national security adviser at the same event, was given high marks by Jewish leaders for her work on Soviet Jewry issues when she served as a Russian specialist for the National Security Council during the administration of the first President Bush.

In contrast, the naming of outgoing Missouri senator John Ashcroft as attor-

ney general quickly drew fire from the National Council of Jewish Women, which pledged to oppose his confirmation because of his history as a "champion for right-wing causes," in particular his positions on abortion, church-state issues, affirmative action, and gun control.

Terrorism

In March, a federal trial court upheld as constitutional a portion of the 1996 antiterrorism law that banned donations to foreign groups named by the State Department as supporters of terrorism, even where the contributions were designated for use for humanitarian purposes. Enactment of the law had been supported by a number of Jewish groups, and the court's opinion cited arguments made in a friend-of-the-court brief by the Anti-Defamation League.

Also in March, a \$250-million lawsuit was filed in a Rhode Island federal court against the Palestinian Authority, Yasir Arafat, the PLO, and Hamas seeking to hold them responsible for the 1996 drive-by shooting of Yaron and Efrat Ungar, a Jewish American couple residing in the West Bank. Other defendants in the lawsuit were four Hamas members serving prison time in Israel following their convictions for the murders, and another member of the terrorist group who had evaded capture. Unlike the Flatow case, discussed below, this action was premised on a law enacted in 1985, after relatives of a man killed in the PLO's 1985 hijacking of the Achille Lauro faced difficulties in proceeding with their own suit. The 1985 law afforded federal courts jurisdiction over claims brought by American citizens injured by terrorist acts while in foreign countries. But, like the Flatow case, even if this suit were to result in a judgment, the collection of that judgment was likely to face obstacles because of U.S. foreign-policy concerns.

If the judicial odyssey of the Ungar family was just beginning, that of the Flatows seemed near its end. Earlier, Stephen Flatow had obtained a \$247.5-million judgment against Iran under provisions of the 1996 antiterrorism law, based on Iran's complicity in an April 1995 bus bombing in Israel that killed Flatow's daughter, Alisa. The administration supported enactment of those provisions in 1996 but, after Flatow obtained the judgment, the government asserted that allowing enforcement of liens against Iran would endanger American diplomatic property abroad and prevent the U.S. from using blocked Iranian assets as a tool of foreign policy. Before 2000, the Clinton administration used presidential waiver authority to prevent Stephen Flatow or anyone else from going after Iranian assets in the United States. Others seeking to enforce or obtain judgments against state sponsors of terrorism were faced with similar barriers.

In October 1999, Senators Frank Lautenberg (D., N.J.) and Connie Mack (R., Fla.) introduced the Justice for Victims of Terrorism Act (S.1796) to assist American victims of terrorism in enforcing judgments obtained pursuant to the 1996 antiterrorism law. A companion bill was introduced by Rep. Bill McCollum (R., Fla.) in the House in April 2000. The Justice for Victims Act sought to address

administration concerns by permitting the president to waive enforcement of a judgment pursuant to the 1996 antiterrorism act against frozen foreign diplomatic assets on an asset-by-asset basis, while enabling successful plaintiffs to satisfy judgments against assets of a nondiplomatic nature, such as rental property and commercial proceeds from sales of property. With passage of the House bill on a unanimous voice vote in July 2000, and little if any apparent opposition in the Senate, the bill seemed very close to landing on the president's desk. Nevertheless, the administration continued to resist the bill's enactment.

Finally, as the end of the session neared, the administration and sponsors of the bill negotiated a compromise and incorporated it into another bill moving toward passage. As signed into law in October 2000, the revised measure provided a procedure under which survivors of terrorist attacks who held judgments or brought actions filed on a set of specified dates would be allowed to collect, up to a set amount, against frozen assets on compensatory (but not punitive) judgments they obtained against state sponsors of terrorism under the 1996 law. Judgments for compensatory damages already obtained would not to be subject to blockage by the president, and any subsequent presidential waiver to prevent collection on the basis of national-security interests could only be invoked on a case-by-case basis. Among those eligible to proceed under the new law in addition to the Flatows were the families of Matthew Eisenfeld and Sara Duker, two students killed by a 1996 suicide bus bombing in Jerusalem. In July 2000, they obtained a \$300 million judgment against Iran for that nation's role in the attack.

Steve Perles, attorney for the Flatows and for several other survivors of terrorism victims, hailed the legislation as a "historic precedent, since no administration has ever agreed to using blocked assets to satisfy judgments of federal courts." Stephen Flatow indicated that he would use money from the judgment to create an Alisa Flatow Memorial Fund that would provide scholarships for American students to study in Israel. The American Jewish Committee, which had supported enactment of legislation allowing victims of terrorism to collect judgments against terrorist states, applauded the law's enactment, while also noting that the law might have to be revisited in the 107th Congress "to assure that the benefits afforded to certain victims of terrorism, or their families, [were] available on an equitable basis," that is, to those survivors of victims of terrorism who did not fit within the defined class.

In March, President Clinton signed the Iran Nonproliferation Act (H.R.1833) into law. The measure required the president to impose sanctions on any nation that shared with Iran technology related to missiles or weapons of mass destruction, or else to report to Congress on his reasons for not doing so. The president had opposed an earlier version of the bill, passed by the House 419-0 in September 1999, because he said that it did not afford him adequate latitude in the conduct of foreign policy. The Senate (in February) and the House (in March) unanimously passed an amended version, clarifying that the sanctions were discretionary and not mandatory. This shift led President Clinton to pronounce, at

the bill signing, that H.R.1833 was "less problematic" and in line with the administration's desire to combat Iran's efforts to acquire weapons of mass destruction. At a Senate Foreign Relations Committee hearing in October, the American Jewish Committee presented a report demonstrating that Russia was continuing to help Iran develop and acquire biological, chemical, and nuclear weapons.

Perhaps the most vexing issue for the Jewish community in the area of domestic responses to terrorism was presented by the Immigration and Naturalization Service's practice of using classified information in deportation proceedings directed at aliens accused of involvement in terrorist activities. Arab-American and Muslim-American groups, joined by the American Civil Liberties Union, mounted an intense campaign to end the practice. The House Judiciary Committee held hearings on, and ultimately conducted a committee mark-up of, the Secret Evidence Repeal Act (SERA), a bill intended to prohibit categorically the use of classified information in a deportation proceeding unless that information were made subject to discovery and examination on the same basis as any other evidence. Pointing up the sharp rift between Arab and Muslim Americans and the Jewish community, the American Jewish Committee and the Anti-Defamation League — both organizations with long histories of support for fair and generous immigration policies, as well as a commitment to due process and civil rights — opposed SERA. In hearings before the House Judiciary Committee that took place in May, AJC president Bruce Ramer called the bill "a hatchet taken to difficult issues that require a scalpel." While both AJC and ADL acknowledged that modification of INS practices might be in order, they argued that SERA's approach made no accommodation whatsoever to national security concerns.

Responding to the bill's critics at the House Judiciary Committee's mark-up of SERA in September, the sponsors proposed a substitute bill that, instead of completely barring the use of classified information in immigration proceedings, allowed authorities to utilize such classified information in a sharply limited set of circumstances. The new version was adopted 26-2 in committee, and then a voice vote moved it to the House floor. A bill similar to the House substitute was introduced in the Senate later in September. While AJC and ADL questioned whether even the revised bill appropriately balanced national security and due process concerns, the Religious Action Center of Reform Judaism pronounced itself satisfied with it, and endorsed the new version of SERA. An amendment proposed while the full House was considering an appropriations measure in August allowed a majority of House members to cast votes that symbolically expressed concern about the way INS was handling these cases, but SERA itself did not come up for a vote on final passage in 2000.

Much of the momentum for SERA was generated by its advocates' success in drawing attention to cases of individuals—virtually all of them Arab or Muslim Americans—held in detention for extended periods of time on the basis of classified information. While deportation proceedings plodded along, in two cases

decided late in 1999, detainees were ordered released when courts found due process violations in the INS's reliance on classified information. As 2000 drew to a close, developments in the case of Mazen Al-Najjar, a major focus of the SERA campaign, provided further ammunition for the cause. Al-Najjar, a Palestinian who had not been formally charged with a crime but had been held in jail for three years while attempts were made to deport him for being in the country illegally, was ordered released by an immigration judge and an immigration appeals panel, only to have his release blocked by Attorney General Janet Reno on the grounds that he was a threat to national security. But, on December 15, 2000, Reno declined to further stay an immigration court's ruling that Al-Najjar be released from prison while the deportation case against him continued. The court refused to consider classified information that, the INS maintained, linked Al-Najjar to Middle East terrorist groups, and found that the other evidence before it afforded inadequate justification for continuing to hold him in detention.

Soviet Jewry, Refugees, and Immigration

In an expression of continuing concern about an apparent increase of anti-Semitism in Russia, more than 90 U.S. representatives wrote to the new Russian president, Vladimir Putin, in May, urging him "to make fighting anti-Semitism one of the priorities of your new administration."

In October, as Congress recessed for the election, a number of measures affecting immigrants were left hanging, to be resolved by an unusual postelection lame-duck session. These were supported by the Jewish community and other proimmigrant groups and—in some cases—by the Clinton administration as well. Among these initiatives were a bill to restore eligibility for Medicaid, food stamps, and other public benefits to legal immigrants that had been stripped away by the welfare reform legislation of 1996, and the Latino and Immigrant Fairness Act (LIFA), intended to ease the process of obtaining legal immigrant status for certain refugees and undocumented immigrants present in the United States, including some Jews from the former Soviet Union. Weeks later, as the Congress wrapped up its business after the extended presidential election was resolved, most of the pending immigration initiatives were shelved. Only a drastically reduced version of LIFA, that applied a short-term bandage to some of the issues that bill would have addressed, was made part of the outgoing Congress's omnibus enactment.

There was, however, some good news. Congress provided funds enabling the Immigration and Naturalization Service to begin reduction of its backlog of 1.3 million immigrants awaiting naturalization, a matter of no small importance to the system of Jewish federations at a time when many government-assistance programs were available for citizens only. And, with Senator Frank Lautenberg (D., N.J.) about to retire, Congress extended for one more year the eponymous Lautenberg Amendment, a provision that expedited the extension of refugee status to

Jews, evangelical Christians, and others in the former Soviet Union. Senator Arlen Specter (R., Pa.), who in 2000, as in previous years, played a key role in getting the Lautenberg Amendment into the closing appropriations measures, was expected to carry chief responsibility for this initiative—newly dubbed the Lautenberg/Specter Amendment—in future years. Finally, right before it adjourned, Congress enacted the Syrian Asylee Adjustment Act, sponsored by Representative Rick Lazio (R., N.Y.) and Senator Charles Schumer (D., N.Y.), which enabled almost 2,400 Jews released from Syria to have their status adjusted to permanent residents by the INS.

Communal Priorities for Domestic Policy

The Washington Action Office of the United Jewish Communities observed that the failure of the 107th Congress—in particular, the Senate—to wrap up its appropriations work in a timely fashion (before the fiscal year expired on September 30) enabled President Clinton, a master negotiator even as a lame duck, to succeed "in stripping the bills of most of the riders that he deeply opposed and secur[ing] bipartisan agreement to ignore the budget caps and fund many of the White House's priority programs." As a result, "programs of greatest interest to the Federation system [administered by United Jewish Communities] avoided any serious funding set-backs... and programs that had been funded at last year's levels without any adjustment for inflation, typically received modest increases... "However, this level of funding was made possible not only by the president's negotiating skills but also through the unexpectedly large budget surplus recorded for the completed fiscal year 2000, and the large surpluses projected for future years.

So-called "return to home" legislation emerged as a United Jewish Communities priority during 2000, in response to the exclusion of many Jewish homes for the elderly from the lists of approved providers maintained by long-term managed-care programs. This exclusion prevented many elderly Jews from returning, after hospitalization, to nursing homes that complied with religious dietary restrictions and Sabbath and holiday observances. In a successful conclusion to the campaign, "return to home" provisions were included in the omnibus bill with which Congress concluded its work for the year. Among other matters affecting the Jewish elderly, Congress reauthorized the Older Americans Act, a bill that provided support for such community-based services for the elderly as kosher meals-on-wheels and adult day care, and approved new legislation promoting housing for the low-income elderly.

Foreign Aid and U.S.-Israel Relations

U.S. aid to Israel appeared threatened as American concerns over a planned Israeli sale to China of the Phalcon airborne early-warning system began to

metastasize into a full-fledged confrontation between two allies. Israel, for its part, argued that the deal fulfilled a long-standing contract that the American government had known about for years. In April, Rep. Sonny Callahan (R., Ala.), chairman of the crucial House Appropriations Subcommittee on Foreign Operations, threatened to cut \$250 million from Israel's aid package, the amount of the contemplated sale, and prevent the customary early disbursal of U.S. aid. This was followed by hearings on the issue and two efforts in Congress to carry out these cuts. Though these efforts were eventually forestalled, they contributed to delays in moving the overall foreign-aid package, Israel included. While the Clinton administration sought to delink aid to Israel from the dispute, it also strongly pressed its concerns over the Phalcon sale. On July 12—with, in the phrase of an AIPAC analyst, an "unprecedented level of criticism aimed at Israel over the sale" and a looming Camp David summit that might result in a call for the U.S. to make substantial financial and military commitments—Israel announced its cancellation of the sale (see below, pp. 505-06). Rep. Callahan hailed Israel's action as important to "U.S. national security interests and, in fact, the national security interests of all our allies, such as Israel."

Whatever the tensions over the Phalcon sale, the voice of the U.S. Congress continued virtually always to be heard—as far as the Israel-Arab conflict was concerned—in support of the Jewish state. This remained true both early in the year, when Middle East peace negotiations appeared to move forward, and later, when the situation deteriorated sharply. Thus in February, while discussions between Israel and Syria were still under way, a bipartisan group of 37 members of Congress wrote to President Clinton calling on Syrian officials to distance themselves publicly from an article that had appeared in the Syrian press minimizing the Holocaust and terming Zionism worse than racism.

Similarly, just one day after the peace talks at Camp David collapsed in July, bipartisan legislation was introduced in the House of Representatives, followed shortly by a similar bill in the Senate, intended to block all U.S. aid to the Palestinian Authority in the event that the PA followed through with its announced intention to declare statehood on September 13, and also providing for other measures to forestall American or international recognition of such a Palestinian move. This congressional action was hailed by both AIPAC and the more dovish Israel Policy Forum, with IPF's Washington director, Tom Smerling, saying that it "couldn't hurt" for Arafat to be faced with these consequences were he to take a step that would be "anathema" to the peace process.

In stark contrast to the prevailing view elsewhere in the world, continuing American sentiment in support of Israel in its conflict with the Palestinians following Camp David was evident not only in Congress but also in the editorial pages of American newspapers. An ADL survey released in late October showed overwhelming support for Israel in editorials run by 67 newspapers between September 30 and October 15. Although the Clinton administration attempted to maintain its role as "honest broker" in the face of the spiraling violence, mem-

bers of Congress were quick to make clear that they held Yasir Arafat and the Palestinians responsible. On October 12, 94 members of the Senate sent a letter to President Clinton expressing solidarity with Israel and saying that Arafat was engaged in a "deliberate campaign of violence." In September, the House of Representatives overwhelmingly passed the bill imposing substantial penalties on the Palestinian Authority should a Palestinian state be unilaterally declared, a far tougher measure than the resolutions passed by Congress on this subject the year before. In October, Representatives Benjamin Gilman (R., N.Y.) and Sam Gejdenson (D., Conn.), chairman and ranking member on the House International Relations Committee, respectively, introduced a resolution condemning Arafat for his role in promoting the violence, and the House passed it before month's end by 365-30. In mid-October the American Jewish Congress and the Zionist Organization of America formed an unusual alliance, both urging strong consideration for pulling some \$100 million in aid to the Palestinians included in the pending foreign-operations appropriations bill.

On October 25, following delays unrelated to aid to Israel, Congress passed its \$14.9-billion foreign-operations bill for fiscal year 2001. The vote was 307-101 in the House and 65-27 in the Senate. The package included \$3 billion in aid for Israel—including \$1.98 billion in military aid and \$840 million in economic assistance—as well as nearly \$2 billion in aid for Egypt, \$225 million for Jordan, and some \$100 million for the Palestinians. In accordance with an understanding reached earlier with Israel to phase out economic assistance by 2009, the package reflected a reduction of economic aid by \$120 million from the previous year and an increase of \$60 million in military aid. Although the level of aid to the Palestinians was not reduced pending concrete steps by the Palestinian leadership to halt the violence, Congress's passage of the foreign-aid package was seen by AIPAC and others as an expression of continuing U.S. support for Israel in the face of the ongoing violence initiated by the Palestinians after Camp David. Congressional support for Israel was underlined by the House's almost simultaneous passage, by a vote of 365-50, of the resolution that condemned the Palestinian leadership for its role in encouraging violence and urged that steps be taken to curb the uprising and end incitement against Israel.

Even before the 2001 aid package was finalized, there were reports that Israel was seeking, and that the administration would request, additional military aid, as well as funds to help defray the costs of withdrawing from Lebanon. But it was not until mid-November, with Congress still adjourned awaiting the results of the presidential election, that the administration requested a supplemental appropriation of \$450 million for those purposes. The administration also sought an additional \$225 million in military funds for Egypt and \$75 million in military and economic aid for Jordan. The supplemental request made no additional provision, however, for the Palestinians.

Coming as it did during a volatile period in the Middle East—not to mention a contentious time in the United States when the presidential election had not

yet been resolved—what might otherwise have been treated as a routine supplemental request seemed destined for uncertain treatment. Indeed, Rep. Sonny Callahan (R., Ala.), chairman of the House Appropriations Subcommittee on Foreign Operations, evinced skepticism when Congress returned for its lameduck session, and no action was taken before Congress concluded its business for the year.

Jonathan Pollard

As the year neared its end, to be followed soon by the completion of President Clinton's term, advocates of clemency for convicted spy Jonathan Pollard accelerated their efforts, believing that the Christmas season, with its tradition of grants of pardon by the chief executive, provided the best opportunity for what would clearly be a controversial action. Starting in November with communications from B'nai B'rith International and a number of members of Congress, dozens of elected officials and Jewish organizational representatives weighed in for Pollard. First Lady Hillary Rodham Clinton, just elected to the Senate—who had not endorsed clemency for Pollard during her run for office—acknowledged that there were legitimate questions about the way that Pollard's case had been handled.

In the end, however, the White House announced that Pollard would not receive a Christmas pardon. Presidential press secretary Jake Siewert noted, however, that review of Pollard's plea for clemency had not been completed and that additional actions might be taken through the end of Clinton's term. In the meantime, Pollard's attorneys continued to argue in court that his life sentence should be dismissed on the grounds that he had not had adequate legal representation and that the government had failed to adhere to the terms of Pollard's plea agreement.

ANTI-SEMITISM AND EXTREMISM

Assessing Anti-Semitism

In April, the Anti-Defamation League issued its annual audit of anti-Semitic incidents, which indicated that 1,547 such incidents had been reported to the ADL during 1999, a 4-percent decrease from 1998. This decline maintained a general downward trend (with a small upturn in 1998) over the past five years. The reported anti-Semitic incidents, not all of them sufficiently serious to be considered crimes, consisted of 868 acts of harassment (intimidation, threats, assaults) and 679 of vandalism (property damage, as well as arson and cemetery desecrations). A report issued by California's attorney general in late July, asserting that hate crimes had increased by 12 percent in the state in 1999 as compared to the

prior year, painted a grimmer picture. Of 1,962 reported hate crimes, some 17 percent were said to have been based on religion, of which anti-Semitic offenses were far and away the most common. But state authorities cautioned that the increase might be due to a higher rate of reporting.

In October, the FBI released its national hate-crime statistics report for 1999. Based on information collected pursuant to the 1990 Hate Crime Statistics Act, the report documented 7,876 hate crimes registered by 12,122 law-enforcement agencies across the country. In 1998, the FBI had reported 7,755 hate crimes from 10,461 agencies. While the FBI figures indicated a slight increase not only in the number of all incidents but also in the number of reported religion-based crimes over 1998, it was again difficult to draw broad conclusions, given the increase in the number of reporting agencies. Nevertheless, with nearly 80 percent of religion-based crimes being perpetrated against Jews and Jewish institutions, the Anti-Defamation League, calling the report "a disturbing snapshot of hate in America," noted that "this high level of violence and vandalism directed against Jews is another reminder that violent anti-Semitism remains a significant problem in America."

Acts of Violence

In February, U.S. prosecutors indicated that they would seek the death penalty against Buford Furrow, Jr., the white supremacist accused of murdering a Filipino-American mailman in August 1999 shortly after Furrow wounded five people at a Jewish community center in Los Angeles. When he surrendered to FBI agents one day after the shootings, Furrow reportedly told them that he wanted to send "a wake-up call to America to kill Jews." Differing views were heard in the Jewish community about the prosecution's decision to go for the death penalty. Jeff Rouss, executive director of the Jewish Community Centers of Los Angeles, pronounced capital punishment to be an appropriate penalty for a "man who killed an innocent individual who was a public servant. He terrorized children and hurt them at day care. His was an act of terrorism and it was an act of murder." But Stephen Rohde, an anti-death-penalty activist and a member of the board of the Progressive Jewish Alliance, asserted that his across-the-board opposition to capital punishment was as applicable to this case as to any other. He said that the state should not "model its conduct after the worst moment of a person's life, namely the moment that a person commits murder." Although the trial was originally set for 2000, in November the trial court accepted an agreement between attorneys for the prosecution and the defense attorneys that cited the complexity of the case as the reason for putting the trial over to April 2001.

The Jewish community in Pittsburgh and throughout the country was shocked by a shooting spree in late April in a Pittsburgh suburb that resulted in five deaths, including one Jewish woman. This followed by just weeks the alleged killing of three whites by a black man in another Pittsburgh suburb. Beside the Jewish woman, also killed in the April shootings were three immigrants—two men of Pacific Asian origin and an Indian man—and an African American man. One Richard Scott Baumhammers was arrested and charged in the rampage, and he was charged as well with shooting through the windows of two synagogues and spray-painting anti-Semitic graffiti inside one of them. In searching Baumhammers's home, police found evidence to support hate-crimes charges, including anti-immigrant and far-right literature and links to "white rights" groups on a Web site that Baumhammers had created for his own "party." But it was soon discovered that Baumhammers had a history of mental disorder, and authorities had to confront the possibility that the accused might never stand trial. Indeed, in May a Pennsylvania judge found Richard Scott Baumhammers incompetent to stand trial and ordered him transferred to a state hospital for treatment and further evaluation.

In early December, five skinheads aged 19-26 received sentences in federal court of up-to-15 years in prison for their role in attempting to firebomb a synagogue in Reno, Nevada, more than a year earlier, on November 30, 1999. This followed a plea bargain in which one of the defendants admitted throwing a Molotov cocktail through the synagogue window and the federal prosecutor provided evidence tying the defendants' actions to their racist and anti-Semitic beliefs. An assistant U.S. attorney said that the sentence would send "a very strong message that this kind of hatred is not going to be tolerated, at least not in this community."

Also in December, more than six years after a machine-gun attack by an Arab American on a van full of yeshivah students that resulted in the death of one student, Ari Halberstam, and the wounding of another, Nachum Sosonkin, the U.S. Department of Justice announced that it had classified the shooting incident as an act of terrorism. Jewish groups, a number of which had pressed for this determination, hailed the department's action. One month earlier, the American Jewish Committee had issued a report calling for just such a reassessment, in part because of the context provided by the "marked increase in [recent weeks in] attacks against Jewish institutions as well as individuals as a result of tensions in the Middle East" that "appear to be inspired by recent fatwas—Islamic religious rulings—calling for holy war, or jihad, against Jews by the leaders of Islamic extremist movements."

Indeed, in the wake of the escalation of tension between Israel and the Arab world after the breakdown of the Camp David talks in July and the Palestinian attacks against Israelis that began in late September, many Jewish communities around the world faced attacks on their persons and property toward the end of 2000. American Jewish communities were no exception. In New York City, with its large Jewish population, there were at least ten attacks against Jews in Brooklyn reported in one week during the High Holy Days season—although it was by no means clear, as Jewish leaders were quick to say, that all these incidents were hate crimes. Nevertheless, concerns were heightened by reports of one case in

which a 50-year-old Orthodox man was stabbed as he left services on Rosh Hashanah by a man believed to be a Palestinian American.

Incidents took place around or during the High Holy Days elsewhere in the country as well. An arson fire at Temple Ohev Sholom in Harrisburg, Pennsylvania, on Yom Kippur morning destroyed facilities used for Hebrew school classes as well as other portions of the premises. That same morning, congregants at Congregation Emanu-El-B'nei Jeshurun of Milwaukee arrived for services to find a burned Israeli flag on the steps of their synagogue—one of a number of flagburning incidents during that season. Also during the holiday period, a bomb threat was called in to the Arizona State University Hillel.

Police cautioned local communities not to jump to the conclusion that any given act of violence was necessarily linked to events in the Middle East. But it was hard for many to avoid the suspicion that this was the case, and the assumption seemed borne out as investigations led to arrests in particular incidents. Thus, in addition to the Brooklyn incident described above, hate-crimes charges were filed against three Arab Americans in the October 8 vandalism of a synagogue in the Bronx, New York. On the night of October 12 there were three separate attacks on identifiably Jewish people in the Chicago neighborhood of West Rogers Park (all, happily, without injury to the victims), and three Palestinian teenagers were arrested in connection with two of the attacks. Based in part on statements made during one of the attacks, this matter, too, was treated as a hate crime. The very next night, Friday, October 13, a fire later labeled as arson caused substantial damage to Temple Beth El in Syracuse, New York, although the sanctuary and the chapel were not damaged.

Holocaust Denial, Hate Speech, and Defamation of Israel

The year began with the opening of an FBI investigation into the receipt of hate mail at 17 of the American Jewish Committee's 32 U.S. offices. Postmarked in Fayetteville, North Carolina, the letters denied the Holocaust had ever happened and added, "if there was [a Holocaust], Hitler didn't do a very good job." They also took a threatening tone, asserting, "We want to be ready to take this war to the next level on you kikes." Kenneth Stern, AJC's program specialist on anti-Semitism and extremism, noted that while AJC had received its share of "crazy mail" over the years, he could recall no other instance of "the same letter being sent to the majority of our offices."

Early 2000 also saw the Jewish community dealing with the circulation of a 19th-century anti-Semitic forgery purporting to demonstrate an international Jewish conspiracy to rule the world. Responding to complaints from the Anti-Defamation League, which was itself responding to what the ADL termed "an e-mail frenzy" of complaints, on-line booksellers Amazon and Barnes and Noble agreed to post disclaimers when offering the *Protocols of the Elders of Zion* for sale, as well as an ADL "rebuttal" identifying the publication as "plainly and sim-

ply a plagiarized forgery [that]. . . has been a major weapon in the arsenals of anti-Semites around the world." While ADL national director Abraham Foxman defended the disclaimer and the explanatory posting as simply providing appropriate information to potential customers, the Electronic Frontier Foundation, a civil-liberties organization, warned of "the beginning of a slippery slope" toward infringements on free speech. The American Jewish Committee, charting a different strategy than the ADL, issued a statement urging booksellers not to sell the *Protocols* at all. This case, however, was far from the only challenge posed by the presence of hate speech on the Internet. Earlier in 2000, Yahoo! announced that it would no longer host racist on-line clubs, and eBay indicated that it would act to bar the sale of hate materials on its Web site.

Another form of hate speech, Holocaust denial, also demanded substantial attention from the Jewish community. In November, Emory University, with assistance from the American Jewish Committee, established a Web site to combat Holocaust denial, www.holocaustdenialontrial.org, relying in large part on the research that had been conducted in preparing Emory professor Deborah Lipstadt's successful defense against the libel suit brought by Holocaust denier David Irving (see below, p. 310).

As Israel-Palestinian peace talks collapsed and their conflict gave rise to a new cycle of violence toward the end of the year, Jewish officials found themselves responding to what they viewed as biased presentations of events in the Middle East. In one instance, Jewish leaders responded with outrage when the December edition of the ABA Journal, a magazine published by the American Bar Association, ran a cover story asserting that international law was on the side of Palestinian refugees and their descendents who claimed a "right of return" to villages within Israel's pre-1967 borders. In a letter to the Journal—one of many similar letters that the periodical received—American Jewish Committee president Bruce Ramer protested that the article's "appearance at a time of Palestinian violence against Israelis meshes disturbingly with an aggressive campaign against the very legitimacy of the state of Israel," and argued that it was "a scandal that the ABA Journal ha[d] lent support to these efforts."

The intensification of the conflict in the Middle East made cyberspace a new front in Israel-Palestinian hostilities, as Jewish groups were compelled to adopt security measures to protect their Web sites and other computer facilities from attack. On November 1, Pakistani hackers—ostensibly in protest of alleged "atrocities in Palestine by the barbarian Israeli soldiers"—broke into the Web site of the American Israel Public Affairs Committee (AIPAC) and accessed databases containing supporters' e-mail addresses and credit card information. The FBI was immediately brought in to investigate the matter. Earlier, Israeli government Web sites had also been compromised, resulting in disruptions of service and crashes of entire systems.

On April 28, a Denver jury handed down a \$10.5-million verdict against the Anti-Defamation League, finding that the venerable Jewish defense organization's

Mountain States chapter had violated the Federal Wiretap Act, and had invaded the privacy of and defamed a Colorado couple that it had publicly accused of anti-Semitism. Pronouncing itself "shocked and dismayed by the jury's decision," the ADL indicated that it would appeal what it believed to be a mistaken ruling, and that it would, in any event, "keep on representing Jews who feel threatened or harassed."

Discrimination

The CIA continued to be faced with allegations that observant Jews were subject to particular scrutiny as potential spies because of their religion. Adam Ciralsky, a former employee of the CIA, appeared on the CBS news program "60 Minutes" in February to press his claim that he had been fired from the agency because he was an observant Jew (see AJYB 2000, p. 168). The CIA, for its part, asserted that anti-Semitism had no place in the agency, and a CIA memo indicated that Ciralsky had failed two lie-detector tests when asked whether he had made U.S. secrets available to Israel. Following the broadcast, David Zwiebel, executive vice president for government and public affairs of Agudath Israel of America, wrote to CIA director George Tenet calling on the CIA to disassociate itself from charges made on the show by an unidentified CIA official that Israel had established a program of recruiting religious American Jews to spy on the United States. Zwiebel maintained that the remarks fostered the "canard of 'dual loyalty' and stereotyped Jews as the untrustworthy outsider."

Legislative Activity

Enactment of the Hate Crimes Prevention Act (HCPA) remained a priority of the Jewish community throughout 2000. Aimed at strengthening a law enacted in the late 1960s, it would facilitate the prosecution of hate crimes committed on the basis of race, color, religion, or national origin, and expand federal jurisdiction so as to include crimes motivated by a victim's sexual orientation, gender, or disability. Advocates argued that the measure would be utilized only as a safety net, when state and local law-enforcement agencies were unwilling or unable to investigate and prosecute hate crimes or when they sought federal assistance.

Although the Senate, spurred by a series of brutal hate crimes, passed the bill in July 1999 as part of an appropriations bill, Congress closed out its 1999 session without enacting the measure. Throughout 2000, President Clinton, supported by a broad civil-rights coalition that included many Jewish groups, reiterated on many occasions—beginning with his State of the Union address on January 27—the necessity for the HCPA, and it also had strong bipartisan support in both houses of Congress. In July, the coalition announced the creation of a Web site, www.unitedagainsthate.org, to help press its campaign.

Supporters of the HCPA counted several victories during the year, but, in the

end, fell short. On June 20, the Senate passed a revised version of the hate-crimes proposal by a bipartisan majority of 57-42 as an amendment to the Department of Defense authorization bill. Although a similar provision was not included in the House version of that bill, the House in September indicated its support for retaining the measure by approving it by a large bipartisan margin, 232-192, on a nonbinding procedural vote. But with the majority Republican leadership in both houses still resisting the measure, House and Senate conferees removed the hate-crimes provisions from the final conference report. As Congress went into recess before the election in anticipation of a rare, postelection lame-duck session, it was anticipated that the election returns would do much to clarify the likely disposition of HCPA.

Election Day made it clear that both the House and the Senate would still be controlled by the Republicans, but left unresolved the crucial question of who would occupy the White House. After delaying resumption of business for several weeks as the Gore-Bush contest played out, the leadership finally decided that Congress would reconvene on December 5. By this point even one of the bill's chief point persons, Anti-Defamation League Washington counsel Michael Lieberman, conceded to the Jewish Telegraphic Agency that inclusion of the measure in the final omnibus appropriations measure was "an uphill battle." And so it was. The final package, enacted by Congress after the results of the election were confirmed on December 12, did not include the HCPA, leaving the measure with an uncertain future in the 107th Congress.

It was unclear, however, whether a federal hate-crimes law, even if ultimately enacted, would survive constitutional challenge. In May, the U.S. Supreme Court struck down as unconstitutional provisions of the 1994 Violence Against Women Act (VAWA) allowing victims of sexual violence to sue their attackers in federal court. The decision found that the crimes did not have the impact on business that would have justified Congress in relying on its authority to regulate interstate commerce as a basis for the law. Although some advocates of the hate-crimes law thought it was distinguishable from VAWA, there was little doubt that the decision would provide the basis for a challenge. Another Supreme Court decision, handed down in June, ruled that any new hate-crimes law would have to require a jury, and not a judge, to determine whether the alleged "hate" element justifying the increased penalty was present in a particular crime. The HCPA, which already assigned this role to a jury, was unlikely to be affected.

In the wake of the Supreme Court's VAWA decision, a United States federal appeals court sitting in New York directed parties, in a case of great interest to the Jewish community, to brief the question of whether a 1968 federal law providing criminal penalties for certain civil rights violations was constitutional. Hanging in the balance was the viability of the convictions under that law of Lemrick Nelson, Jr., and Nelson Price in the killing of Jewish scholar Yankel Rosenbaum in the course of the 1991 Crown Heights riots. An array of Jewish groups, headed by the American Jewish Congress, joined with the NAACP in filing a friend-of-the-court brief arguing that the law in question should be upheld.

There was at least one piece of good news in 2000 for proponents of hate-crimes legislation. Governor George Pataki of New York signed such a law for his state in July, some ten years after the New York State Assembly first passed an earlier version of the bill.

INTERGROUP RELATIONS

African Americans

The virulently anti-Semitic Nation of Islam received a seeming accolade from an unexpected source in late January. On a Sunday morning news program, Republican presidential candidate George W. Bush, discussing religious groups that would be eligible to participate in the "charitable choice" initiative that he was supporting (see below, p. 186), described the Nation of Islam as "based upon some universal principles," including "love your neighbor like you'd like to be loved yourself." Ira Forman, executive director of the National Jewish Democratic Council, retorted, "If the principles that he's speaking about are hatred, anti-Semitism and fear and loathing of others, then he's right. But if he means anything else, he clearly does not understand the first thing about the Nation of Islam." A Bush spokesperson declined specifically to address the Texas governor's views of the organization, but asserted that his plan to fund faith-based programs was "to help people in need, not for the purpose of supporting any religion," and that "there is no place for racism or anti-Semitism anywhere" in the program.

During 2000, Louis Farrakhan, head of the Nation of Islam, continued the effort begun the previous year to "reach out" to the Jewish community by building a relationship with the extreme, anti-Zionist Neturei Karta sect. A Neturei Karta representative spoke to 20,000 members of the nation at a late-February Nation of Islam meeting in Chicago, and, at a press conference following the meeting, representatives of the two organizations joined together in praising each other's communities and attacking the State of Israel. Michael Kotzin, executive vice president of the Jewish Federation/Jewish United Fund of Metropolitan Chicago, commented, "what Farrakhan really seeks is the appearance of reconciliation [with the Jewish community] but not the real thing. In any event, he's not going to get very far so long as he continues to promote... anti-Zionist positions and fails to revoke his own long-standing attacks on the Jewish people as the enemies of black Americans."

There were far more positive aspects of black-Jewish relations to be found in 2000. The Project People Foundation, an African American organization dedicated to interfaith projects, continued its work with the North American Conference on Ethiopian Jewry in distributing black-skinned dolls to Ethiopian Jewish children in Israel. In March, Orthodox, Conservative, and Reform rabbis joined with 150 other religious leaders at a White House meeting that President Clinton convened as part of his "initiative on race." The group formally labeled

racism a sin and pledged to work together toward racial reconciliation. In a follow-up to that meeting, a coalition of faith-based organizations—including a number of Jewish denominational and nondenominational bodies—signed on to a statement spearheaded by the National Conference for Community and Justice (formerly the National Conference of Christians and Jews) declaring racism "an evil that must be eradicated," and accompanied by guidelines for interfaith forums on racial justice and reconciliation.

The selection of Senator Joseph I. Lieberman as Al Gore's running mate presented the opportunity for some reflection on black-Jewish relations at the turn of the 21st century. After a brief flurry of concern, quickly mollified, about Lieberman's position on affirmative action, the mainstream civil rights leadership was quick to hail the selection as a breaking of barriers on behalf of all minorities. In response to a query from the Jewish Telegraphic Agency (August 23), NAACP board chairman Julian Bond observed that American Jews had historically been more supportive of civil rights "than other non-minority Americans"—although many American Jews might well have been puzzled at the reference to their community as "non-minority." Julius Lester, University of Massachusetts professor of Judaic and Near Eastern Studies and an African American covert to Judaism, told the JTA that "tension between blacks and Jews is at its lowest in quite some time." Lester pointed to the speed with which the NAACP had moved to censure and then fire the organization's Dallas chapter head for anti-Semitic remarks he made about Lieberman's nomination.

Lester's positive view of the state of black-Jewish relations was shared by Rabbi Marc Schneier, president of the Foundation for Ethnic Understanding, whose organization had found evidence in a 1998 poll of growing cooperation between the two groups. But the JTA cited, as well, the contrary findings of an ADL survey, also done in 1998, which concluded that blacks were three times more likely to hold anti-Semitic views than whites. And if nobody was surprised that Nation of Islam head Louis Farrakhan would join with some elements of the extreme right in making racist comments when Lieberman's selection was announced, it was disturbing to many that, soon after the announcement, the Amsterdam News, New York City's major black newspaper, editorialized that Gore had chosen Lieberman because, "It's the money, stupid," and that "Jews from all over the world . . . will be sending bundles of money" to the Democrats. The paper went on, "If this scenario is the correct one—and we believe it is—America is being sold to the highest bidder." Jewish organizations were quick to issue statements condemning Wilbert Tatum, the paper's chairman of the board and author of the piece, as an anti-Semite.

In September, the American Jewish Committee announced that it was ending its financial support for CommonQuest, a magazine on black-Jewish relations that it had published for five years in partnership with Howard University. This effectively put an end to the magazine. AJC indicated that it would be looking for other ways to address black-Jewish issues.

Asian Americans

The American Jewish Committee, which had a long history of support for American reparations to Japanese Americans who had been interned during World War II, endorsed the Clinton administration's proposal, introduced in February, to include in its fiscal year 2001 budget a \$4.8-million fund to preserve the internment camps. This action, the AJC said, would help keep alive the "lesson of a tragic story of intolerance and betrayal."

Arab Americans

The year would ultimately see only further strains between America's Jewish and Arab communities over events in the Middle East. But it began with something of a grace note when Arab American Institute president James Zogby indicated that he was "perfectly willing" to protest the placement of an anti-Semitic caricature next to a column of his that appeared in a late-1999 edition of the Palestinian Authority's official newspaper. The cartoon portrayed a short man with a hooked nose, skullcap, and Star of David, bearing the label, "The Disease of the Century."

As incidents of hate-based violence directed at Jews accelerated during the fall in the wake of the deteriorating situation in the Middle East (see above, pp. 172-73), New York City's Arab and Jewish community leaders came together at a meeting convened by Mayor Rudolph Giuliani and pledged to work in harmony to calm tensions. Michael Miller, executive vice president of the Jewish Community Relations Council of New York, commented, "Never before have we sat together to minimize the potential for illegal activity connected with the situation in the Middle East."

Arab-Jewish tensions found expression in the vote of Arab Americans in the 2000 elections. A number of Arab-American groups endorsed Governor Bush for president, and the Jewish Telegraphic Agency quoted some members of the Arab American Political Action Committee as saying that they were "concerned" because Joseph Lieberman, the Democratic candidate for vice president, was an Orthodox Jew. Although a slight majority of Arab-American voters were registered as Democrats, exit polls indicated that 45 percent voted for Bush and 38 percent for Gore, with a high 13-percent vote (compared to 2 percent nationally) for Green Party candidate Ralph Nader, himself of Lebanese descent. James Zogbv attributed the voting pattern to a perceived tilt by the Clinton-Gore administration toward Israel; about 80 percent of Arab Americans dissatisfied with the administration's Middle East policies voted for Bush or Nader. Concern about the "positions" of Gore's Orthodox Jewish running-mate were cited by 69 percent of those polled, although there was no indication of which of Lieberman's positions—as distinct from those of Gore himself—were responsible for this concern.

Whatever the reasons for its voting pattern, the Arab-American community was becoming increasingly important on the political scene. Both major-party candidates met with community leaders, and the level of financial contributions to candidates and volunteer campaign activity showed a marked increase over previous elections. In the final month of the campaign, the Gore-Lieberman operation brought James Zogby on board as an adviser on ethnic affairs, an action that was protested by the Zionist Organization of America and the Republican Jewish Coalition. The latter asserted that Zogby was "the lead American spokesman for the worst forms of Middle East Arab propaganda." But the Israel Policy Forum defended him as "courageously outspoken in his support for the peace process."

Catholics

On March 7, the Vatican issued a document titled Memory and Reconciliation: The Church and the Errors of the Past, that set forth several major areas in which the Roman Catholic Church had failed, including the forced conversion and other mistreatment of Jews during the Inquisition. It did not, however, apologize for the Church's actions and omissions during World War II, even as the document acknowledged that many Christians had not done enough to help Jews during the Holocaust. The tone of this document was reinforced by the pope's remarks on Sunday, March 12, less than one week later, in which he broadly acknowledged, and apologized for, sins committed by the Church against Jews through the ages, while making no specific mention of the Holocaust (see below, pp. 360-61). Rabbi A. James Rudin, interreligious-affairs director of the American Jewish Committee, reflected the ambivalence of many in the Jewish community when he hailed these statements as "unprecedented" even as he also noted that "we expected more than what came. .' Anti-Defamation League national director Abraham Foxman expressed satisfaction that these new pronouncements, unlike a 1998 Vatican document that drew strong criticism from the Jewish community. avoided defending the policies of Pope Pius XII during World War II.

A similar inclination to find the positive rather than accentuate the negative also emerged from the responses of many Jewish leaders to the pope's epochmaking trip to Israel. While visiting the Yad Vashem Holocaust memorial on March 23, the pope stated that he was "deeply saddened by the hatred, acts of persecution and displays of anti-Semitism directed against the Jews by Christians at any time and in any place." Rabbi Eric Yoffie, president of the Union of American Hebrew Congregations, asserted that it "was more important to stress what was included"—acknowledgment of the Church's history of anti-Semitism—than the specifics that the pontiff omitted. Seymour Reich, though, chairman of the International Jewish Committee on Interreligious Consultations (IJCIC), expressed disappointment that the pope did not use the occasion to "address the silence of the Church during the Holocaust."

Even fewer negative words could be heard after Pope John Paul II came to the

Western Wall to pray, and, in accordance with Jewish tradition, placed a note in the wall that sought God's forgiveness for Jewish suffering at the hands of Christians during "the course of history." As important as the visit, observed Rabbi David Rosen, director of the Anti-Defamation League's Israel office, was the precedent that had been set for succeeding popes who might not be as committed to reconciliation with the Jewish people. "He has set down solid foundations for a very healthy relationship between the Catholic Church and the Jewish people," said Rosen. "It is impossible today to have a serious position in the Catholic Church and to express an anti-Judaic opinion."

But the rest of the year was rife with other sources of tension between Jews and the Vatican. September 3 was the date set for the beatification—the last step before sainthood—of two popes, Pius IX and John XXIII. The latter was the mid-20th-century pontiff revered for building ecumenical bridges to the Jewish people. The former, in contrast, was infamous in the Jewish world for being the last pope to ghettoize the Jews of Rome and for ordering the 1858 kidnapping of Edgardo Mortara, a Jewish boy who had been baptized as a baby without his parents' knowledge, and who was never returned. IJCIC, in the name of the Anti-Defamation League, B'nai B'rith, the World Jewish Congress, the Israel Jewish Council on Interreligious Relations, and the Jewish denominational organizations, sent a letter of criticism to the Vatican in August, terming Pius IX "the pope who perpetuated centuries-old church contempt and hatred for Jews" and whose actions were an "assault on Judaism and parenthood."

The ink on the beatification was barely dry when, on September 5, the Vatican issued the document *Dominus Iesus*, which declared that followers of faiths other than Catholicism were "in a gravely deficient situation in comparison with those who, in the Church, have the fullness of the means of salvation." Many Jews wondered how the statement could be squared with the messages of repentance and outreach that Pope John Paul II had brought to Israel earlier in the year. In his weekly Sunday message delivered on October 1, the pope sought to reassure members of other faiths that the document was not intended to express "arrogance that shows contempt for other religions."

Perhaps the most sensitive area of tension between the Vatican and the Jewish community was the projected beatification of Pope Pius XII, notwithstanding questions that had been raised about his apparent passivity in the face of the destruction of European Jewry in the Holocaust. In October, a panel of six scholars—three Catholics and three Jews—established by the Vatican and IJCIC in 1999 to review already published Vatican documents on the Holocaust period, issued a report listing numerous open questions about Vatican policy and asking the Holy See to open its archives so that answers might be found. IJCIC chairman Seymour Reich noted, "The archives are being opened everywhere. The Swiss are accounting for gold, the Dutch are returning art that was confiscated from Jews who were sent to camps. It's a reckoning, a need for the world to understand what happened during this dreadful period of history."

In November, the National Conference of Catholic Bishops adopted a resolu-

tion on the Israel-Palestinian conflict that called for the creation of a Palestinian state, urged the Palestinians to accept Israel's right to exist within secure borders, and pressed the United States to persevere in its efforts to revive the peace process. The resolution elicited a reaction of "deep disappointment" from the American Jewish Committee for what the AJC saw as its one-sided approach to the accelerating pattern of violence between Israel and the Palestinians. The AJC statement pointedly noted that the resolution failed to call upon the Palestinians to "fully respect the religious liberties" of Jews, even though Jewish holy sites had been desecrated by Palestinians and some Muslim religious leaders were calling for "attacks on Jews worldwide."

Evangelical Christians

In November 1999, soon after the Southern Baptist Convention issued prayer guides targeted at converting Jews, Hindus, and Muslims (see AJYB 2000, p. 174), the convention announced a plan to bring 100,000 Christians to Chicago for a weekend of evangelizing in July, 2000. But the project was scaled back in February in the face of protests by local Jewish leaders. Moreover, Southern Baptist leaders assured the Jewish community that it was "the entire city of Chicago," not specific groups, that was being targeted. "In all honesty," said the Rev. Phil Miglioratti, a convention official, "we really don't have a Jewish strategy." Nevertheless, Jay Tcath, director of the Jewish Community Relations Council of Chicago, set up a task force to hold workshops and prepare pamphlets for Jewish educators and the public about the "arguments they [missionaries] cite, their tricks . . . in shaping the discussion down their path."

Notwithstanding Jewish mistrust of Southern Baptist missionary zeal, evangelical Christian support for Israel remained solid. As the conflict between Israel and the Palestinians intensified toward the end of the year, the International Fellowship of Christians and Jews, an organization dedicated to strengthening relations between Jews and evangelical Christians, demonstrated its solidarity with the Jewish state by presenting \$3 million to the United Jewish Appeal for immigration, absorption, and welfare programs. The fellowship pledged to raise an additional \$12 million for these purposes in 2001.

Jews and Christianity

Following decades of evolution in Christian attitudes toward Judaism—to a great extent the product of ongoing dialogue between Christian and Jewish communities—a document billed as the first statement of a Jewish view on Christianity was released in mid-September. It appeared under the title "Dabru Emet" (Hebrew for "speak the truth," from a phrase in the prophet Zechariah) as an advertisement in the New York Times, the Baltimore Sun, and other publications. Rabbi Michael Signer, professor of theology at the University of Notre

Dame and one of four chief drafters, said of the document that carried more than 150 Jewish signatories, "This is the first major statement by a group of Jewish scholars, congregational rabbis, and leaders of national organizations, which acknowledges the changes that have come about in Christian theology of Jews and the Jewish people." Rabbi David Novak of the University of Toronto, another of the drafters, stated: "Christians are not necessarily our enemies. . . . They can be very good friends to Jews and Judaism . . . not just out of good will, but out of Christian belief. That being the case, a Jewish response is called for."

But, while the statement drew a notable array of Conservative, Reform, and Reconstructionist leaders, as well as several Orthodox rabbis—who, in signing, departed from a general Orthodox disinclination to engage in interfaith theological discourse—there were several significant abstentions. Rabbi A. James Rudin, recently retired as director of interreligious affairs for the American Jewish Committee and now a consultant to the organization, was among those who declined to sign, in his case because of a section of the document stating that while "too many Christians participated in, or were sympathetic to Nazi atrocities against Jews... Nazism itself was not an inevitable outcome of Christianity." Rudin praised the overall statement as "a pioneering effort," but could not accept the omission of the "direct correlation between modern anti-Semitism and what I call the seedbed that created the poisonous weeds of anti-Semitism." Others objected to a reference to "Jesus Christ" in the document, and suggested that another term, such as "Jesus of Nazareth," would have been more appropriate in a Jewish document, since "Christ" means "Messiah."

CHURCH AND STATE

Church-State Separation

In late February, the Jewish Council for Public Affairs (JCPA), the Jewish umbrella organization dealing with public policy, adopted a "strict-separationist" resolution against any use of public funding to support religious schools. This move marked an about-face, since only two years earlier, in 1998, the JCPA had enunciated support for public funding of the so-called "three Ts"—transportation (school busing), technology (computers), and textbooks for parochial schools, to the extent allowed by the courts. David Gad-Harf, executive director of the Jewish Community Council of Metropolitan Detroit—the group that had led the campaign for the 1998 resolution now overruled—expressed disappointment, saying that funding bus transportation and other benefits was "not a real diversion of funds [to religious uses]." But others, such as Catherine Schwartz, associate director of the Jewish Federation of Greater Springfield, Mass., pointed out the difficulty in policing the use of funded items to ensure that they "would only be used for secular studies," and in any event, she argued, funding these services

would free up money for religious schools to use for other purposes, and "in effect, that's funding religious education."

On June 28, a few months after the JCPA retreated from condoning public funding of instructional materials at religious schools, the U.S. Supreme Court rendered a split decision that allowed the government to make computers available to religious schools. A plurality of four justices ruled that there was no constitutional problem even were it to be shown that the publicly financed computers were being diverted for religious instruction, so long as the state was acting to further a secular purpose. The three dissenting justices, in contrast, wanted to strike down the challenged program since there was no way the state could ensure that such a diversion was not taking place. The two swing justices reasoned that providing the computers in this case was not constitutionally problematic so long as there was no evidence that they were being diverted for religious instruction.

The decision was greeted with the divided response that had by now become customary in the Jewish community. The Orthodox bodies, such as the Union of Orthodox Jewish Congregations (OU) and Agudath Israel of America, considered the ruling as simply allowing parochial-school children to benefit from government aid on the same basis as those in public school, and therefore an appropriate application of the principle of government neutrality toward religion. Other Jewish groups, such as the Anti-Defamation League and the American Jewish Congress, criticized the decision as opening the door to the use of materials paid for with public funds for religious purposes. What was clear to all, whatever side they had taken in briefs filed with the Supreme Court, was that the crucial swing opinion signed by Justices Sandra Day O'Connor and Stephen Breyer provided no clear indication of whether the current Supreme Court would uphold the constitutionality of school vouchers.

In a decision that seemed to prime that issue for Supreme Court review, on December 11 the U.S. Court of Appeals for the Sixth Circuit ruled two-to-one that Cleveland's school-vouchers program violated the separation of church and state. Noting that almost all of the aid under the program went to religious schools some 96 percent of the 3,700 students utilizing the vouchers (worth up to \$2,500) attended parochial, mostly Catholic, schools—Judge Eric Clay's decision for the majority found that the initiative "has the primary effect of advancing religion, and . . . constitutes an endorsement of religious and sectarian education." Once again, the Jewish community divided along familiar lines, with the bulk of the communal organizations, such as the American Jewish Congress and the American Jewish Committee, hailing the result. Orthodox groups expressed disappointment. David Zwiebel, Agudath Israel of America's executive vice president for government and public affairs, said, "Those who are committed to do all in their power to preserve the public school monopoly and to prevent parents from having meaningful educational options will surely have reason to be pleased with the outcome of this case."

The traditional separationist response of groups representing the larger Jew-

ish community notwithstanding, many observers claimed to see a changing attitude toward vouchers in the Jewish community, for two reasons. First, an increasing number of Conservative and Reform Jews were sending their children to Jewish day schools, something that had historically been an overwhelmingly Orthodox phenomenon. Second, growing concerns about the viability of the public-school system made American Jews more open to a vouchers option. Thus Garver Keller, a lobbyist for Ohio Jewish Communities, commented that while in the past "[t]here was a feeling it wasn't appropriate for public tax dollars to be spent to promote religion," more Jews had begun to feel that vouchers would "allow Jews to go to Jewish schools." No Jewish children or Jewish day schools participated in the Cleveland voucher program, but in 1999 some 77 of the 168 students at Yeshiva Elementary School in Milwaukee paid part of their tuition with vouchers issued by the state of Wisconsin.

Opponents of vouchers scored another victory earlier in the year when, in March, a Florida state judge held a Florida vouchers program that allowed children in failing public schools to attend private schools to be in violation of the state constitution. The court order did allow the 53 children then attending private schools under the program to complete the school year, but state officials were directed to take no further action to implement the law. But in October, a Florida appellate court reversed the lower court's decision, finding that the vouchers program did not violate the state constitution.

Even though the 2000 election preserved Republican control of Congress and (eventually) returned control of the White House to the GOP, there was no evident groundswell of support for vouchers even though Republicans were generally identified with the idea. Voters in California turned back a referendum initiative that would have instituted a sweeping program providing a \$4,000 voucher to any student in kindergarten through 12th grade who attended a private school, with no means testing. And a more modest proposal presented for consideration to Michigan voters, which would have provided a \$3,300 "opportunity scholarship" to enable students to leave failing public schools for private institutions, was also defeated.

The year's other major issue related to government funding of religious institutions was charitable choice. Two different bills signed into law by President Clinton, one in October and the other in December, applied charitable choice to programs operated under the Substance Abuse and Mental Health Services Administration (SAMHSA). These allowed faith-based groups to receive funds for their substance-abuse programs without church-state and antidiscrimination safeguards of the type that many Jewish organizations had long championed. While Republican support for charitable choice was no surprise, its presence in one of these bills grew out of negotiations between President Clinton and Speaker of the House Dennis Hastert (R., Ill.), indicating that if charitable choice was not enthusiastically received by the administration, it was, at least, a price Democrats were willing to pay to further legislation they otherwise desired.

Enactment of these charitable choice provisions took place against the background of the first lawsuits brought by opponents of the approach. In July, the American Jewish Congress and the Texas Civil Rights Project filed an action challenging the constitutionality of a jobs program funded by the state of Texas. The challengers argued that taxpayers' money had been used to proselytize and buy Bibles, and that the program was premised on convincing beneficiaries to "change from the inside out, rather than from the outside in, . . through a relationship with Jesus Christ." The Texas Department of Human Services, however, asserted that funding was being provided only for social services.

President-elect Bush wasted no time after resolution of the election to begin working toward expansion of charitable choice, confirming his long-standing pledge to make this a priority of his administration. On December 20 Bush met with some 30 Christian, Jewish, and Muslim leaders whom he had invited to Austin to discuss plans for the creation of a White House office dedicated to "faith-based action.' In choosing the Jewish participants, the president-elect, not surprisingly, invited individuals who were generally supportive of his initiative—Murray Friedman, the director of the American Jewish Committee's Philadelphia chapter, and Rabbi Daniel Lapin, president of the politically conservative Toward Tradition organization. Also at the meeting was the Jewish former mayor of Indianapolis, Stephen Goldsmith, a chief domestic adviser to Bush during his campaign and widely rumored to be the likely head of the new office, an appointment that Rabbi Lapin predicted would help allay fears that the office was part of an effort to "Christianize" America.

Friedman, for his part, reminded Bush at the meeting that many in the Jewish community (including Friedman's employer, the American Jewish Committee, which had views on charitable choice at odds with Friedman's own) were greatly concerned by the religious intrusion in the public arena represented by charitable choice. Despite this disclaimer, after the meeting Abraham Foxman, the national director of the Anti-Defamation League, who was not in attendance, asserted that the American Jewish community and its views had not been represented in Austin. Orthodox organizations, supportive of charitable choice, expressed confidence that there would be future opportunities to meet with the new president.

If church-state separationists found themselves in a holding action in the Supreme Court and Congress on funding issues, they were more successful in pressing for the maintenance of constitutional barriers against officially sanctioned prayer at public-school events—notwithstanding a nonbinding House of Representatives resolution early in the year in support of prayer at school sporting events. On June 20, the Supreme Court ruled six-to-three that a school district in Santa Fe, Texas, had to end the practice of allowing a student representative selected by a majority vote of the student body to read prayers over the school's public address system before football games. This practice, Justice John Paul Stevens said for the majority, "establishes an improper majoritarian election

on religion, and unquestionably has the purpose and creates the perception of encouraging the delivery of prayer at a series of important school events." The decision was hailed by a broad range of Jewish organizations that had filed briefs in the case, with Leonard Cole, national chair of the Jewish Council for Public Affairs (JCPA) noting, "Whatever the intention of such religious exercises, the net effect is to make children of minority faiths or no religious faith at all feel marginalized." Although expressing concern that the principles enunciated in the Santa Fe decision might be extended to the point that schools become "religion-free zones," the OU—often on the opposite side of its sister Jewish organizations on church-state separation issues—filed no brief in this case and, after the decision was handed down, stated its satisfaction with the ruling.

The sharp negative reaction to the Supreme Court decision in the Santa Fe case reminded some veteran observers of the uproar that followed the school-prayer decisions of the 1960s. By August, communities in the South and West, especially Texas, began to organize "spontaneous" prayer to precede football games. A group calling itself No Pray, No Play offered to assist communities around the country in organizing to recite the Lord's Prayer before football games. A West Virginia radio station made plans to broadcast prayers during local games, and some 25,000 people gathered at a rally in Asheville, North Carolina, supporting recital of the prayers. Legal analysts representing Jewish communal organizations noted that prayer at sporting events would not run afoul of the principles enunciated in the Santa Fe case so long as there was no use of school facilities (such as a public address system) and no involvement of school officials. But legal issues aside, the Jewish groups saw the prayer movement as a community-relations problem. In the words of Mark Pelavin, associate director of the Religious Action Center of Reform Judaism, "it begins to divide communities along religious lines." As the football season began, however, the issue seemed to generate far less heat than had been feared. At one high-school football game in Texas on the first weekend of September, only about 200 people engaged in a "spontaneous" prayer recital.

As the Supreme Court returned for business on the first Monday of October, one of its first actions was—in light of its decision in the Texas football case—to send back for further consideration the action of a federal appellate court upholding as constitutional a Florida county practice of allowing public-school students to elect a classmate to deliver a prayer or some other message of his or her choosing at high-school graduation. This suggested to some observers that whatever the Supreme Court might ultimately do on vouchers and other funding issues, it seemed to be moving in a separationist direction on the question of prayer at public-school events.

There were a number of other church-state developments during the year. In July, a federal trial judge in New York struck down that state's decades-old kosher food laws as unconstitutional. Following earlier decisions rendered by courts in New Jersey (1993) and the city of Baltimore (1995) striking down similar laws,

this ruling cast in doubt the viability of state and local ordinances intended to protect consumers from fraudulent labeling of food as kosher.

The issue of whether and under what circumstances the Ten Commandments might be displayed in public places continued to roil the courts. In May, a U.S. district court directed that the Ten Commandments be removed from Kentucky courtrooms and public-school classrooms, and, in December, the U.S. Court of Appeals for the Seventh Circuit similarly ruled that the display of the Ten Commandments in front of a government building in Elkhart, Indiana, was an unconstitutional government endorsement of a particular religious perspective.

"Free Exercise"

A case dealing directly with the limits of religious accommodation in the workplace was decided in favor of the employer when, in February, a Florida jury ruled that a drugstore chain was entitled to fire an Orthodox Jewish employee for refusing to sell condoms to customers because of his religious beliefs. The jury found that accommodation of the employee in this instance would unduly hurt customer service. That same month, a Cincinnati-area school district announced that it would cease its two-year-old practice of closing for the Jewish holidays of Rosh Hashanah and Yom Kippur, which had ostensibly been adopted to take into account teacher absences on those days. The district denied that its decision had anything to do with a threatened lawsuit by the American Civil Liberties Union, which argued that the old policy gave special privileges to one religion. In another development, Sears settled a case brought against it by the attorney general of New York State under that state's religious accommodation laws when Sears refused to hire an Orthodox Jew who would not work on Saturdays. In defending against the case, Sears had claimed that it could not accommodate the would-be employee's religious practice because Saturday was its busiest business day. Sears capitulated, however, when a review of the department-store chain's records by New York authorities found that the busiest day of the week was in fact Tuesday. In the settlement, Sears agreed that it would henceforth adjust its schedule to accommodate Sabbath observers.

The Jewish community and the U.S. Congress continued to wrestle with the fall-out from a pair of Supreme Court decisions rendered in 1990 and 1997. The first weakened constitutional protections of the free exercise of religion, and the second struck down a 1993 federal law intended to restore those protections. That law, the Religious Freedom Restoration Act (RFRA), required government at all levels—federal, state, and local—to demonstrate a "compelling state interest" if it passed any law or regulation that substantially burdened an individual's free exercise of religion. In its 1997 decision, however, the high court voided this law on the grounds that it infringed on states' prerogatives, thus leaving in place the rule that the state can require individuals to violate their religious beliefs so long as there is a "reasonable" basis for the regulation in question.

Immediately following the Supreme Court's 1997 decision, the politically and religiously broad coalition that had come together in the early 1990s to push for passage of that law reconvened to draft and promote passage of new legislation that might survive the high court's scrutiny. The difficult drafting process stretched out over several months, finally resulting in the introduction, in 1998, of the Religious Liberty Protection Act (RLPA), a bill drawn more narrowly than RFRA so as to meet the constitutional concerns raised by the Supreme Court and still afford religious liberty some protection against government action.

RLPA was introduced in the House again early in 1999, and was passed in that body in July by 306-118. But the House debate on RLPA split along party lines, with Republicans generally supporting a bill without exceptions and most Democrats favoring a failed substitute, introduced by Representative Jerrold Nadler (D., N.Y.), that would have largely excluded state and local civil-rights laws from RLPA's purview. Representative Nadler, who had been an original sponsor of RLPA, proposed this substitute because of claims by various civil-rights and gayrights groups that the religious freedoms enshrined in RLPA might be used to undermine antidiscrimination laws. All of the Jewish members of the House voted for the amendment, although they split on this last vote, with a majority voting "no" because the concerns about civil rights had not been resolved.

This division was reflected among Jewish groups too, as it was in the broad coalition of religious and civil-rights organizations that had, until the summer of 1999, been united in support of RLPA. As 2000 began, the National Council of Jewish Women, the Anti-Defamation League, and the Religious Action Center of Reform Judaism no longer supported RLPA's enactment as passed by the House, while the American Jewish Congress, B'nai B'rith, Agudath Israel, and the OU continued to work in support of the bill. The American Jewish Committee struck its own course, continuing to advocate for RLPA, but insisting upon the inclusion of an amendment clarifying the limited extent to which it could be asserted as a defense to a civil-rights claim.

The prospects for a Senate bill stalled when, responding to the concerns of the civil-rights community, Senate Democrats began to voice their own hesitation about the initiative. In the closing days of the 1999 session, Trent Lott (R., Miss.), the majority leader of the Senate, promised to bring the House bill up for a Senate floor vote, but Congress adjourned before this could take place. On February 22, 2000, Senator Orrin Hatch (R., Utah) introduced a revised version of RLPA (S.2081), but one that did not address the civil rights concerns. The Senate Republican leadership signaled its willingness to bypass the committee process and bring that new bill directly to the Senate floor, a prospect that would likely have brought on a cloture battle.

Rather than ignite a struggle that might do more harm than good for religious liberty, the contending forces agreed, instead, to craft a more limited vehicle, the Religious Land Use and Institutionalized Persons Act, a bill directed specifically at protecting houses of worship and other religious institutions from zoning and

other land-use regulations that imposed unreasonable or discriminatory burdens. RLUIPA also provided a remedy for persons confined to state residential facilities—such as homes for the disabled and chronically ill, or prisons—who were denied the right to practice their faith. RLUIPA's more limited scope avoided the civil-rights concerns raised by RLPA.

Relying on a record of religious discrimination earlier established in congressional hearings on RLPA, RLUIPA moved through Congress with near-record speed. Introduced in the Senate as S.2869 on July 13, 2000, by Senators Edward Kennedy (D., Mass.) and Orrin Hatch (R., Utah), and with the support of the House leadership and Representatives Charles Canady (R., Fla.) and Jerrold Nadler (D., N.Y.), RLUIPA passed the Senate by unanimous consent on July 27. The Senate bill was then raced over to the House within the hour, where it also passed by unanimous consent. On September 22, in an Oval Office ceremony attended by representatives of religious and civil-rights groups that had so recently been in heated contention, President Clinton signed the bill into law.

A bill with wide support in the Jewish community, the Workplace Religious Freedom Act, which was intended to assure religiously observant employees reasonable accommodation of their religious practices, once again failed to become law. The major development in 2000 was the bill's introduction in the House of Representatives on April 11 by Representatives Jerrold Nadler (D., N.Y.) and Asa Hutchinson (R., Ark.), who were joined as sponsors by a bipartisan group of 11 other representatives. The bill was identical to one that had been introduced in the Senate the prior year by Senators John Kerry (D., Mass.) and Sam Brownback (R., Kan.).

Though WRFA did not move forward, Alan Reinach, president of the Seventh-day Adventist Church-State Council for the Pacific Union Conference of Seventh-day Adventists, took advantage of the Lieberman candidacy for vice president to make a poignant argument for the bill's enactment. In August, soon after announcement of Lieberman's selection, Reinach wrote of the Sabbath-observant senator:

Joe's lucky. He has a boss who knew he wanted Sabbath off, and agreed to "hire" him anyway. Thousands of Americans are not so lucky. When they tell a prospective employer they can't work on the Sabbath, they don't get hired. Thousands more lose their jobs each year when schedules are changed to require them to work in conflict with their faith. . . . America rightly celebrates the breaking down of barriers, and the spirit of inclusiveness symbolized by Senator Lieberman's nomination. But this symbolic gesture needs to be supported with concrete action. Both parties need to act now to pass the WRFA and insure that Americans of all faiths will not be forced to choose between their religion and their job.

In July, the U.S. Department of Education held a two-day conference commemorating the U.S. Supreme Court's 1925 decision in *Pierce v. Society of the Sisters of Holy Names of Jesus and Mary*, which, striking down a Ku-Klux-Klan-

inspired Oregon law requiring attendance at public schools, upheld the right of parents to send their children to private schools. The American Jewish Committee, the only Jewish organization to have filed a friend-of-the-court brief in support of the Catholic school that brought the action, received a commendation for its role in that case. AJC's brief back then was written by the noted jurist Louis Marshall, one of the founders of the organization and its longtime president.

HOLOCAUST-RELATED MATTERS

Reparations

The drawn-out efforts of Holocaust victims and their heirs to collect on insurance policies issued prior to World War II registered a victory when, on November 16, Assicurazioni Generali—Italy's largest insurance company and one of the largest insurers of Jews in Eastern Europe in the years between the world wars—signed an agreement to pay \$100 million in settlement of Holocaust-era claims. The agreement, which contemplated that the funds would first go to insurance claimants, with any remaining funds to be utilized for humanitarian assistance for survivors, was also signed by Lawrence Eagleburger, chairman of the International Commission for Holocaust Era Insurance Claims (ICHEIC), and various Jewish organizations involved in restitution issues. That same week the commission also announced that it had located 20,000 wartime insurance policies in German archives and that the information would be posted on a Web site.

ICHEIC, created in 1998 as a central address for dealing with the billions of dollars in outstanding claims against Holocaust-era insurers, included representatives of five major European insurers, the U.S. National Association of Insurance Commissioners, European officials responsible for insurance regulation, an Israeli official, and the World Jewish Congress (WJC). Elan Steinberg, executive director of the WJC, indicated that the Generali agreement might bring pressure on the other participating European insurers to complete their own negotiations on a final settlement. But even so, there remained German and Austrian insurance companies that had refused to join ICHEIC or follow its guidelines, and claims against them were expected to remain outstanding.

Beginning in May, when the New York Times published a report purportedly based on internal ICHEIC documents, concern rose about the fact that some three out of every four claims filed with ICHEIC-member insurance companies were being rejected, generally on the grounds of insufficient proof or suspected postwar settlement. On September 29, 46 members of Congress, headed by Rep. Henry Waxman (D., Cal.), wrote to ICHEIC chairman Eagleburger about these reports. Eagleburger wrote back in October, assuring the legislators that these responses were not the "last word on these claims" and that there would soon be a process in place to provide an opportunity for filing appeals. Another issue raised

in the Waxman letter was a provision of a June 12 agreement settling Nazi-era slave labor claims that capped at \$150 million the amount that German insurance companies would have to pay for survivor claims, leading the members of Congress to observe, "These companies should not be immunized without full accountability for paying what they owe." Elan Steinberg, the WJC executive director, cautioned that while he sympathized with this concern, seeking to raise the insurance cap could delay payments to aging Holocaust survivors, if not "scuttle the entire German fund."

In November, the National Gallery of Art, part of the Smithsonian complex of museums in Washington, D.C., agreed to return to a Jewish family a painting believed to have been confiscated by the Nazis in Paris in 1941. This brought to 11 the number of paintings looted by the Nazis that the museum had identified in its collection. An agreement was reached later that month between American art museums and the Presidential Advisory Commission on Holocaust Assets whereby the museums would disclose on their Web sites the provenance of all art works they had acquired between 1939 and 1945. This would help determine whether the Nazis had stolen any of these works, and, if so, the property would be returned to its rightful owners.

On June 12, the United States joined with various European governments and industries to create the German Foundation Fund, which would pay individuals who had been pressed into service as slaves and forced laborers during World War II. The money would come from a \$5.2-billion settlement fund established by the German government and various German businesses. Germany signed the agreement on July 17, presumably clearing the way for the survivors to begin receiving payments by December when, pursuant to the terms of the agreement, a U.S. court dismissed 49 class-action lawsuits against German firms for their use of slave labor. However legal obstacles delayed the start of payments into 2001 (see below, pp. 385–86).

In December, a federal judge appointed Paul Volcker, the former chairman of the Federal Reserve, to oversee the distribution of \$800 million to Holocaust victims and their heirs that had been set aside to cover claims for money deposited with Swiss banks during World War II and never returned. This fund constituted part of a settlement agreement approved by a New York federal judge according to which \$1.3 billion would be paid to resolve Holocaust-era claims against the banks. Efforts continued to year's end, as well, to press Poland to make restitution for property looted from Polish Jews during the Holocaust era, as H. Carl McCall and Alan Hevesi—the controllers, respectively, of New York State and New York City—called on Warsaw to cease efforts to block a lawsuit against Poland for billions of dollars in property stolen during those years.

Throughout the year concerns were increasingly heard about the perception that the drive for reparations could make it seem that the payment of money resolved the profound moral issues presented by the Holocaust. There were also allegations by survivor organizations and others that much of the money was not

reaching the elderly survivors for whom it was intended. The Conference on Material Claims Against Germany vigorously denied the charge, pointing out that in 1999 alone it had distributed some \$220 million to individual survivors and \$85 million to programs intended to benefit Holocaust survivors. An even more damning accusation was made by City University of New York instructor Norman Finkelstein in his book The Holocaust Industry: Reflections on the Exploitation of Jewish Suffering. Finkelstein condemned Jewish organizations that, he charged, were extracting money from the German government and German businesses, as well as from the Swiss banks and others, to line their own pockets and aggrandize their own power. Finkelstein, whose long-standing left-wing political views and animosity toward Israel were well known, had a negligible impact on American opinion, in contrast to the situation in Europe, where he was taken much more seriously (see above, pp. 18–20).

It could not be denied, however—as illustrated in the Waxman letter in October—that Jewish groups, political leaders, and state governments were not of one mind about appropriate terms for the settlement of Holocaust-era claims. Some protested caps and bars to lawsuits that were often part of settlements, and, in the particular case of ICHEIC, others worried that not enough had been done to prod member insurance companies to release information on unclaimed policies purchased before the Holocaust. In the meantime, several state insurance commissioners—some members of ICHEIC, some not—continued their own efforts, to some extent in cooperation with ICHEIC, to obtain relief for Holocaustera insurance-policy claimants.

As the year closed, Stuart Eizenstat, the U.S. deputy treasury secretary who had for several years led the Clinton administration's efforts to promote Holocaust restitution, expressed concern about how this issue would be handled under the incoming president. "It's not an issue, so far as I know, on the radar screen," he said.

OSI Actions

The Justice Department's Office of Special Investigations (OSI) continued to seek the deportation of the ever-declining number of Nazi war criminals who had found their way to the United States after World War II. In late February, a U.S. immigration appeals board upheld an immigration judge's determination that Chicago resident Juozas Naujalis be deported to Lithuania because of his role in a Nazi-affiliated unit that was responsible for the deaths of thousands of Jews. That same week, the U.S. Supreme Court let stand a court order calling for the deportation of Ferdinand Hammer, a Michigan resident said to have committed atrocities while serving as a guard at two concentration camps.

A U.S. District Court sitting in Philadelphia acted in July to revoke the citizenship of Ukrainian-born Theodor Szehinskj, a 76-year-old Philadelphia resident, based on evidence that he had served as a concentration-camp guard in

Poland and Germany during World War II. Although the government did not provide evidence of specific acts committed by Szehinskj, the court observed, "The heavy presumption from this incontrovertible historical record is that guards were, at a minimum, complicit in this closed culture of murder even if there may not be hard evidence of actual homicide at a particular guard's hands." Szehinskj, who maintained that he had been a slave laborer on a farm during the period he was said to have served at the camps, indicated his intention to appeal.

On September 28, Aleksandras Lileikis died of a heart attack at age 93 in Vilnius, the capital of his native Lithuania, some four years after he had left the United States upon being stripped of U.S. citizenship because of his role, as head of the Nazi-sponsored Lithanian secret police, in handing over at least 75 Jews to Nazi death squads. Lileikis died without a verdict ever being reached in his ongoing trial before a Lithuanian court for his wartime actions. The judge presiding over the case had allowed postponement of the trial, ostensibly due to Lileikis's poor health, but many Jewish critics saw the court's failure to move the case forward as emblematic of the lack of political will among Lithuanian authorities to bring war criminals to justice (see below, p. 441).

RICHARD T. FOLTIN