

# JAC NewsBreak

VITAL NEWS & RESEARCH INFORMATION FOR JAC LEADERSHIP CIRCLE

April 20, 2007

## On my mind this month...



Jackie Abelman Cohen

Following the election of President Reagan to a second term in 1984, Rabbi David Saperstein, Executive Director of the Religious Action Committee, addressed a session at the UJA General Assembly. He spoke about the potential for dramatic changes in social policy should any of the Supreme Court justices retire or die during Reagan's term. He asked us to lift our glasses and make a toast to the sitting court. While the court has shifted, Reagan's appointees, O'Connor and Kennedy and George H.W. Bush's appointment of Souter did not "send us back to the dark ages", but every presidential election since has used the justice appointment potential as a platform by both the left and the right. The message resonated with voters, but was never the issue that rose to the top when voters were polled. Even with the recent appointments of Roberts and Alito, the general thinking (or hope) was that Justice Kennedy would become the swing vote on the progressive side. Last week's 5-4 decision upholding the ban on late term abortion should sound the alarm that 2008 could bring a halt to social and economic justice if the next president is beholden to the conservative right wing or the Senate is unable to sustain a filibuster. We paved the way for generations to grow up with opportunities and freedoms that did not exist for us. We have worked too hard and too long to see our progress evaporate.

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## Israel

On April 15, Israeli Prime Minister Ehud Olmert and Palestinian President Mahmoud Abbas met to launch the first in a series of meetings arranged by U.S. Secretary of State Condoleezza Rice. Driven by the U.S. and under U.S. auspices, Israeli and Palestinian leaders have agreed to meet every two weeks to "ensure incremental progress on day-to-day issues and build trust between the parties." Discussions will cover issues such as removing checkpoints in the West Bank, expanding operations at Gaza border crossings and training Palestinian security forces. "It is something that's being done and being done jointly," said Miri Eisen, a spokeswoman for Prime Minister Olmert. It is six years since Israel and the Palestinians last conducted final status negotiations. Neither Olmert nor Abbas appears to be in a position to make moves towards a final peace deal at this time. Olmert's approval rating is in single digits and Abbas's Fatah faction shares power with Hamas. "Both sides need help understanding and putting together benchmarks... We're helping facilitate that," one U.S. official said. "These aren't final-status issues at all. These are small steps that each side is doing to build confidence." Benchmarks will be sent to the State Department to keep Secretary Rice informed between her scheduled frequent visits to the region. (*Reuters* 4/17/07)

The U.S. will provide approximately \$59 million in aid "to provide training vehicles and other non-lethal support for security forces loyal to Mahmoud Abbas." The State Department said that strict controls would be placed on the aid to guarantee it goes only to security forces that "fall under the direct command and control of President Abbas... None of this assistance will benefit Hamas or other terrorist organizations." The initial request to Congress from the Administration came in January and was for \$86 million. It was held up by the Foreign Operations subcommittee of the Appropriations Committee, chaired by Rep. Nita Lowey (D-NY). The request was lowered to \$59 million after Abbas agreed

Israel, continued on reverse side

## United States

### CHOICE

On Wednesday, April 18, the U.S. Supreme Court, in a narrow 5-4 decision, upheld the "Partial Birth" Abortion Ban. This is the first ever federal ban on abortion. The ban was passed by Congress and signed into law by President Bush in 2003. Pro-choice groups challenged the law in three federal courts and won each case at each level. Until yesterday, every federal court that looked at this ban found it unconstitutional. No exception will be made if a woman's health is in danger or if a doctor decides that a banned procedure is safest for her health. The only exception is to save the woman's life. The majority opinion was written by Justice Anthony Kennedy who was joined by Bush appointees Chief Justice John Roberts, Jr., and Justice Samuel Alito, Jr., along with Justices Antonin Scalia and Clarence Thomas. The law goes into effect imminently, probably within two to three weeks. It carries a two-year criminal penalty for doctors who violate the law. Justice Ruth Bader Ginsburg, in her dissent, wrote "the majority opinion cannot be understood as anything other than an effort to chip away at a right declared again and again by this court. Instead, the court deprives women of the right to make an autonomous choice... This way of thinking reflects ancient notions about women's place in the family and under the Constitution--ideas that have long since been discredited." Ginsburg was joined by Justices Stephen Breyer, David Souter and John Paul Stevens. Anti-choice activists consider the Court's decision a major victory and Roberta Combs, president of the Christian Coalition, predicted, "It is just a matter of time before the infamous *Roe v. Wade*... will also be struck down by the court." (*Washington Post* 4/19/07)

### ACTION ALERT

Call your Senators and Representative and ask them to protect a woman's right to choose by co-sponsoring the Freedom of Choice Act, legislation that would codify *Roe v. Wade*. Capitol switchboard: 202-224-3121

## SEPARATION OF RELIGION AND STATE

Last month, the U.S. Supreme Court heard arguments in the case *Hein v. Freedom from Religion Foundation*, in which taxpayers seek the right to challenge the White House's promotion of the Bush administration's "faith based" initiative. Solicitor General Paul D. Clement argued for the U.S. government that taxpayers should not have the right to sue if the Bush administration begins building churches with public funds. Chief Justice John Roberts asserted that taxpayers would still have the right to sue over a government church-building program because it would be a form of religion discrimination. It is unclear if there are four other judges who agree with Roberts. Justice Anthony

Kennedy expressed the view that allowing lawsuits against the executive branch could tie the administration's hands and force officials to spend too much time in court. Justice Antonin Scalia "mocked the idea that people should be able to sue simply because they are offended by a government action. Justice Samuel Alito, Jr. seemed favorable as well. In general, taxpayers do not have the right to sue over government spending with which they disagree. However, in *Flast v. Cohen*, in 1968, the Court made an exception for cases dealing with the "establishment of religion" and reasoned that such lawsuits should be permissible. (*Church and State*, April 2007)

## RIGHT WING WATCH

Regent University School of Law, founded in 1986, by televangelist Pat Robertson, "to provide Christian leadership to change the world," boasts that it has 150 graduates working in the Bush administration. It was initially called "CBN University School of Law" after Robertson's Christian Broadcasting Network. CBN's studios share the campus and provide much of the funding for the law school. Mr. Robertson is chancellor and president of Regent University. In 2001, the Bush administration selected Kay Coles James, the dean of Regent's government school, as director of the Office of Personnel Management, essentially the head of human resources for the executive branch. Many of Regent's graduates joined the Department of Justice, including the most well known of its law school's graduates, Monica Goodling, the former aide to Attorney General Alberto Gonzales. Goodling has declared that "she will take the Fifth rather than testify to Congress" on the matter of the fired U.S. attorneys. Two other graduates

are George Deutsch, the presidential appointee at NASA, who told a Web site designer to add the word "theory" after every mention of the Big Bang, to leave open the possibility of "intelligent design by a creator," and, Rachel Paulose, the U.S. attorney in Minnesota. Three of Paulose's deputies recently stepped down, said a local news report, in protest over her management style - the habit of quoting Bible verses in the office. Graduates of Regent University are not just people of faith. They are people encouraged to join government with a religious agenda. Jeffrey Brauch, dean of the law school, said in a recent interview that "they are training students to understand "what the law is today and also to understand how legal rules should be changed to better reflect eternal principles of justice, from divorce laws to abortion rights. We anticipate that many of our graduates are going to go and be change agents in society." (*Boston Globe* 4/8/07)

## GUN VIOLENCE

The tragedy this week at Virginia Tech has brought the issue of gun violence back to the front pages of our newspapers. Opponents of gun control continue to argue that killers can be stopped if their adversaries have the means to fight back. Gun control advocates argue that it is way too easy to obtain guns, that background checks often miss important information and that manufacturers and gun show operators are not held accountable. Rep. Carolyn McCarthy (D-NY), whose husband was among six people killed by a gunman who opened fire on a Long Island Rail Road train in 1993, expressed her sympathy for the victims at Virginia Tech and added, "the unfortunate situation in Virginia could have been avoided if congressional leaders stood up to the

gun lobby." Ladd Everitt, communications director of the Coalition to Stop Gun Violence, said it was uncertain that the Blacksburg deaths would lead to serious consideration of new gun controls. Five Amish girls were killed at a one room school house in Pennsylvania in October but the incident was not on the agenda when the White House held a conference on school safety.

The JAC Education Foundation Voter Guide lists votes on gun issues, including measures to increase background checks for sales at gun shows and restrictions on manufacturers.

## Israel, continued

to join a power-sharing government with Hamas. Lowey made the following statement after lifting her objections to the aid request: "Although I remain troubled that the unity government is unwilling to be a partner for peace with Israel, I am persuaded by Secretary Rice and the government of Israel that United States security assistance is necessary to prevent the collapse of any chance for a peace agreement." (AFP 4/10/07)

House Foreign Affairs Committee Chairman Ton Lantos (D-CA) and Ranking Member Ileana Ros-Lehtinen (R-FL) have introduced the Iran Counter-Proliferation Act of 2007 which closes loopholes in existing sanctions law and strengthens the U.S. ability to cut off funds to Iran's nu-

clear program. It also calls for Iranian President Mahmoud Ahmadinejad to be brought before the International Court of Justice for violating the Genocide Convention through his repeated calls for the destruction of Israel. Similar legislation, sponsored by Sen. Gordon Smith (R-OR) was introduced in the Senate.

### FYI

There is a new drive to pass the Equal Right Amendment which came three states short of enactment in 1982. Since the beginning of 2007, the amendment has been introduced in five state legislatures and was reintroduced in the House and Senate as the Women's Equality Amendment.