Review of the Year

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As this was a presidential election year, that contest became the prism through which the concerns of the day were focused. The election turned not only on vital issues of national security and foreign policy, but also on the uncertain state of the economy and the social and lifestyle values that divided American society. A measure of how critical these issues were to the American public was the record turnout at the polls: voter participation in 2004 was the highest of any presidential election since 1960. For the Jewish community in particular, this played out in a public drama, as the nation’s political parties sought the right mix of messages that might appeal to a Jewish electorate that, though small, was more likely to vote and contribute money than other groups, and that was concentrated in a handful of closely contested states with many electoral votes.

The Political Arena

Seeking the Jewish Vote

The arrival of another presidential election year was accompanied by what was by now familiar speculation about a possible shift of the Jewish vote away from its historically Democratic bent. In January, even before the first primary, partisans and analysts were afforded grist for this mill when the American Jewish Committee released its annual survey of the attitudes of American Jews. In a series of theoretical matchups pitting incumbent President George W. Bush against five Democratic contenders for the nomination, the 1,000 Jews who had been polled in late 2003 remained strongly Democratic overall. Even so, the president’s percentages were higher than his 19-percent share of the Jewish vote in 2000. Bush garnered 31 percent against Sen. John Kerry of Massachusetts, for-
mer Vermont governor Howard Dean, and Rep. Richard Gephardt of Missouri, 29 percent when pitted against retired general Wesley Clark, and 24 percent against Sen. Joseph Lieberman of Connecticut. Republicans took comfort in the overall rise in Jewish support so early in the campaign, but Steve Rabinowitz, a Democratic political consultant, told the Jewish Telegraphic Agency that “all this poll does is reinforce that Jews vote Democratic.”

Both the Democratic primary cycle and, subsequently, the Bush-Kerry general election witnessed extraordinary efforts to appeal to a Jewish community that made up some 2 percent of the American population. This outreach reflected the fact that Jews voted in disproportionately high numbers, they tended to live in such 2004 battleground states as Florida, Pennsylvania, Ohio, and Michigan—in addition to their outsized presence in the high-electoral-vote states of New York, New Jersey, California, and Illinois—and they donated money to both political parties far in excess of their numbers.

Former Vermont governor Howard Dean, still battling the perception that he was less than firm in his commitment to Israel (see AJYB 2004, pp. 39–40), took steps to underline his personal connections to the Jewish community (including a Jewish wife and children who were being raised as Jews) and his pro-Israel bona fides. As the year began, Leon Fuerth was named Dean’s chief foreign-policy adviser; Fuerth, who had served as national-security adviser to Al Gore both as senator and as vice president, was highly regarded by the pro-Israel community, and Jewish leaders hailed the appointment. Nevertheless, Dean never managed to convince Jews that he identified emotionally with their concerns, just as he could not get the majority of Democrats to believe that he had broad enough appeal to win the general election.

Neither did Jewish Democrats move in great numbers toward support for their coreligionist, Sen. Joseph Lieberman (D., Conn.), who sought to build on his 2000 star turn as Al Gore’s running mate. On the night of February 3, having failed to garner victory in a single state—even coming in a distant second to Kerry in the Delaware primary, which Lieberman had designated a “must win”—the senator bowed out of the race. His supporters, particularly those who were Jewish, speculated as to why so many Jewish Democrats had looked elsewhere. Some suggested that the community was simply not yet comfortable with one of its own aspiring to the presidency. Others pointed to Lieberman’s “centrist” stance on a number of issues, which might have made him marketable in the general election but did not play well with Democratic primary voters, in-
cluding the Jews among them, who tended to be more ideologically liberal. This analysis seemed particularly cogent in a year marked by considerable anger among many Democrats at the administration’s Iraq policy, which Sen. Lieberman had generally supported.

As the primary season progressed, Sen. Kerry built momentum with party voters, including, to all appearances, Jewish Democrats, as he came to be seen as the candidate best suited to take on President Bush. Once the nomination was clinched and continuing thereafter, the Kerry campaign took steps to convince the Jewish community that he was a reliable friend of the State of Israel.

In the general election campaign, both Democrats and Republicans employed Jewish outreach advisors and deployed armies of prominent Jewish surrogates for their respective candidates. Each side could boast an unusual Jewish surrogate: Sen. Kerry’s brother, Cameron Kerry, a convert to Judaism, for the Democrats, and former New York mayor Ed Koch, a Democrat who backed Bush. The two parties also distributed specialized Jewish-issues briefing papers and pamphlets (including a White House document showcasing the president’s meetings with, and messages of support from, Jewish leaders); organized myriad fund-raising events targeting Jewish givers; and slammed each other with paid advertising in Jewish community newspapers (and, at least in parts of Florida, with ads directed at Jewish readers of general-circulation papers).

Notwithstanding a Senate voting record of unblemished support for Israel, Kerry was targeted by negative messages from the Bush campaign and the president’s supporters aimed at Jewish audiences, including one that depicted the senator as a supporter of Yasir Arafat and of former Malaysian prime minister Mahathir Mohamad, notorious for claiming that “Jews rule the world by proxy.” For his part, Kerry sought to appeal to Jewish audiences by charging President Bush with coddling Saudi Arabia—an echo of Michael Moore’s film Fahrenheit 911—and failing to address the Iranian nuclear threat. Aware of Jews’ generally liberal outlook, Kerry and his aides also stressed the prospect of erosion of the church-state barrier, the likelihood that the next chief executive would have the opportunity to fill Supreme Court vacancies, and other possible domestic consequences of a second Bush term.

On the sidelines of the Democratic and Republican national conventions, held during the summer, the nonpartisan American Jewish Committee (AJC), Anti-Defamation League (ADL), and American Israel Public Affairs Committee (AIPAC) conducted receptions, as well as sessions on selected topics for the benefit of campaign officials, candidate
surrogates, and delegates. AJC also held events at each convention focusing on the relationship of the pertinent political party—and of the Jewish community—with selected non-Jewish ethnic constituencies. Each convention was also marked by a gala opening day reception hosted by United Jewish Communities (UJC), AIPAC, and the local Jewish community relations council. The National Jewish Democratic Council and the Republican Jewish Coalition also held receptions at the convention with which each was, respectively, affiliated. The attention that these "Jewish" events received underlined once again how important this small constituency loomed in the eyes of party leaders and activists.

Just as the Republican national convention was about to begin, word broke that that officials at AIPAC were under criminal investigation arising out of allegations that they had passed on classified Pentagon documents to Israel (see below, p. 171). The matter remained a brooding presence throughout the convention. To be sure, AIPAC's events were well attended, with public officials affirming their support both for the organization and for Israel, but there was no end of discussion and conjecture as to the meaning and implications of this developing story.

Election Day 2004

When the smoke cleared after the election, President Bush had won a second term, with 286 electoral votes to Senator Kerry's 252 (in the certified count, Kerry garnered only 251 because a "faithless elector" cast his vote for John Edwards). Critically important for a president who had first reached the Oval Office with a minority of the popular vote, Bush's Electoral College victory was accompanied by a modest but convincing popular-vote majority of about 3.5 million, 51 percent as compared to 48 percent for Kerry. Thus Bush became the first president to receive an absolute majority of the popular vote since his father's election in 1988.

As anticipated, the Jewish vote tilted heavily to the Democratic side. But the majority was not as lopsided as four years earlier, and there were enough interesting nuances in the details to give Republican partisans some hope for the future. In 2000, Bush had gotten 19 percent of the Jewish vote. According to a *Washington Post* exit poll, he won 22 percent in 2004, while CNN set the figure at 24 percent. In Florida, CNN reported 20 percent of Jews voting for Bush, less than the national norm but a significant uptick from 2000, when he received only 12.1 percent.

Frank Luntz, a Republican strategist with experience in analyzing Jew-
ish voting behavior, said that both CNN and the Washington Post had understated the Jewish Bush vote; in his sampling of Jewish voters in Ohio and Florida, Luntz found 25 percent going for Bush. Moreover, Luntz broke down the Jewish figures into subcategories. Following trends prevalent among non-Jews, 40 percent of Jews who attended synagogue weekly voted for the president. The more traditionally observant a Jewish voter was, the more likely he or she was to vote for Bush; more than two-thirds (69 percent) of Orthodox Jewish voters, according to Luntz, voted for the president, as compared to 23 percent of Conservative and 15 percent of Reform Jews. Going against general trends, however, young Jews, particularly young Jewish men, were more likely to vote for President Bush than the Jewish population as a whole. In contrast, exit polls of the general population found young voters more likely to support Kerry.

But Luntz’s analysis was not widely shared outside Republican circles. The day after the election, the Los Angeles Jewish Journal ran a story captioned “GOP Could Not Improve on Their Poor Showing in 2000.” Pointing to the president’s reported 24 percent share of the national Jewish vote, the article noted that this “was only 5 points above his weak 2000 showing, and came after an extensive and expensive campaign by Jewish Republican groups and a big pro-Bush turnout by the Orthodox community, which strongly approved of the President’s Mideast policies.”

Not surprisingly, the Democratic-affiliated National Jewish Democratic Council agreed, terming Bush’s increased Jewish vote “a margin with no statistically significant difference from [his] historically small Jewish vote in 2000.” It also asserted that Kerry’s showing “dramatically exceed[ed] the average Jewish Democratic vote” in the 1970s and 1980s, when, NJDC asserted, the Republican percentage had been 34.6 percent. NJDC executive director Ira Forman commented, “The GOP used every scare tactic, every bit of fear mongering that they could throw at John Kerry in the Jewish community. But they failed miserably.”

President Bush’s victory was enhanced by increased Republican majorities in both houses of Congress, vanquishing Democratic hopes of a change of control at least in the Senate. Republicans gained four Senate seats, so that their previous majority of 51-48-1 now stood a 55-44-1 (the one independent, former Republican Jim Jeffords of Vermont, generally voted with the Democrats). On the House side, Republicans netted three additional seats.

The 2004 election did not bring any alteration in the number of Jewish members of Congress: the 109th Congress, like the 108th, would in-
clude 26 Jewish representatives and 11 Jewish senators. But while the numbers did not change, some of the cast of characters did, as two long-time Jewish representatives left the scene, and two newcomers entered.

Six-term Rep. Peter Deutsch (D., Fla.) vacated his seat at year's end, a consequence of his decision to seek his party's nomination for an open Senate seat, a bid that proved unsuccessful (see below). Also departing was Rep. Martin Frost (D., Tex.), the second-longest-serving Jewish Democrat in the House (13 terms) and a former member of the Democratic leadership. Frost was one of several Texas congressmen facing district lines redrawn to favor Republican candidates, the result of an unusual mid-decade redistricting developed by House Majority Leader Tom DeLay of Texas and carried out by the state legislature. The plan worked, leading to Frost's defeat in a hard-fought race against fellow incumbent Pete Sessions, a conservative Republican (as well as the defeat of three other incumbent Texas Democrats).

All other incumbent Jewish representatives were handily reelected, as were incumbent Jewish senators Barbara Boxer (D., Calif.), Russ Feingold (D., Wis.), Charles Schumer (D., N.Y.), Arlen Specter (R., Pa.), and Ron Wyden (D., Oreg.). The reelected Jewish representatives were Gary Ackerman (D., N.Y.), Shelley Berkley (D., Nev.), Howard Berman (D., Calif.), Eric Cantor (R., Va.), Benjamin Cardin (D., Md.), Susan Davis (D., Calif.), Rahm Emanuel (D., Ill.), Eliot Engel (D., N.Y.), Bob Filner (D., Calif.), Barney Frank (D., Mass.), Jane Harman (D., Calif.), Steve Israel (D., N.Y.), Tom Lantos (D., Calif.), Sander Levin (D., Mich.), Nita Lowey (D., N.Y.), Jerrold Nadler (D., N.Y.), Steven Rothman (D., N.J.), Bernard Sanders (I., Vt.), Jan Schakowsky (D., Ill.), Adam Schiff (D., Calif.), Brad Sherman (D., Calif.), Henry Waxman (D., Calif.), Anthony Weiner (D., N.Y.), and Robert Wexler (D., Fla.). Incumbent Jewish senators not up for reelection were Norman Coleman (R., Minn.), Dianne Feinstein (D., Calif.), Herbert Kohl (D., Wis.), Frank Lautenberg (D., N.J.), Carl Levin (D., Mich.), and Joseph Lieberman (D., Conn.).

The two new Jewish representatives, both female state legislators, were well known to, and active in, their respective Jewish communities. Florida state senator Debbie Wasserman Schultz took the House seat vacated by Deutsch. Promising to focus on homeland security, Israel, and human services, Wasserman Schultz told the Jewish Telegraphic Agency that she reflected her heavily Jewish and politically liberal Fort Lauderdale-area district. Her Jewish affiliations included membership on the regional board of the American Jewish Congress and a role in the founding of the
National Jewish Democratic Council. Pennsylvania state senator Allyson Schwartz took the Philadelphia-area seat vacated by Democratic representative Joseph Hoeffel, who gave it up to wage an unsuccessful effort against Senator Specter. Schwartz too came to Congress with long-standing ties to the Jewish community and strongly held views on homeland security and social justice.

Other Jewish Democratic candidates who sought freshman seats in the House were not as successful. Jan Schneider failed in her second run against Florida Republican representative (and former Florida secretary of state) Katherine Harris, as did Paul Hodes in his effort to unseat Republican New Hampshire congressman Charles Bass, and Iraq War veteran David Ashe in his bid to assume the Virginia seat formerly held by Republican Ed Schrock. On the Senate side, former U.S. representative Eric Fingerhut failed to unseat Sen. George Voinovich (R., Ohio); Voinovich had long been a leader in the battle against global anti-Semitism in his role as cochair of the Helsinki Commission.

There were a number of other interesting Senate races. Rep. Jim DeMint, a Republican, defeated Democrat Inez Tenenbaum, whose Jewish husband was a pro-Israel activist and a member of the AIPAC board, in the election to determine who would take the South Carolina seat vacated by Democrat Fritz Hollings. DeMint was expected to be a supporter of Israel, as would have been expected of Tenenbaum, but his views on a number of domestic issues were at odds with those of much of the organized Jewish community.

After a long night of vote-counting, former University of South Florida president Betty Castor, a Jewish Democrat, conceded to former HUD secretary Mel Martinez in the contest to determine who would occupy the Florida Senate seat vacated by Democrat Bob Graham. Earlier, Castor had defeated Rep. Peter Deutsch in the Democratic primary, but only after Deutsch focused attention on Castor's alleged failure to take vigorous action when, during her tenure as university president, it was discovered that USF professor Sami al-Arian was linked to the Palestinian terrorist organization Islamic Jihad. Martinez then used that issue against Castor in the general election. The victorious Martinez became the first Cuban-American to serve in the Senate.

Arlen Specter’s convincing win over Hoeffel in Pennsylvania followed a much closer call in the Republican primary, where he prevailed over a challenge from the right by Rep. Pat Toomey, thanks in part to the support of President Bush and Pennsylvania’s far more conservative junior
senator, Rick Santorum. Specter, a relative liberal, emphasized his conservative credentials in the primary to win over the party's base, and then moved to the political center in the contest against Hoeffel.

Several races in which there was no Jewish candidate were watched closely by Jewish leaders. Rep. Brad Carson, a Democrat, went down to defeat against former Republican congressman Tom Coburn in the context for an open Senate seat in Oklahoma. Coburn, an obstetrician who had kept a pledge to limit himself to three terms in the House, and retired in 2000, was known as a strongly ideological conservative. His positions on social issues, joined with antipathy to federal spending even when it benefited Oklahoma, raised concern that he might oppose foreign aid for Israel. But statements made by Coburn in the course of the campaign suggested an understanding of the importance for the U.S. of such aid. In a profound disappointment for many in the Jewish community, Senate minority leader Tom Daschle (D., S.D.), a strong supporter of Israel and a liberal on domestic issues, was unseated by former representative John Thune, a Republican, and thus became the first Senate leader since 1952 to be defeated for reelection. Thune was expected to be a strong ally of Israel. Another friend of Israel, Lisa Murkowski (R., Alaska), won a full Senate term, surviving a challenge that had gained momentum over her appointment by Alaska governor Frank Murkowski—her father—to the seat he vacated two years earlier.

Also on the Senate side, Democrats acceded to open seats in two closely watched races. In Colorado, state attorney general Ken Salazar, a Democrat viewed as strongly pro-Israel, won the seat vacated by Ben Nighthorse Campbell. In Illinois, in what was practically a coronation following his star turn at the Democratic national convention, Democratic state senator Barack Obama was elected to the Senate with more than 70 percent of the vote. While serving in the Illinois legislature, Obama promoted black-Jewish relations and a constructive U.S. role in the Israeli-Palestinian conflict.

Two new Republican senators—Johnny Isakson of Georgia and Richard Burr of North Carolina—were regarded as having good records on Israel. That could not be said of Cynthia McKinney (D., Ga.), a former representative who was elected overwhelmingly to her old seat after a two-year absence. During her previous tenure, McKinney became known for strongly anti-Israel views as well as for conspiracy theories that, among other things, imputed foreknowledge of the 9/11 terrorist attacks to the Bush administration. During the campaign, House minority whip Steny Hoyer (D., Md.) distanced himself and his party from
McKinney, saying, “I don’t know whether she has modified her views, but they are not shared by anybody I know in the Democratic caucus today.”

Post-Election Implications

There was some speculation following the election that a second-term President Bush, with the benefit of a strengthened Republican majority in Congress, might seek to enhance his legacy through a more conciliatory approach to the minority Democrats. Although, in a post-election news conference, he sounded a bipartisan note, there was, however, no reason to believe that his earnest commitment to his domestic agenda had diminished, or to doubt the determination of social conservatives to seek their political due. Moreover, the 2004 election had witnessed the departure of moderate voices from Washington and the advent of several new very conservative Republican senators (Coburn, DeMint, Thune, and David Vitter of Louisiana).

The most likely scenario, as of the end of 2004, was that the 109th Congress would provide heightened challenges to the organized Jewish community’s domestic agenda. Indeed, while Senate rules requiring 60 votes to end a filibuster mean that a united Democratic minority could stop action if it determined to do so, in the new Senate, the Republican majority would need to pick off only five Democrats to stop a filibuster. It was thus much more likely that measures opposed by much of the organized Jewish community would become law.

Shortly before the election, it was reported that Chief Justice William Rehnquist was undergoing treatment for thyroid cancer. The news underlined the profound implications for domestic policy of the president’s power to nominate federal judges, most particularly, justices of the Supreme Court. With a second term before him, it was likely that President Bush would eventually appoint to the bench a large number of federal trial and appellate jurists, including one or more Supreme Court justices, with far-reaching impact in a host of areas, such as church-state relations, reproductive rights, the authority of Congress to enact civil rights legislation, and much more. And with their reduced strength in the Senate, the Democrats would probably become more selective as to which nominees they would go to the mat to oppose.

Soon after his reelection in November, Sen. Specter, slated to chair the Senate Judiciary Committee, suggested that President Bush reach out to Democrats in considering whom to nominate for the Supreme Court. But countervailing pressures from social conservatives quickly entered the
equation, as groups from the right, dismayed by Specter’s comments, pressed the Senate leadership to pass over Specter and name someone else to head the Judiciary Committee. At year’s end, it seemed likely, but not certain, that the new Congress would elect Specter to the chairmanship, but only after he had given assurances that he would seek to move judicial nominees to the Senate floor for an up-or-down vote.

The election results seemed barely in before a round of cabinet-level resignations and new appointments began. First to go was Attorney General John Ashcroft, who had drawn criticism from varied sectors of the Jewish community (and, from some quarters, praise) for his views on church-state separation and his drafting and implementation of the USA-Patriot Act and other counterterrorism measures. In contrast to the staunchly conservative Ashcroft, his designated successor—White House counsel and former Texas Supreme Court justice Alberto Gonzales—was greeted even by Jewish groups at odds with much of the administration’s domestic agenda as likely to bring to the table a more moderate and less ideological perspective. To be sure, it was understood that, whatever his personal predilections, he would be carrying out the president’s agenda.

Gonzales, though, was not a man free of controversy. He had helped craft a Justice Department memo in 2002 arguing that laws prohibiting torture did not apply to the detention and interrogation of “enemy combatants”—a memo that, many contended, led directly to the abuses at Abu Ghraib prison in Baghdad. On the other hand, his personal history as the son of Mexican migrant workers who rose from poverty and the fact that he would be the first Latino to serve as attorney general appealed to the Jewish community as well as to other minority groups.

Within a few days of Ashcroft’s resignation, Secretary of State Colin Powell announced his own imminent departure, eliciting generally positive grades from the Jewish community for his role as America’s face to the world. Nevertheless, Powell’s approach to Israel-related issues flowed from an inclination to look to State Department career officers for guidance, leading to a more evenhanded stance between Israelis and Palestinians than many Jewish advocates thought appropriate, given the Palestinian role in commencing and waging a war of terror. Similarly, Powell felt comfortable operating within an internationalist framework, and therefore sought to cooperate with the UN, EU, and other nations more than much of the pro-Israel community preferred. In an administration with strong pro-Israel leanings that did not feel impelled to work on a multilateral basis, Middle East policy came to be driven more by the White House than by Foggy Bottom. For Jews, Powell’s shining moment
was his refusal to attend the UN World Conference Against Racism, held in Durban in 2001, when it became a forum for fervently anti-Israel and even anti-Semitic rhetoric.

The appointment of National Security Adviser Condoleezza Rice as secretary of state, with her deputy, Stephen Hadley, moving up to fill her vacated position, suggested that the State Department would fall more in line with the White House approach to the Middle East. Rice, who had developed good relations with both the American Jewish leadership and the government of Israel during the president's first term, had been the main figure in dealing with the Israeli-Palestinian conflict on a day-to-day basis. The Jewish Telegraphic Agency characterized her as the one "who backpedaled on criticisms of Israel issued by Powell's State Department," and it was Hadley who was credited with a key role in drafting the well-received April 14 letter recognizing that a final resolution of the conflict could not include a Palestinian "right of return" to Israel proper, and that final boundaries would have to reckon with post-1967 realities (see below, p. 215).

THE POLICY ARENA

Terrorism

Within the Jewish community, as within American society generally, debate continued as to whether the federal government had encroached too far on civil liberties in the battle against terrorism. Although much of the concern turned on administration actions that had nothing to do with the USA-Patriot Act, enacted by Congress in the wake of 9/11, that legislation was often invoked by civil libertarians as the poster child for all that was wrong with how the war on terrorism was being waged. To be sure, a number of specific provisions of the USA-Patriot Act continued to draw critics' attention, while the administration, for its part, insisted that national security required maintaining the law in its totality, that provisions scheduled to expire ("sunset") at the end of 2005 be made permanent, and that additional authority be granted to law-enforcement and security personnel.

One proposed set of amendments, the Security and Freedom Ensured ("SAFE") Act, introduced in both houses of Congress in 2003, drew relatively wide interest and support through 2004, possibly because it was seen as a moderate response to the concerns raised by the 2001 legisla-
tion. The SAFE Act would address civil liberties concerns by implementing additional safeguards on the use of roving wiretaps and "sneak and peek" search warrants allowed by the USA-Patriot Act. Additionally, the proposed legislation would require the FBI to provide additional background information when seeking to obtain library or other personal records about individuals, and would modify standards for the issuance of national security letters. The SAFE Act also subjected to expiration additional provisions of the USA-Patriot Act not already set to "sunset," absent new congressional action, at the end of 2005.

By the end of the 108th Congress, the House bill had a bipartisan roster of 71 cosponsors, and the Senate bill, sponsored by Sen. Lisa Murkowski (R., Alaska), had one cosponsor, Sen. Ron Wyden (D., Oreg.), but no action had been taken in either house. The American Jewish Committee endorsed the SAFE Act, describing the measure as an appropriate balancing of the need for heightened security and enforcement capabilities with respect for fundamental privacy protections.

On October 18, 2004, President Bush signed into law the Homeland Security appropriations bill (H.R.4567), which included, among much else, $25 million in funding, to be disbursed by the Department of Homeland Security (DHS) for states to assist nonprofit organizations at high risk from terrorist threats. By year's end, state officials had begun distributing the money to high-risk nonprofits—including synagogues, day schools, and other Jewish organizations—for security enhancements such as concrete barriers and "hardening" of window and doors, as well as for technical assistance to assess needs, develop plans, and train personnel. The funding represented an advance on the High-Risk Nonprofit Security Enhancement Act, a proposed package introduced in April with bipartisan support in both houses by Sen. Barbara Mikulski (D., Md.) and Rep. George Nethercutt (R., Wash.). A House cosponsor, Rep. Jerrold Nadler (D., N.Y.), succeeded in having the initiative passed by the House Judiciary Committee as an amendment to another bill in June, and the Senate Governmental Affairs Committee passed its companion measure in July, but neither version moved any further.

Both bills, in fact, had been conceptualized by the United Jewish Communities (UJC) in response to the perceived ongoing terrorist threat to Jewish and other nonprofit institutions. UJC then played a leading role in bringing together a broad coalition of eleemosynary organizations to urge passage.

As introduced, the Mikulski-Nethercutt initiative—reflecting the drafters' desire to bring on board members of Congress and organiza-
tions concerned about possible church-state problems—provided that the subsidized security enhancements could only address risks associated with terrorism and not any others, and could only be put in place through contracts between the state government and independent contractors, with no funds flowing directly from the government to the religious institutions. The bill also prescribed that the organizations to be aided by these enhancements would be determined based on an objective assessment of level of risk.

When Mikulski-Nethercutt failed to move toward passage, the coalition worked with Sen. Mikulski, Majority Leader Bill Frist (R., Tenn.), Minority Leader Tom Daschle (D., S.D.), House chief deputy whip Eric Cantor (R., Va.), and Senators Arlen Specter (R., Pa.) and Thad Cochran (R., Miss.) to include at least a portion of the contemplated funds in the Homeland Security appropriations bill. But that bill, as enacted, did not include the provisos explicitly limiting use of the funds and prescribing the structure within which they were to be disbursed.

It became evident in the course of the year that despite the efforts to draft a measure acceptable to both sides of the church-state policy divide, the organized Jewish community was split on the advisability of the initiative even with the original safeguards against direct government aid to religious institutions. Unsurprisingly, Mikulski-Nethercutt garnered support from the Union of Orthodox Jewish Congregations (OU) and Agudath Israel of America, since they did not share the "strict separation" perspective of their sister Jewish organizations; indeed, the OU made no secret that it would have preferred a bill providing straight funding from government to the religious organizations. The United Synagogue of Conservative Judaism, the American Jewish Congress, and the American Jewish Committee also came out in support of the initiative as addressing a palpable security threat to Jewish and other nonprofit institutions; AJCommittee legislative director and counsel Richard Foltin asserted that the contemplated church-state safeguards adequately met First Amendment concerns when viewed "in the context of the severe threat to life and limb posed by the threat of terrorism."

The ADL and the Religious Action Center (RAC) of Reform Judaism, however, considered Mikulski-Nethercutt deficient in protecting the wall of church-state separation, particularly given a range of practical problems, not the least of which was whether there would ever be adequate funds to address threats to the entire nonprofit community in any meaningful way. Their concerns were echoed by Senators Carl Levin (D., Mich.) and Frank Lautenberg (D., N.J.), and when the bill came before
the Senate Governmental Affairs Committee in July, they proposed an amendment requiring that physical security enhancements might be purchased and installed only to the extent that the property to be improved would not be used for religious instruction or worship, unless and until the security enhancements had no value. Opposing that amendment were Senators Specter and Lieberman, the former asserting that separation of church and state did not mean that government could not protect religious institutions that were “at risk because they are religious institutions.” The amendment failed 10-6, and the committee then approved the bill by a voice vote, but, as noted above, no further congressional action ensued.

Jewish organizations that had favored Mikulski-Nethercutt applauded the inclusion of $25 million for security enhancement purposes in the Homeland Security appropriations law, with the UJC promising to continue to work in the next Congress toward enactment of the High Risk Nonprofit Security Enhancement Act with full funding, as well as to urge DHS to adopt regulations ensuring that the money already allocated “can only be used for protection from terrorist attacks.” AJCommittee stressed the need for a push in the 109th Congress to ensure that all funding conform to the church-state safeguards of Mikulski-Nethercutt. The RAC urged Reform congregations not to apply for or accept the Homeland Security funds, both on church-state grounds and because of the danger to religious autonomy.

As the 108th Congress moved toward adjournment of its lame-duck session, the last piece of business in both houses was the Intelligence Reform and Terrorism Prevention Act (H.R. 10/S.2845), legislation intended to restructure the national intelligence agencies pursuant to recommendations for combating terrorism included in the 9/11 Commission’s final report, issued in July 2004. After months of debate, the House passed the bill by 336-75 on December 7, and the Senate passed it the next day by 89-2. President Bush signed it into law on December 17. Its most controversial aspect was the bill’s creation of the position of national intelligence director, who would oversee and coordinate the nation’s 15 spy agencies and run a newly created National Counterterrorism Center. Following a dispute over this issue that nearly stymied passage, this restructuring was ultimately included in the final bill.

Legislators contended as well over whether the final bill would include changes affecting immigrants and asylum seekers championed by Rep. James Sensenbrenner (R., Wis.), chairman of the House Judiciary Committee. The provisions advanced by Sensenbrenner were termed the
"REAL-ID Act" because they included a section precluding the federal government from accepting a driver's license as identification if issued by a state that allowed such licenses to be issued to illegal immigrants. Another portion of the Sensenbrenner initiative, denominated "Section 101," sought to impose onerous new obstacles on legitimate asylum seekers and refugees from persecution; in particular, it imposed a heightened burden of proof for asylum seekers and provided an expansion of expedited removal procedures, so that low-level immigration officials might turn away asylum seekers without a full and fair opportunity for their claims to be considered. The version of the bill initially passed by the House included the REAL-ID provisions, while the Senate-passed version did not.

In October, 12 Jewish organizations, spearheaded by the Hebrew Immigrant Aid Society (HIAS), wrote to the conferees on the bill urging that the REAL-ID provisions be left out of the final bill because of Section 101. The groups argued that its sweeping measures could expose asylum seekers and refugees to an increased danger of deportation back into the hands of those who sought to harm them; went beyond the 9/11 Commission's recommendations; and not only would not enhance national security, but would be detrimental to it.

The overall bill nearly foundered when Sensenbrenner insisted on the inclusion of his provisions. He only withdrew his objection to the bill moving forward after obtaining assurances that he would be given an opportunity in the next Congress to bring his initiative up for a vote (Jewish groups were expected to continue to oppose it in the next Congress). Although the final legislation did not include the Sensenbrenner's language, it did establish certain minimum standards for state-issued driver licenses, while leaving in place the existing situation whereby states determined issuance criteria, including whether a license may be issued to an undocumented alien.

In another piece of late-session business, on December 8, President Bush signed into law a year-end omnibus-spending package, tucked into which was a provision that took a significant step toward seeking a measure of justice for American citizens murdered by terrorists anywhere in the world. The so-called Koby Mandell Act (H.R.401/S.684) was named for a 13-year-old American murdered by Palestinian terrorists on the West Bank more than three-and-a-half years earlier. It had been introduced in the House by Rep. Robert Andrews (D., N.J.) on January 28, 2003, and in the Senate by Sen. Gordon Smith (R., Oreg.) on March 21 of that year. The bill called for the creation of an Office of Justice for
Victims of Overseas Terrorism within the Justice Department, to assure that perpetrators of violence against Americans were pursued, prosecuted, and punished, whatever their country of origin or place of residence. It arose out of concern that the State Department, which was responsible for apprehending such terrorists, was not taking action against Palestinian perpetrators as energetically as it did against others guilty of such this kind of violence.

The omnibus spending bill did not, in the end, incorporate the Koby Mandell Act completely. Rather, the language was general and non-binding, simply alluding to the Koby Mandell Act as guidance for creation of a new Justice Department office. The Zionist Organization of America, which played a leading role in promoting the measure, pronounced itself satisfied, its president, Morton Klein, asserting, "We are looking forward to this office taking as the central focus of its existence the prosecution of Palestinian Arabs who kill Americans."

Congress also acted on two fronts relating to Israel's troubled relationship with international organizations that acted unfairly toward Israel. In July 2004, following the ruling of the International Court of Justice (ICJ) against Israel's security fence (see below, pp. 228–29), Reps. Mike Pence (R., Ind.), Shelley Berkley (D., Nev.), and Ileana Ros-Lehtinen (R., Fla.) introduced a resolution condemning the issuance of the ruling and urging nations not to take action based upon it. It went on to deplore the UN's manipulation of the ICJ for political purposes, the ICJ's acquiescence, and the attempt to infringe upon Israel's right to self-defense in the face of the Palestinian Authority's failure to stem terrorist attacks against Israelis. The resolution also warned that any action by the international community pursuant to the ICJ judgment could impede efforts to move the peace process forward.

And in November, Rep. Eliot Engel (D., N.Y.) circulated a congressional sign-on letter to Secretary of State Powell expressing shock at comments made by Peter Hansen, Commissioner General of the United Nations Relief and Works Agency (UNRWA), that UNRWA employed members of the terrorist organization Hamas, and that he did not "see that as a crime" (see below, p. 244). The letter also noted that, under Hansen, UNRWA had long been accused of looking the other way or accepting no responsibility when Palestinian terrorists operated in its refugee camps, and of failing to deal with UNRWA schools that used textbooks containing anti-Semitic material.

The congressional letter urged Powell to suspend U.S. funding for UNRWA until all members of Hamas or other terrorist organizations
were off the payroll, pointing out that UN Security Council Resolution 1373(1)(d) prohibited making funds available to anyone directly or indirectly involved in terrorism. And it asked the secretary to use U.S. leverage to seek new UNRWA leadership that would be verifiably committed to countering terrorism and incitement to violence, and would cease working with terrorists. (Historically, the U.S. has contributed about a quarter of UNRWA's annual budget, the largest share by far of any donor nation.)

There were also legal steps taken in the war against terrorism. In July, criminal charges were filed against the Holy Land Foundation for Relief and Development and seven of this tax-exempt charity's officers, alleging that they had conspired to provide material support to the Hamas terrorist organization. The next month, Attorney General Ashcroft announced another indictment, this time under the federal Racketeer Influenced and Corrupt Organizations (RICO) Act, of three men charged with fund-raising on behalf of Hamas. Two of them were arrested on August 19; the third, Mousa Mohammed Abu Marzook, had been deported in 1997 and was located, at the time of the indictment, in Syria.

This was an innovative use of RICO, which had been enacted in 1970 as a tool for prosecuting mob-related activities; reliance on RICO enabled the Justice Department to bring these charges based on actions that preceded the designation of Hamas as a terrorist group in 1995. Muslim organizations, joined by some civil liberties groups, protested such use of RICO and of material support legislation, maintaining that prosecutors' reliance on these statutes criminalized politics and violated First Amendment protections of freedom of association and speech. But Attorney General Ashcroft rejected this criticism, saying, "The United States makes no distinction between those who carry out terrorist attacks and those who knowingly finance, manage or supervise terrorist organizations." Jewish and pro-Israel organizations applauded these steps.

In another move directed at stopping financial support for terror organizations, in early December, a federal civil jury sitting in Chicago issued a $52-million award in favor of David and Joyce Boim, the Israeli-American parents of a young man who had been killed in a 1996 attack in the West Bank. The amount was automatically trebled to $156 million by the judge, pursuant to applicable federal law. The award against the Quranic Literacy Institute, the Islamic Association for Palestine, the Holy Land Foundation, and an individual, Muhammad Salah, followed findings — by the jury with respect to the institute, and by a magistrate with respect to the others — that these defendants had directed funds to
Hamas. The case constituted the first use of provisions of federal antiterrorism legislation enacted in 1996 that allowed victims to go after the assets of organizations and individuals implicated in supporting a terrorist group. Jewish organizations hailed the precedent, echoing the words of the Boim family’s attorney during closing arguments that the defendants and others like them were “the oxygen that keeps the terror support system going.”

Soviet Jewry, Refugees and Immigration

On January 7, 2004, President Bush proposed a new temporary-worker program to match willing foreign workers with willing U.S. employers for jobs that no Americans could or would fill. In addition to new foreign workers, the program would be open to undocumented men and women currently employed in the U.S. Workers participating in the program would receive a three-year work visa, potentially renewable for an undetermined but limited period. Framed only in general terms, the proposal omitted an element of key concern to pro-immigration groups, including Jewish organizations, which had been pressing for comprehensive immigration reform—permanent earned legalization for undocumented immigrants with a demonstrated work history in the U.S. who had been in the country for a substantial time. Some observers viewed the omission as an attempt to forestall opposition from Republican restrictionists, who were sure to claim that any such provision constituted an unacceptable “amnesty”; if that was the purpose, the strategy was unsuccessful, as restrictionists were quick to attack even the modest vision outlined by President Bush as just such an “amnesty.”

Initial reaction to the proposal from pro-immigrant groups was mixed. Some groups were unabashedly critical, while others—including Jewish groups that signed on to a statement spearheaded by HIAS—commended President Bush for putting these issues on the agenda for public debate and also taking a step in the right direction. In the end, the latter approach became the motif for the larger movement. AJCommittee joined with 23 other religious, ethnic, and immigrant advocacy organizations in signing an ad published in the April 21 Roll Call stating, “We agree with President Bush that the immigration system is broken and needs to be fixed . . . We have different views on some aspects of the President’s proposal, but we are united in our call to the leaders of both political parties to come together in a bipartisan fashion to enact balanced comprehensive immigration reform as soon as possible.” Most crucially,
in the view of these groups, it was yet to be seen whether the president and Congress would provide a clear path to citizenship for undocumented aliens who had lived in the country for an extended period of time.

Neither the president's proposal nor any other comprehensive immigration bill became concrete enough for introduction in 2004, but there were more limited measures already on the table intended to provide relief for selected, discrete groups.

On April 9, 2003, Reps. Chris Cannon (R., Utah) and Howard Berman (D., Calif.) introduced H.R.1684, the Student Adjustment Act. The Senate version, the Development, Relief, and Education for Alien Minors Act (DREAM Act), S.1545, was introduced on July 31 of that year by Sen. Orrin G. Hatch (R., Utah). Under this legislation, states would have the flexibility to determine that certain students who were undocumented aliens qualified as "state residents," and were therefore eligible for in-state college tuition rates; earned adjustment to permanent residence would be provided for an estimated 50,000 undocumented children; and the secretary of homeland security would have the authority to cancel the removal and adjustment of status of certain alien students who were long-term U.S. residents. Various Jewish groups endorsed the DREAM Act, maintaining that minors who were brought to this country illegally should not be penalized for decisions made by their parents, and that students who had participated in the American educational system and demonstrated a strong desire to contribute to American society should be able to benefit from this legislation.

On September 23, 2003, Senators Larry Craig (R., Idaho) and Edward Kennedy (D., Mass.), and Reps. Cannon and Berman introduced S.1645/H.R.3142, the Agricultural Jobs, Opportunity, Benefits, and Security Act of 2003 (AGJOBS). Under this legislation, an estimated 500,000 undocumented agricultural workers could earn legal status through their past work in the U.S. and a prospective work requirement. The program would require background checks for security purposes. Applicants would be denied permanent-resident status and be subject to removal if they failed to meet the work requirements, were inadmissible under immigration law, or had been convicted of a felony or at least three misdemeanors. A number of Jewish groups supported this legislation as well, seeing it as a proactive step to protect the civil rights of highly vulnerable workers and place them on a path towards eligibility for legalization and citizenship.

Some of these same Jewish groups continued to make known their opposition to another immigration-related measure, the Clear Law En-
forcement for Criminal Alien (CLEAR) Act (H.R. 2671), introduced by Rep. Charlie Norwood (R., Ga.) on July 9, 2003. The Senate version of the legislation, the Homeland Security Enhancement Act of 2003 (S.1906), was introduced on November 20, 2003. The bill would expand the role of state and local authorities in the enforcement of federal immigration standards, convert some civil immigration violations into criminal violations, and allow the National Crimes Information Center database to be used for the enforcement of immigration violations. The Jewish groups asserted that rather than increasing security, the CLEAR Act would divert resources to the enforcement of immigration law and potentially harm relationships between law-enforcement authorities and community members.

The omnibus spending bill that passed both the House and Senate on November 20, 2004, and that President Bush signed into law on December 8, included an amendment offered by Sen. Arlen Specter (R., Pa.)—an extension of the longstanding “Lautenberg Amendment”—that continued to facilitate entry into the U.S. for Jews and evangelical Christians who were refugees from the former Soviet Union, as well as Iranian refugees who were members of religious minorities, such as Jews, Christians, Ba’hai, Zoroastrians, and Mandeans.

Advocates for refugees continued their ongoing effort to roll back portions of the 1996 welfare law that reduced legal immigrants’ access to a number of public benefit opportunities. Of particular concern was that law’s alteration of the Supplemental Security Income (SSI) program providing a basic monthly income to individuals 65 or older, the disabled, and the blind. Under the 1996 law, refugees entering the country or reaching age 65 after August 22, 1996, would be eligible to receive such benefits only during their first seven years in the country—but numerous factors, often technical or systemic challenges, could well bar refugees from obtaining citizenship before that cut-off point. President Bush’s fiscal year 2005 budget request proposed a one-year extension for deserving refugees who were about to reach the seven-year limit. On March 25, 2004, Representatives Benjamin Cardin (D., Md.), Phil English (R., Pa.), Amo Houghton (R., N.Y.), Nancy Johnson (R., Conn.), and Sander Levin (D., Mich.), introduced the SSI for Elderly and Disabled Refugees Act (H.R.4035), a bill to provide a two-year extension of eligibility. A similar piece of legislation, S.2623, was introduced by Senators Herb Kohl (D., Wis.), Richard Lugar (R., Ind.), and Gordon Smith (R., Oreg.) on July 9.

The president’s budget request for fiscal year 2005, submitted on Feb-
ruary 2, 2004, included $730 million for the Migration and Refugee Assistance (MRA) account, the principal State Department budget account for refugee admissions and overseas assistance. This figure was $25 million lower than the previous year’s appropriation. The proposal also included $20 million for the Emergency Refugee and Migration Assistance (ERMA) account—nearly $10 million less than the prior appropriation. The budget assigned $473 million to the Office of Refugee Resettlement (ORR) to provide for refugees once they arrived in the U.S.—including $399 million for resettlement, $10 million for victims of trafficking, $10 million for victims of torture, and $54 million for unaccompanied alien minors. The final package, approved by Congress, allocated $763.6 million for MRA, including $29.8 million for ERMA and $484.3 for ORR.

As of the close of fiscal year 2004 (September 30), the U.S. had admitted 52,895 refugees, short of the 70,000 target set by the president but a significant increase over the previous two years.

**Foreign Aid and U.S.-Israel Relations**

Congress concluded action on foreign aid funding for fiscal year 2004, which had already begun on October 1, 2003, in early 2004. The final bill appropriated $26.7 for international affairs, $1.8 billion below the administration’s original request, but $1.4 billion above the amount Congress had appropriated for fiscal year 2003—and this in a year of extraordinarily tight budget constraints. The appropriation included $17.4 billion for foreign operations—$1.4 billion less than the president had requested, but $1.3 billion more than Congress had appropriated the previous year. Congress approved the president’s full request for $2.64 billion in aid to Israel—$2.16 billion of it in military aid and $480 million in economic aid.

Earlier, in November 2003, Senators DeWine (R., Ohio), Feinstein (D., Calif.), Smith (R., Oreg.), and Durbin (D., Ill.) had sponsored a letter to President Bush “urging a robust increase in the U.S. International Affairs Budget for FY 2005.” Reps. Houghton (R., N.Y.) and Berman (D., Calif.) put forward a similar letter in the House. The president did ask for an increase, issuing a budget for fiscal year 2005 in January 2004 that called for $31.5 billion for international affairs, including $21.4 billion for foreign operations.

The Senate improved on the president’s bid by budgeting $31.8 billion, whereas the House allocated only $26.9 billion. In April 2004, Senators Lugar (R., Ind.) and Feinstein (D., Calif.) delivered a letter, cosigned by
31 colleagues, to the Senate Appropriations Committee chair and ranking member, calling for "at least the president's request" for the overall international affairs budget. On November 20, both houses approved an omnibus appropriations bill that provided for $29.7 billion in international affairs funding, including $19.7 billion for foreign operations. The bill was awaiting the president's expected signature at the end of 2004.

As the year closed and—following what had become an unfortunate precedent—before the overdue work on fiscal year 2005 (which began on October 1, 2004) had been concluded, Senators DeWine (R., Ohio), Feinstein (D., Calif.), Smith (R., Oreg.), and Durbin (D., Ill.), were circulating a letter to President Bush expressing "strong, bipartisan support for a robust increase in the FY06 International Affairs Budget as an essential investment in America's fight against terrorism and efforts to build global stability through promoting economic prosperity and expressing the compassion of the American people for those in need around the world." Representatives Jim Leach (R., Iowa) and Howard Berman (D., Calif.) circulated a similar letter in the House. Supporters of vigorous funding for foreign affairs, including groups in the Jewish community, urged members of Congress to sign on, with some noting that the report of the bipartisan 9/11 Commission, issued that summer, had strongly endorsed investment in the international affairs budget as vital to protecting America. The two letters to the president, sent December 15, were signed by a record total of 156 members of the House and Senate.

The Foreign Relations Authorization bill for FY 2004 and 2005 (H.R.1950) included language introduced by Rep. Ileana Ros-Lehtinen (R., Fla.) intended to address incitement against the U.S., the West, Israel, and Jews that was pervasive in the Muslim world. While the House passed the bill, including the incitement provisions, on July 16, 2004, the Senate took no action during the 108th Congress, and so the initiative died with the failure to enact the larger bill. The incitement provisions—which the American Jewish Committee, working in partnership with Rep. Tom Lantos (D., Calif.), had played a major role in promoting—would have directed the State Department to monitor "hateful misinformation or hostile propaganda" disseminated by government-controlled sources abroad, to recommend and carry out appropriate U.S. responses, and to submit an annual report to Congress.

Another legislative response to the rising number of anti-Semitic incidents both in Europe and the Muslim world came from Sen. George Voinovich (R., Ohio), who introduced S.2292, the Global Anti-Semitism Review Act, on April 7, 2004. It directed that not later than December
31, 2004, the secretary of state should deliver to the Senate Committee on Foreign Relations and the House International Relations Committee a one-time report on acts of anti-Semitism around the world (see below, p. 182). Accompanying legislation in the House, introduced by Rep. Lantos, called for the establishment of an office within the State Department to monitor and combat anti-Semitism. The Senate bill was passed on May 7, the House version on October 8, and President Bush signed a reconciled version of the bill into law on October 16.

Pursuant to this law, a comprehensive report on anti-Semitic incidents around the world was submitted to Congress on December 30. The report highlighted not only acts of vandalism and assault, but also the growing problem of anti-Semitic invective in the European media, and in publications, textbooks, and television programming in the Middle East and North African countries, especially Egypt and Saudi Arabia. Included under the category of anti-Semitism were cases of criticism of Israel that went beyond objections to policies and instead indulged in demonization, dehumanization, and the invocation of comparisons between Israelis and Nazis.

On May 11, President Bush signed an executive order implementing sanctions against Syria pursuant to the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003. The White House cited Syria’s support for terrorist groups, continued military presence in Lebanon, pursuit of weapons of mass destruction, and actions to undermine U.S. and international stabilization and reconstruction efforts in Iraq. The sanctions imposed included substantial reductions in U.S. exports to Syria, limitations on Syrian landing rights in the U.S., and restrictions on Syrian assets in the U.S.

In the aftermath of President Bush’s March 14 meeting with Israeli prime minister Ariel Sharon, at which the two leaders laid out a set of principles for resolution of the Palestinian-Israeli conflict, House Majority Leader Tom DeLay (R., Tex.) and Democratic Whip Steny Hoyer (D., Md.) introduced, in June, a resolution (H.Con.Res.460) strongly endorsing those principles. It was adopted by the House on June 23 by a vote of 407-9, with three representatives voting “present.” The Senate acted in a similar vein on November 19, before adjourning for recess, passing S.Res.477 by unanimous consent. The Senate resolution endorsed “a vision of two democratic States, Israel and Palestine, living side by side in peace and security,” as well as a commitment to the “road map” “as a realistic and widely recognized plan for making progress toward peace” (for the American Jewish community’s role in the passage of these resolutions, see below, pp. 190–91).
On March 29, Sen. Santorum (R., Pa.) introduced S.Res.325, a resolution deploring the violations of human rights and religious freedoms that Jews and other minority populations had suffered in Arab countries. The resolution, which did not move further before the close of Congress, called on the U.S. to make sure that any settlement of Palestinian refugee claims would be matched by a similar settlement of the claims of Jews from Arab countries.

Anti-Israel Bias in Education


Title VI provides federal funds to selected international-studies and foreign-language centers at universities across the country. It had been established to help meet vital national needs—in particular, training experts for national security and other government service, and educating the public on international affairs. Proponents of H.R.3077 maintained that the program had largely failed to meet government needs: there was no mechanism for ascertaining such needs, and few Title VI graduates entered government service. But the most significant problem, according to the critics, was that a significant number of Middle East studies centers funded by Title VI were highly politicized, with scholars uncritically promoting a positive image of Palestinians, Arabs, and the Islamic world, while ignoring or denigrating Israel. Scholars with other perspectives, the critics asserted, were excluded and discourse on critical issues stifled. Substantial Saudi and other foreign funding to some of the Title VI centers also cast doubt on their independence and objectivity.

H.R. 3077 would have responded to these concerns by requiring the secretary of education to take into account whether the activities of a center considered for funding advanced national interests and fostered debate from diverse perspectives, and by providing for the creation of a bipartisan advisory board. Although supported by a broad spectrum of Jewish organizations as consistent with academic freedom, some in the higher education community attacked it for interfering with the autonomy of academic institutions. An effort to move an endorsing resolution at the plenum of the Jewish Council for Public Affairs, held in February, was tabled for further study.
Catholic-Jewish Relations

Despite the widely publicized tensions between some Catholics and Jews over Mel Gibson’s film *The Passion of the Christ* and the Vatican’s decision to beatify the German nun whose vision of the Crucifixion underlay the movie’s portrayal of Jews (see below, pp. 160–63), a major positive step was taken as well. The first international meeting of Vatican officials and Latin American Jews, held in Buenos Aires in early June, was the 18th in a series of International Liaison Committee meetings between Jewish and Catholic intellectuals and religious leaders. It concluded with an unprecedented statement, a “total rejection of anti-Semitism in all its forms, including anti-Zionism as a more recent manifestation of anti-Semitism.” Pope John Paul II had already defined anti-Semitism as a sin. Signing the statement were members of the Vatican Commission for Religious Relations with the Jews and the International Jewish Committee for Interreligious Consultation (IJCIC), a coalition including the ADL, the World Jewish Congress, the American Jewish Committee, and the Orthodox, Conservative, and Reform synagogue movements.

Mainline Protestant-Jewish Relations

The year was marked by a growing rift between the mainline Protestant and Jewish communities over the Israeli-Palestinian conflict, leading some to wonder whether a decades-long partnership on domestic policy and other international issues would survive.

For years, even as the Jewish and mainline Protestant communities worked closely together in coalitions dealing with a myriad of religious liberty, public education, civil rights and other matters, communications on the Middle East often seemed to take a place in a parallel universe, Jewish groups reacting with angry press releases to what were seen as unbalanced, double-standard statements on the Middle East that emanated from the National Council of Churches and many of its constituent churches. By 2004, however, it became clear to many leaders of the Jewish community that the problem had to be addressed head-on.

This perception was dramatically affirmed when, at a meeting in Richmond, Virginia, in July, the General Assembly of the Presbyterian Church (U.S.A.) voted 431-62 for a resolution comparing Israeli treatment of
Palestinians to South African apartheid and calling for the church to undertake a “phased selective divestment” that did more than a certain amount of business with or in Israel. The church, representing more than 3 million members, held approximately $7 billion in assets, much of that dedicated to pensions, and it was not known how much was actually invested in companies with an Israeli connection. Announcement of the resolution’s adoption brought vehement condemnations from virtually the entire Jewish community. Insult was added to injury when, at the same meeting, the assembly voted 260-233 to reject a proposal to halt the funding of messianic “Jewish” congregations that targeted Jews for proselytizing activities.

In an effort to stem a trend that could easily spread to other denominations, representatives of Jewish groups met with church officials in New York in late September. Speaking of that meeting, Dr. David Elcott, national interreligious affairs director for the American Jewish Committee, told the Jewish Telegraphic Agency, “The conversations crossed each other. The Jewish community vented all of the arguments in support of the State of Israel and explained the failures of the Palestinians. The Presbyterians spoke of the powerlessness of the Palestinians and the power of Israel over the Palestinians.” A second meeting took place in Washington in October that included a broader array of churches that belonged to the National Council of Churches.

In a move that Jewish groups attributed to progress made at the Washington meeting, in early November, the executive council of the Episcopal Church approved a course of action distinctly more balanced than that of the Presbyterians, even though it still raised concern among Jews. The council voted to review the church’s corporate investments in order to take appropriate action with respect to both “companies that contribute to the infrastructure of Israel’s ongoing occupation of the West Bank and the Gaza Strip” and “companies that have connections to organizations responsible for violence against Israel.” It remained unclear what those actions might be. Jewish groups, while noting the penchant of the mainline churches to single out the Israeli-Palestinian conflict among all of the conflicts in the world, commended the Episcopalians for at least recognizing that the Palestinians, and not just the Israelis, had responsibilities.

As if to underline its more one-sided stance, less than a week later the Presbyterian Church (U.S.A.) issued guidelines for implementing that body’s earlier resolution for a “phased selective divestment.” No similar divestment from support for Palestinian perpetrators of violence was ad-
vanced, nor was any reference to Palestinian terrorism added to the citation of “the continued occupation of Palestinian land by Israel as the major impediment to the creation of a just peace.”

**Evangelical-Jewish Relations**

The growing rift between the mainline churches and the Jewish community over Israel was underlined by continuing affirmations of support for the Jewish state by evangelical Christians. More than 4,000 evangelicals traveled to Israel from around the world in the fall for a Sukkot-season demonstration of solidarity organized by the Jerusalem-based International Christian Embassy, the world’s largest Christian Zionist organization. David Parsons, a spokesman for the embassy, denied the common allegation that support for the State of Israel was grounded in an End of Days scenario whereby Christians supported the ingathering of Jews only as a prelude to Armageddon, in the course of which the Jews would be destroyed. “We believe God will protect this nation no matter what,” Parsons said.

The Israeli government, as well as many Israelis and American Jews, welcomed this and other evangelical demonstrations of support at a time when Israel seemed under unfair and one-sided attack, and anti-Semitism was on the rise. Nevertheless, there was considerable sentiment in Israel and the American Jewish community for maintaining distance, based both on the suspicion of evangelical missionizing and on concern that the eschatological role of the Jews remained a core aspect of evangelical support. That alleged role could have baleful implications, some felt, should evangelicals come to conclude that Jews and the Jewish state were not playing their assigned role. For American Jews, abiding differences between the two communities over controversial issues of social policy heightened their apprehension.

**CHURCH-STATE MATTERS**

**The “Faith-Based Initiative”**

The “charitable choice” debate continued, as various cabinet departments and federal agencies proceeded with implementation through administrative action of key elements of President Bush’s faith-based initiative. The sides of this argument were by now familiar. The admin-
istration sought to use government funds for the provision of social services by houses of worship and other pervasively religious institutions, and to permit those institutions to make employment decisions on the basis of religion, just as they had the right to do when hiring with private funds. Much of the Jewish community, however, committed to a strict separation of church and state, opposed the faith-based initiative as an establishment of religion, although a minority, largely in the Orthodox community, defending the initiative as a legitimate response to discriminatory treatment of religious institutions.

On the legislative side, advocates of "charitable choice" recognized that a sweeping bill covering all federal social services programs would not fly, and focused instead on including elements of the initiative in bills reauthorizing specific programs as they came up for consideration. They also sought to remove from long-standing legislation provisions they viewed as inconsistent with the faith-based initiative, and this, more than anything else—at least as the 108th Congress moved through its second and final year—tended to stall reauthorization of those programs altogether. Thus, although the Workforce Investment Act, H.R.1261, passed in varying forms in 2003, this bill to renew a federally funded job-training program failed to move to passage in either 2003 or 2004 because the House-passed version would have repealed a prohibition on religious-employment discrimination in the program that applied to any participating organization, including churches. H.R.2210, the School Readiness Act of 2003, which passed in the House by only one vote at the end of July 2003, also never moved to passage—or even consideration by the Senate—because it would have added new provisions allowing faith-based organizations that ran Head Start programs to make hiring decisions on the basis of religion.

Vouchers

Another perennial church-state dispute was over vouchers. When the Omnibus Appropriations bill, H.R.2673, was signed into law by President Bush on January 23, 2004, it included an appropriation of $14 million per year, for five years, to provide vouchers of up to $7,500 for low-income children in the District of Columbia to attend private and religious schools. This was, as far as anyone was aware, the first federal law providing for such vouchers. The city went on to implement the program, although opponents, including a number of national Jewish organizations, contended that Congress was foisting it on unwilling D.C. residents.
One month later, on February 25, the U.S. Supreme Court announced its ruling in *Locke v. Davey*. With Chief Justice William Rehnquist writing for the majority, the Court held, 7-2, that Washington State’s denial of scholarship funds to students studying devotional theology did not violate the Free Exercise Clause of the First Amendment. The state, the court found, was entitled to make a determination that its constitution forbade students to use a state scholarship, established to assist academically gifted students with postsecondary education expenses, to pursue a degree in devotional theology. This ruling that not everything that is constitutionally permissible is constitutionally required—in effect, allowing the states to have some play in the joints—was a rebuff to those who had argued, after the court’s decision in *Zelman v. Harris* (2002) upholding the constitutionality of a vouchers program, that religious schools and programs could not be constitutionally excluded from otherwise generally available government funding programs (see AJYB 2003, pp. 105–06).

Among those making that last argument was the Union of Orthodox Jewish Congregations (OU). Nathan Diament, director of its Institute for Public Affairs, commented after the court’s decision: “Today is a sad day for America’s ‘first freedom’ of religious liberty. Our nation’s highest court has approved state action which denies a person a government benefit solely upon the basis that the person is engaged in what the court acknowledges is a constitutionally protected religious exercise.” Separationist groups, including the vast bulk of the Jewish organizations, had supported the state of Washington, and so had the opposite response, as typified by the American Jewish Committee’s observation that the court had “adopted an unremarkable perspective that simply to say a religious activity may be funded [by the state] is not to say it must fund all programs.”

**Pledge of Allegiance**

The lines within the Jewish community were drawn in somewhat unusual form as the Supreme Court convened in March 2004 to hear argument in *Elk Grove Unified School District v. Newdow*, a case brought by the atheist father of a San Francisco public school student challenging the inclusion of the words “under God” in the Pledge of Allegiance. Many of the Jewish groups usually associated with strict interpretation of the First Amendment’s prohibition on government establishment of religion took a pass on the case, viewing the language as a benign exercise in ceremonial deism.

Indeed, the American Jewish Congress, heir to a strong legacy of sep-
arationism, went so far as to file a brief in opposition to the challenge, arguing that a lower court’s striking of the pledge with the objectionable words went against historical experience, and that the words themselves had no coercive effect. AJCongress counsel Marc Stern also had a pragmatic concern, telling the Jewish Telegraphic Agency, “in the political real world, a decision to ban the phrase would lead to a fast-track constitutional amendment.” The ADL stood alone among Jewish groups in endorsing the lower court’s ruling, saying in its brief that the words in dispute subjected students to subtly coercive pressure at an age when they were too young to reflect critically on what they were saying.

In the end, the matter was mooted, at least for the time being, when the Supreme Court ruled that the plaintiff, not being the legal custodian of the child, never had the authority to bring the suit in the first place.

Religious Accommodation

On April 11, 2003, Sen. Rick Santorum (R., Pa.) and Sen. John Kerry (D., Mass.) introduced S.2893, the Workplace Religious Freedom Act (WRFA), legislation clarifying the requirement of Title VII of the Civil Rights Act of 1964 that employers reasonably accommodate their employees’ religious practices, unless doing so would cause undue hardship. The bill was a response to a judicial interpretation of this requirement, dating back to the 1970s, that defined anything more then a minimal expense or difficulty as an “undue hardship.” WRFA would require that an expense or difficulty must be substantial in order to be considered an “undue hardship.” By the close of the 108th Congress, the bill had a bipartisan roster of 23 cosponsors in the Senate. It was expected to be reintroduced in both houses early in the 109th Congress.

HOLOCAUST-RELATED MATTERS

Restitution

Several threads of the multi-front battle for Holocaust survivors’ reparations seemed to be moving toward a close during 2004.

Over the course of the year, the Conference on Jewish Material Claims Against Germany (Claims Conference) distributed some $1 billion—the largest amount paid by the conference in a single year in its history—mostly for compensation and restitution to Holocaust survivors and heirs
in 78 countries, with additional payments in support of organizations caring for impoverished survivors and for Holocaust research, education, and documentation. The largest 2004 payment, approximately $461 million, was made by way of the second and final installment of the $1.1 billion that the German government, joined by 6,000 German businesses, had agreed to pay in resolution of claims made by former Jewish slave and forced laborers. (This latter fund was itself part of $5 billion paid in compensation of slave labor, the great bulk of the proceeds going to non-Jewish victims.)

Other Claims Conference payments made in 2004 included those to survivors residing in Central and Eastern Europe and victims of Nazi medical experiments, as well as the further disbursement of money from the $1.25-billion settlement of claims against the Swiss banks, encompassing not only claims based on dormant Swiss bank accounts, but also those of refugees denied entry into Switzerland and of former slave laborers, based on the Swiss banks' role in facilitating Nazi profits from the use of slave labor.

These payments notwithstanding, resolution of the Swiss fund remained far from settled, as 2004 saw the Claims Conference turn resources that had been focused on assessing slave labor claims to locating the owners of Holocaust-era Swiss bank accounts. As a result of an agreement reached in late July among the conference, the banks, and the U.S. district court charged with administering the settlement, it was expected that an additional 5,000 names of Holocaust-era account owners would be released, and the conference would be allowed access to bank records that might help it identify accounts that had Jewish owners. This project was expected to take 12 to 18 months.

In December, Hungarian Holocaust survivors and the U.S. government announced settlement of a claim—following a referral for mediation earlier in the year—that U.S. troops had mishandled looted Hungarian Jewish property at the conclusion of World War II. While details of the settlement and the mode of distribution remained to be finalized, the Israeli newspaper Ha'aretz reported that U.S. authorities had agreed to pay $25 million—a fraction of a loss valued at $2 billion in current dollars. The funds would be distributed among living Hungarian survivors whether or not they had property on the train, and not just to the original owners or their heirs.

The claim arose out of the seizure by U.S. troops, in October 1945, of a train loaded with 24 boxcars of looted property that Nazi officials had intended to transport to Germany. Virtually none of it made its way to
the owners; instead, as the Presidential Advisory Commission on Holocaust Assets in the United States concluded in a 1999 report, various portions of the lucre—which included art masterpieces and expensive housewares—went to governments, the wrong parties, and even to high-ranking U.S. troops. The suit, brought in federal court in Miami (where a large concentration of Hungarian survivors resided) in 2001, sought only $300 million, far less than the actual value of the assets—$10,000 each for an estimated 30,000 victims with property aboard the train—based on the maximum compensation per individual of $10,000 allowed under U.S. law.

Negotiators pointed to several factors as having led to the settlement: difficulties of proof for the plaintiffs; the fact that—while the payment was a small fraction of the loss—the U.S. was at last acknowledging responsibility; and, perhaps most crucially, concern that the case might devolve, as other Holocaust cases had, into a dispute about the worth of Jewish lives lost in the Shoah.

A less satisfying result for survivors and their advocates came in October, when a New York federal district court judge dismissed claims for payment on Holocaust-era life insurance policies against the company Assicurazioni Generali. Ruling on 20 class-action and individual lawsuits that had been consolidated for consideration in his court, Judge Michael Mukasey found that the president and the executive branch, not the courts, had jurisdiction over Holocaust-related claims against foreign companies and governments, and that claimants therefore had to acquiesce to the U.S. government’s determination that insurance claims be resolved through procedures established by the International Commission on Holocaust Era Insurance Claims (ICHEIC). The ruling reflected a legal landscape that had shifted in 2003, when the U.S. Supreme Court ruled that a California law favoring survivors’ claims amounted to an unconstitutional interference in foreign affairs.

The district court’s ruling, following nearly 60 years of claims and ten years of litigation, immediately drew sharp criticism from plaintiffs and their advocates, who had long considered ICHEIC little more than a dilatory front for the insurance companies. Promising to appeal the decision, William Shernoff, attorney for 18 survivor families, commented, “Holocaust survivors cannot understand how their simple lawsuits against a private company can possibly interfere with President Bush’s ability to conduct foreign affairs with Italy.” Generali’s view was, unsurprisingly, quite the opposite, the insurance company endorsing the view that “courts are not the place to revisit the tragedies of the Holocaust,”
while promising “offers of payments to claimants . . . in accordance with its participation in [the commission].”

Office of Special Investigation

The Justice Department’s Office of Special Investigation (OSI), known for its inexorable pursuit and deportation of former Nazis living in the U.S., seemed on the verge of going out of business as the march of time slowly but surely brought the death of war criminals who had entered the country under false pretenses. In 2004, the OSI commenced only two proceedings for removal.

At year’s end, however, President Bush gave the OSI a new lease on life when he signed the intelligence reform bill, which included a provision expanding OSI jurisdiction to include seeking the deportation of any former alien involved in severe human-rights violations, not just those associated with Nazi crimes. Rep. Mark Foley (R., Fla.) and Rep. Gary Ackerman (D., N.Y.) were responsible for the change. Foley, speaking of the OSI, said: “It’s a phenomenal office, it’s done yeoman’s work. They’re up and ready, and I didn’t want to create new bureaucracy to do something they’re so good at doing.”

Richard T. Foltin
Anti-Semitism

In 2004, the 350th anniversary of Jewish life in America, anti-Semitism remained a marginal phenomenon that in no way threatened the security of American Jews. Furthermore, the U.S. government, on numerous occasions during the year, used its influence to counter anti-Semitic manifestations abroad. Nevertheless, a number of events gave cause for anxiety. The one that received most attention came early in the year—the opening of the film *The Passion of the Christ*, with its negative portrayal of Jews and its implication that they were responsible for the death of Jesus. Other flash points concerned anti-Israel actions that, in the eyes of many Jews, spilled over into anti-Semitism, such as campaigns to divest from Israel, and pro-Palestinian bias on some college campuses. Most ominous was the FBI’s decision, late in the year, to investigate AIPAC, the premier pro-Israel lobby.

Assessing Anti-Semitism

One baseline criterion for measuring anti-Semitic trends in the U.S. is the annual *Audit of Anti-Semitic Incidents*, prepared by the Anti-Defamation League (ADL), which tallies up and categorizes expressions of hostility toward Jews. Its usefulness is limited, however, since inconsistencies in reporting reduce the level of accuracy, and its quantitative approach sheds little light on the overall security of Jews in a population exceeding 250 million.

The 2004 *Audit* reported 1,823 anti-Semitic incidents, an increase of 17 percent over the 2003 total of 1,557, and the highest number since 1995. Particularly notable in the 2004 data was an increase of 27 percent in the “harassment” category, to a total of 1,178 cases. The incidence of “vandalism” was virtually unchanged since 2003. Analysts suggested that aggressive law enforcement and enhanced security measures to protect synagogues and other Jewish property had kept vandalism from rising. Nonetheless, the *Audit* noted that the vandalism level in 2003 and 2004 was higher than in 2001 and 2002, a trend that bore watching. Acts of vandalism accounted for 35 percent of the overall 2004 total, and harassments—less violent, but more direct and personal—constituted the other 65 percent reported. The comparable percentages in 2003 were, re-
spectively, 40 and 60 percent. Harassments have predominated each year since 1991; during the 1980s, vandalism was more common.

The increase in harassment was particularly evident in several states with large Jewish populations, a trend that had been going on for some time. New York—as always the state with the largest number of incidents—showed a 45-percent increase in harassments, Florida 80 percent, California 62 percent, New Jersey 30 percent, and Massachusetts 38 percent.

Anti-Semitic incidents on campus increased marginally, from 68 in 2003 to 74, still substantially fewer than the 106 reported in 2002. In the three-year period 2000–02, campus incidents increased by over 50 percent, but, by 2003, more effective counteraction and educational efforts by pro-Israel students helped reduce the number of incidents (see below, p. 195).

The ADL announced it would continue its series of surveys of U.S. and European attitudes toward Jews, conducted since 1992 by the Marttila Communications Group, Inc. (formerly Marttila and Kiley). Results of the latest polls were scheduled for release in 2005. Serious reservations had been expressed about the American survey, which used questions developed in the 1960s that might not fairly or reasonably measure anti-Semitism in the 2000s.

Justice Department data gathered under the federal Hate Crime Statistics Act (HCSA), which required an annual report on crimes motivated by prejudice, cast some light on anti-Semitism in the U.S. The 2003 statistics, which were released in 2004, indicated that of the 7,489 bias-motivated criminal incidents that year, 3,844 were motivated by race; 1,026 by ethnicity/national origin; 1,239 by sexual orientation; 1,343 by religion; and 33 by disability. Of the incidents motivated by religious bias, 927, or 69 percent, were directed against Jews and/or Jewish institutions, up from 65.3 percent in 2002. The 927 cases in 2003 constituted 12.37 percent of the total number of reported hate crimes.

Another aspect of anti-Semitism assessment was the measurement of Jewish perceptions. Reflecting the salience of anti-Semitism in the minds of many Jews, the 2004 Annual Survey of American Jewish Opinion, conducted for the American Jewish Committee (AJC) by Market Facts, Inc., included no fewer than 25 questions on the topic. The survey found that 27 percent of the sample of American Jews said that anti-Semitism was a "very serious problem," and 67 percent said it was "somewhat of a problem." This compared with 37 percent and 60 percent in the two categories, respectively, in 2003, and 29 percent and 66 percent in 2002. The 2003 "spike" in the "very serious problem" category was believed to have been
a response to the large number of anti-Jewish incidents in Europe the year before. Nine percent of those surveyed in 2004 said that anti-Semitism would “increase greatly,” 33 percent said it would “increase somewhat,” and 45 percent said it would “remain the same”—numbers virtually unchanged from 2003. Asked specifically about Europe, American Jews were far more alarmed—the AJC poll found that 55 percent believed that anti-Semitism was a “very serious problem” there.

*Intergroup Relations and Anti-Semitism*

**CHRISTIANS, JEWS, AND THE PASSION**

The public debut of Mel Gibson’s film, *The Passion of the Christ*, about the final hours of the life of Jesus, took place in movie houses across the country on January 26, Ash Wednesday, reigniting the heated controversy that surrounded the lead-up to the film in 2003 (see AJYB 2004, pp. 75–76). Jews—and some others—who had seen versions of the film before its release found the depiction of Jewish characters and the emphasis on their role in the execution of Jesus to be stereotypically anti-Semitic. This came as no surprise to those who were aware that Gibson adhered to the ultra-conservative “traditionalist” Catholic splinter group that rejected the reforms of the Second Vatican Council, including the seminal document *Nostra Aetate* that absolved Jews from the charge of deicide and repudiated the anti-Semitism that flowed from Christian “teachings of contempt.” Gibson’s father, Hutton Gibson, who had a history of publicly expressed Holocaust denial, said, a week before the film’s opening, that the Holocaust was a “fiction” and that Jews sought to take over the world. Mel Gibson then reiterated that he did not espouse his father’s views, and noted that “many people died during World War II, including many Jews.”

As had been the case in 2003, the organized Jewish community overwhelmingly believed *The Passion* to contain anti-Semitic themes, but disagreed about how to address the issue. While some Jewish groups complained vocally, others believed that harsh rhetoric would do nothing but harm relations with Christians. Complicating the intergroup tensions and sensitivities was the fact that although Gibson was Catholic, the most enthusiastic proponents of the film were evangelical Protestants, precisely the Christian group most supportive of Israel and antagonistic toward Islamic fundamentalism.
Representing the hard-line Jewish view was the ADL and its national director, Abraham H. Foxman, who expressed "sadness about Gibson resurrecting a debate we thought we had resolved 50 years ago. [The film] blames the vengeful Jews for the Crucifixion." He insisted that an assertive Jewish posture was bearing fruit, noting that had it not been for pressure from Jewish groups, liberal Protestants and Catholics would not, in the wake of the controversy, have publicly reiterated their view that the Jews were not collectively responsible for the death of Jesus. At the other end of the Jewish continuum was Rabbi Yechiel Eckstein of the International Fellowship of Christians and Jews—a supporter of closer ties between evangelicals and Jews—who suggested, "The hysteria of the Jewish response is uncalled for," and movie critic Michael Medved, who wrote, "Sadly, the battle over The Passion may indeed provoke new hatred of Jews." Medved, in fact, citing "the reckless maneuvering of real-life Jewish leaders," suggested that the villain of the affair was not Gibson but rather his Jewish organizational critics. Also in agreement was Rabbi Daniel Lapin, head of the small but vocal Seattle-based group, Toward Tradition, who declared on Pat Robertson's "700 Club" television show that the ADL and its allies were "dangerous organizations driving a wedge between American Jews and Christians."

More moderate voices were heard as well, suggesting that the religious fault lines revealed by the release of the movie should encourage the renewal and deepening of Jewish-Christian dialogue. But even those Jewish organizations that took this more hopeful position, such as the American Jewish Committee, worried about the potential erosion of four decades of progress in Christian-Jewish relations. Rabbi A. James Rudin, senior interreligious advisor to the AJC, asserted, "This movie is a defining moment for Christian leadership. If they don't speak out and point out the distortions, errors, and anti-Jewish stereotypes, this movie will be the benchmark for the Passion story for the next decades." Rudin, in fact, prepared a 47-page resource guide for Christians and Jews to be used as a basis for discussing the film.

Among American Catholics, the reception of The Passion was mixed, complicated by conflicting accounts of what Pope John Paul II thought about it. (His personal aide, Archbishop Stanislaw Dziwisz, denied reports that the pope, after seeing The Passion, asserted, "It is as it was.") Catholic sociologist Andrew Greeley of the National Opinion Research Center, commenting on the fickle nature of American Catholics when it came to both religion and public affairs, said, "Catholics who don't accept [the pope's] official teaching on birth control are hardly likely to rush
off to the local multiplex to see a film that he may, or may not, have liked.” Catholic responses, in fact, tended to fall into two categories: either joining with Jews in condemning the movie, or seeing and liking it, but not because of its portrayal of the Jews.

The U.S. Conference of Catholic Bishops (USCCB), the top Roman Catholic Church body in America, issued a much anticipated review of *The Passion* in early March, which dismissed claims made by Jewish and Christian scholars, as well as by professional film critics, that the movie blamed the Jews collectively for the death of Jesus. On the contrary, the review stated: “Concerning the issue of anti-Semitism, the Jewish people are at no time blamed collectively for Jesus’ death, rather Christ himself freely embraces his destiny.” This drew immediate and harsh criticism from the ad hoc interfaith scholars group assembled in 2003 to analyze an early version of Gibson’s script, which had criticized the film exactly because it blamed the Jews (see AJYB 2004, p. 75). At the same time, the Bishops Conference drew wide praise for distributing to dioceses and parishes *The Bible, the Jews, and the Death of Jesus*, a collection of key documents on Catholic teachings about Jews and the “sin” of anti-Semitism.

In mid-March, the Institute for Jewish and Community Research released findings of a poll that suggested that seeing the movie actually changed Christian attitudes toward Jews for the better. Twelve percent of those surveyed said the film made them “less likely” to blame Jews for the crucifixion, while 5 percent said they were “more likely” to blame Jews. According to a survey in April by the Pew Research Center for the People and the Press, the percentage of Americans who believed Jews were responsible for killing Jesus had grown in recent years, although it remained a minority view. Twenty-six percent of respondents thought Jews were to blame for the Crucifixion, up from 19 percent in an ABC News poll in 1997. Pew found that the greatest increases were among young people and blacks. Thirty-four percent of those under age 30 now believed Jews were responsible, compared to 10 percent in 1997. Among blacks, the percentage had gone from 21 to 42. The Pew survey made no effort to determine the impact of *The Passion*.

By the end of 2004 there was no indication that the film—one of the highest grossing of the year—had brought an increase in American anti-Semitism, and there was not a single recorded case of anyone harming or vilifying Jews after viewing it. As Eugene Fisher of the USCCB suggested, “[The film] would not foster anti-Semitism in anyone who is not already anti-Semitic.” The same seemed to be the case in Europe, even in
predominantly Catholic countries with historical traditions of Christian-based anti-Jewish expression. Notwithstanding reviews that were mixed to poor, *The Passion* broke box-office records in the weeks following its European release in early April. By year's end there was no evidence that the film had contributed to anti-Semitism. In fact, most of the few statements citing *The Passion* as proof of Jewish culpability came from Muslim sources.

There was significant discussion of the movie in journals of opinion. Thus Leon Wieseltier, in *The New Republic* (March 8), suggested that whatever the abominable anti-Jewish stereotypes that pervaded the film, even worse was its "pornographic" glorification of blood and gore: "Its loathing of Jews is subsumed in its loathing of spirituality, in its loathing of existence." Historian David Berger of Brooklyn College, writing in the May issue of *Commentary*, said that the observation that Jews and Christians have been seeing different movies "is the beginning and perhaps the middle of wisdom," but even more crucial was that the film "exacerbated tensions among Christians themselves—and among Jews—as well as confrontations between secular and religious Americans."

A footnote to *The Passion* story was the fact that the actress portraying the Virgin Mary, Maia Morgenstern, was a Romanian Jew and daughter of Holocaust survivors.

Tangentially related to the Gibson film was the beatification (the penultimate step to sainthood), on October 4, of a German nun who died in the early nineteenth century, Sister Anne Catherine Emmerich. Gibson reportedly borrowed heavily from Sister Emmerich's mystical book, *The Dolorous Passion of our Lord Jesus Christ*, which presented her own "eye-witness" account of the Crucifixion and contained virulent anti-Jewish imagery and rhetoric. Jewish groups, noting that the most objectionable parts of Gibson's film flowed directly from her writings, expressed considerable distress, but Rabbi David Rosen, AJC's director of international interreligious affairs, warned against overreaction. Rosen pointed out that "beatification does not mean that the person is 100 percent kosher, only that the actions attributed . . . are worthy of emulation."

The Catholic Church, in fact, took a strong and unambiguous stand against anti-Semitism. At a July meeting of the International Catholic-Jewish Liaison Committee in Buenos Aires, this international group of Catholics and Jews issued a joint declaration in which, for the first time, Catholics condemned "anti-Semitism in all its forms, including anti-Zionism." While not carrying the weight of a papal encyclical, the declaration could not have been issued without Vatican sanction.
Mainline Protestants and Divestment

The defining issue in relations between the mainline Protestant denominations and Jews in 2004 was one that straddled the vague and highly permeable boundary between criticism of Israel and anti-Semitism—divestment: withdrawing funds invested in Israel, Israeli companies, and firms doing business with Israel.

Two major Protestant communities took divestment initiatives during the second half of 2004. The Presbyterians were first, becoming the Christian group ever to decide to divest from Israel. In mid-July, the General Assembly of the 3-million-member Presbyterian Church (U.S.A.) voted to equate Israel with apartheid South Africa, and to withdraw its Israel-related investments in a “phased selective manner.” (That the Presbyterian move came at the same time that the Catholic Church was condemning both anti-Semitism and anti-Zionism was not lost on the Jewish community.) A September 28 meeting between Jewish and Presbyterian leaders failed to sway the church leadership.

Divestment seemed to gather momentum as the 2.2-million-member Episcopal Church announced at the end of September that it too was considering such a policy. But the leadership had second thoughts following a series of intensive talks with Jewish leaders in October, and seemed to back away from divestment, at least for the time being.

The major concern of the organized American Jewish community was the possibility that divestment by the largest denominations would trigger similar action by other groups, raising the possibility of a solid Protestant mainline anti-Israel front. While proponents of divestment justified their position as an attempt to change specific Israeli policies toward the Palestinians, their Jewish interlocutors sought to convince them that steps against the Jewish state that were not taken against other countries, some of them guilty of far worse actions, smacked of anti-Semitism, which, in turn, risked compromising the gains made over decades of Christian-Jewish dialogue.

Blacks and Jews

Minister Louis Farrakhan, leader of Nation of Islam (NOI), had long expressed anti-Semitic and anti-white rhetoric, but a perception had developed in recent years that he had moderated his views, and the mainstream black community did not shun him. He gave numerous speeches at NAACP events and participated in a radio conversation with Rev.
Jesse Jackson in November 2004. Russell Simmons continued to invite Farrakhan to speak at his hip-hop summits, and honored him at the Source Magazine Awards in November 2004.

In fact, Farrakhan ratcheted up his anti-Semitism in 2004, focusing nearly every major speech on alleged Jewish and Israeli conspiracies. Jews, he claimed, had been Atlantic slave traders and Caribbean plantation owners. The “racist Jews who control Hollywood and the media” and were responsible for negative movie and TV stereotypes of blacks were now attacking Mel Gibson for *The Passion*. In his only address to a national audience during the year, delivered at the National Press Club in May, he blamed Israel for the war in Iraq and claimed that “American soldiers were dying for Israel.” Reiterating this theme in December, in the course of a speech in Newark, New Jersey, he stated: “The war in Iraq is not your war; that’s Israel’s war.” The NOI newspaper, *The Final Call*, ascribed mainstream media attention to the terrible suffering in Darfur, in western Sudan, to an alleged Zionist need to “control the Black agenda.” NOI continued to sell *The Secret Relationship between Blacks and Jews*, an anti-Semitic book, on its Web site.

Malik Shabazz, national chairman of the New Black Panther Party (NBPP), a racist and anti-Semitic black nationalist group (see AJYB 2004, p. 74), continued to make racist and anti-Jewish statements at public events throughout 2004. After drawing well under 1,000 participants to what was supposed to be its Million Youth March in September 2003, the NBPP organized smaller protests across the country in 2004. In his search for mainstream acceptance, Shabazz appeared on MSNBC and Fox programs five times. In four of the appearances he was introduced as a member of Black Lawyers for Justice; only Fox’s Sean Hannity noted Shabazz’s affiliation with the New Black Panther Party. In July, Shabazz and other party members attempted to disrupt an interfaith vigil in Washington, D.C., organized by the local Jewish community council, religious leaders, and elected officials.

Lemrick Nelson, Jr.—convicted in 2003 of violating the civil rights of Yankel Rosenbaum during the 1991 Crown Heights riots, when he stabbed Rosenbaum, who subsequently died — was released from federal prison on June 2. He would serve the nine remaining months of his sentence in a halfway house. But the black-Jewish tensions emanating from those riots were revived that same month with the staging of a play, *Crown Heights*, which blamed the Jews for the riots (“There’s a black boy bleeding, and the rabbi just runs”), and portrayed the murder of Yankel Rosenbaum as a tragic accident. The play was produced by All Stars Pro-
ject, Inc., an organization associated with Lenora Fulani, a fringe New York City politician, who, according to Jewish defense agencies, had a history of anti-Semitism, and was coauthored by Fulani's associate, Fred Newman, an alleged cult leader. The ADL characterized the play as "distorting history and refueling hatred."

An op-ed article jointly penned by hip-hop mogul Russell Simmons and Rabbi Marc Schneier, president of the Foundation for Ethnic Understanding, appeared in a number of American Jewish newspapers, timed for the commemoration of Martin Luther King Day. It called on African-Americans "to embrace [Dr. King's] legacy and to join us in defeating anti-Semitism."

**HISPANICS AND JEWS**

The Nation of Aztlan, a small California-based Latino group, continued to distribute, as its only known activity, virulently anti-Semitic material. Throughout 2004, Hector Carreon and Ernesto Cienfuegos, editors of the group’s publication, *La Voz de Aztlan*, blamed Jews and Israel for almost every negative event affecting Mexico or the Mexican community in the U.S. The group’s Web site posted the *Protocols of the Elders of Zion*, and made frequent reference to it and to other anti-Semitic works. The site carried allegations that Israel poisoned Yasir Arafat, that Mexico was in danger of being taken over by "an International Jewish Cabal" led by Jorge Castañeda (referred to by a "Jewish" name, George Gutman), and explained suicide bombings as Mossad tricks to garner world sympathy for Israel. Some of this material was reproduced by Iranian and other Middle East news agencies.

**MUSLIMS AND JEWS**

At the end of June, the ADL issued a retraction and apology for suggesting that Islam’s declaration of faith, the Shahada, was an "expression of hate" and "closely identified with terrorism." The dispute emerged after Jewish students at the University of California, Irvine, learned that Muslim students were planning to wear green scarves or stoles inscribed with the Shahada at the graduation processional, and alerted the ADL. Despite its acknowledgement that the Shahada was not itself objectionable, the ADL and other Jewish groups continued to charge that the wearing of green scarves was itself an expression of support for terror.
"The committee will hear all complaints brought to it, investigate those it thinks require investigation, and deliver a factual report," wrote Columbia University president Lee Bollinger to the Columbia community on December 8. By announcing the creation of a committee to hear and assess complaints of anti-Israel and possibly anti-Jewish bias on the part of faculty members, he was hoping to bring closure to a series of events that revealed deep fissures in a university whose student body, faculty, board of trustees, and donor base included many Jews.

Since 2002, some students at Columbia College had complained about anti-Israel comments and harassment of Jewish students in a number of courses offered by the Department of Middle East and Asian Languages and Cultures (MEALAC). In 2003, the university administration announced a review of the academic content of all courses relating to the Middle East (see AJYB 2004, pp. 83–84). In May 2004, the six-person review committee reported no evidence of any problems.

But 2004 brought a new crisis, the release of a film, Columbia Unbecoming, produced by the David Project, a Boston-based organization devoted to promoting pro-Israel positions. It consisted of interviews with ten present and former Columbia students who spoke of instances of harassment, intimidation, and discrimination from professors, particularly those associated with MEALAC, when they expressed pro-Israel views; Israeli students, particularly, recounted incidents in which they were belittled in class or in extracurricular activities. One MEALAC professor, Joseph Massad, whose published work was heavily critical of Israel, was singled out by a number of students for abusive tactics in the classroom; two others, Hamid Dabashi and George Saliba, were mentioned as well.

The film came to public attention in mid-October, when the New York Sun carried a report about it. Almost immediately, Rep. Anthony Weiner (D., N.Y.), who represented a district in Brooklyn and Queens in Congress, called upon Columbia to fire Massad. The accused teachers, for their part, charged the students with fabricating conversations, misunderstanding lectures, and neglecting schoolwork, and asserted that their academic freedom was being threatened. Massad called the film "a racist witch-hunt of Arab and Muslim professors." A number of Jewish MEALC students also disputed the allegations in Columbia Unbecoming,
asserting that Massad and the others, while highly critical of Israel, were brilliant, balanced, and provocative teachers.

A public screening of *Columbia Unbecoming* took place on October 27 as part of a press conference with David Project president Charles Jacobs and several of the students interviewed in the film. Jacobs and the students insisted that they were not calling for the firing of any professor; rather, they wanted the university to institute a “zero-tolerance” policy on anti-Semitism, increase diversity of viewpoints within MEALAC, and hold mandatory sensitivity training for incoming students. Immediately following the screening, President Bollinger said that Columbia would formally investigate the accusations, and assigned Provost Alan Brinkley to conduct the inquiry.

The ensuing brouhaha roiled the Columbia campus for many weeks, prompting at least three front-page stories—and several editorials—in the *Spectator*, the respected student-run newspaper, on the question of how to balance academic freedom with academic responsibility. Bollinger’s view, already stated in March 2003, was that professors were entitled to express themselves freely in the classroom, but not to intimidate or “indoctrinate” students.

On December 8, Brinkley announced the creation of another six-member ad hoc committee to carry out the investigation. Almost immediately, it was charged with bias: one member had been Professor Massad’s Ph.D. advisor, and two others had signed a petition in October 2002 calling for the university to divest from any firm that was involved in the manufacture for or sale of arms to Israel. Questions about the appointment to the committee of Lisa Anderson, dean of Columbia’s School of International and Public Affairs, went back to events earlier in the year, when Columbia solicited a group of donors to fund the Edward Said Professorship in Modern Arab Studies and Literature. The late Professor Said had been a distinguished and highly anti-Israel professor of English. The list of donors, released by the university in April, contained names of individuals, and even a foreign government—the United Arab Emirates—that were actively hostile to Israel and Zionism. Dean Anderson was in charge of the establishment of the new chair as well as the accompanying fund-raising.

At year’s end, the committee, chaired by the respected First Amendment lawyer Floyd Abrams, had not yet begun its work. Meanwhile, speculation was rife about a puzzling aspect of the media coverage: in contrast to the other New York daily newspapers, the *New York Times* virtually ignored the story.
**OTHER CAMPUSES**

In July, Harvard University announced that it was returning a $2.5-million gift from the president of the United Arab Emirates (UAE), Sheik Zayed bin Sultan al-Nahyan. It did so because the UAE president, through a policy research center he funded, sponsored lectures that blamed Jews for the September 11 attacks, claimed that Jews used human blood to bake pastries, and generally promoted intolerant attitudes toward Israel. Rachel Fish, the former Harvard Divinity School student who was serving as New York regional director of the David Project, helped provide information to Harvard about the sheik, and led the campaign to have the university return the gift. Two other universities, Columbia and Georgetown, also recipients of the sheik’s largesse, had yet to give back their gifts.

On the first day of classes at Duke University in late August, the student newspaper, the *Duke Chronicle*, published an unsigned editorial praising the school for allowing the Palestine Solidarity Movement (PSM) to hold its annual conference at the school’s Durham, North Carolina, campus, October 15–17. This conference, the organization’s fourth, was titled “Divestment from Israel,” and drew about 600 people.

The peaceful nature of the conference belied the heated atmosphere on the Duke campus during the weeks leading up to the event. After the organizers announced that high on their agenda was a call for universities to drop their investments in Israeli companies, Duke reiterated its policy against divestment, but said it would permit the conference to take place as an expression of free speech. Duke’s Hillel affiliate, the Freeman Center, did not try to prevent the conference; instead, Jewish students crafted a response attuned to what they believed was a broad-based campus consensus—the condemnation of terrorism. Their goal was not achieved. Two resolutions were presented to the conference that condemned Palestinian attacks against civilians, but neither received the two-thirds majority required for passage. Even so, Jews on campus were gratified and relieved that the event was not marred by hate speech or anti-Jewish incidents.

The day after the conference ended, however, an opinion piece in the student newspaper reignited passions. Entitled “The Jews,” it accused Jews of exploiting the “Holocaust industry,” and said, “[I]t is impossible to ignore the unprecedented outpouring of pro-Jewish, pro-Israeli support in defiance of free speech at Duke.” The paper received some 500 responses criticizing the column, and the student editor explained that
the views expressed were not those of the paper. In early November, the
student who wrote the article, Philip Kurian, apologized.

In late October, Jewish students at Stanford University were outraged
by comments about Israel that were made at a talk, “Surviving the Holo-
caust: Witnessing History Repeated,” by an anti-Israel Holocaust sur-
vivor and a pro-Palestinian activist. The event was promoted with fliers
comparing Jews in Nazi Germany to Palestinians at Israeli checkpoints.

In an academic skirmish over Israel, more than 500 professors signed
an on-line letter addressed to Hebrew University president Menachem
Magidor asking “the Israeli academic leadership where it stands on the
issue of current Israeli policy.” The signatories represented themselves as
“defenders of academic freedom and supporters of the academic boycott
against Israel.” As attempts to organize such boycotts, like the efforts to
push divestment from Israel, had largely failed in recent years, the pur-
pose of the letter was apparently to set the stage for another try. “This is
boycott by stealth,” said Martin Kramer, a monitor of anti-Israel activ-
ity, “to build a constituency that will come into play at the next big
Palestinian-Israeli crisis.”

Anti-Semitism and Politics

In May, Senator Ernest “Fritz” Hollings (D., S.C.)—no stranger to
controversy with Jewish groups—found himself again in hot water as he
prepared to end his 38-year Senate career, when he blasted the American
Israel Public Affairs Committee (AIPAC), the pro-Israel lobby widely rec-
ognized for its clout on Capitol Hill, saying, “You can’t have an Israeli
policy other than what AIPAC gives you.” Jewish organizations com-
plained that Hollings, by scapegoating the Jewish community, was pro-
viding ammunition for anti-Semitism. Instead of retreating from his
remarks, Hollings reiterated his charge and claimed that the Iraq war was
being fought for Israel’s benefit.

On the counteraction front, Sen. Rick Santorum (R., Pa.), the third-
ranking Senate Republican, worked with the AJC, the ADL, and the
Union of Orthodox Jewish Congregations to organize a special session
on the floor of the Senate, in September, devoted to global anti-Semitism.
In addition, Santorum distributed to Republican lawmakers a briefing
book on the subject.

Both overt expressions and charges of anti-Semitism surfaced as the
2004 political campaigns shifted into high gear during the summer and
early fall. In the presidential race, independent candidate Ralph Nader,
the consumer advocate, faced criticism over his campaign's flirtation with individuals associated with Lenora Fulani, the New York-based radical activist whom Jewish defense agencies had long identified as anti-Semitic. Nader had been the featured speaker at a January conference in New Hampshire convened by Fulani, and some of her associates were engaged by Nader's campaign to help him get on the ballot in Texas. Fulani mounted an effort to "build bridges" to Jewish groups in New York, but the latter were not impressed.

In July, President George W. Bush's reelection campaign refused to withdraw an ad containing Nazi imagery from its Web site, despite severe criticism from Jewish groups and from the Republican chairman of the United States Holocaust Memorial Council, Fred Zeidman. The ad juxtaposed pictures of a shouting Adolf Hitler with images of former vice president Al Gore and other prominent Democrats.

Two congressional contests resulted in victories for candidates considered hostile to the Jewish community. One was Democrat Cynthia McKinney, who had represented the fourth congressional district in Georgia for ten years before losing to Denise Majette in 2002, and won back her seat in 2004. McKinney had been one of the most vocal opponents of Israel in the House of Representatives, and people close to her attributed her defeat to "Jewish money." An incumbent House Democrat, Jim Moran, of Virginia's eighth district, also won. In 2003 he had blamed Jews for the Iraq war.

Reports surfaced in early September that the FBI was investigating the American Israel Public Affairs Committee (AIPAC), the pro-Israel lobby widely recognized for its clout on Capitol Hill. Allegedly, Pentagon analyst Larry Franklin disclosed classified information to an AIPAC staffer about Iranian policy toward Iraq. As it had implications for Israel, the staffer then gave the information to the Israeli embassy in Washington. In early December, the FBI raided AIPAC offices in Washington, and four top AIPAC officials were subpoenaed by a federal grand jury.

The role of AIPAC was so central to the pro-Israel cause that any threat to its ability to function aroused trepidation in the organized Jewish community. Furthermore, Jewish leaders wondered about the possible role of anti-Semitism in the FBI probe and the potential anti-Semitic fallout that might result. "All it needs is a legitimate complaint that there was a violation of law," said Abraham H. Foxman, national director of the ADL, on December 30, "to fuel charges of dual loyalties against Jewish groups." At year's end, Jews maintained a wait-and-see attitude on the AIPAC matter.
Far-right extremists continued their activities during 2004, despite a dearth of leadership resulting from the recent deaths of such prominent figures as William Pierce and Richard Butler, and the imprisonment of others (see AJYB 2004, p. 68). One concern flowing from the absence of cohesive leadership was that more individual “lone wolves” in the extremist community were willing to take action on their own, outside of the organizational structures.

Extremist groups continued to use “white-power” music as a recruiting tool. A neo-Nazi record company, Panzerfaust, launched a major, well-publicized campaign to distribute CDs with racist and anti-Semitic lyrics to school children across the country, and other extremist groups volunteered to participate in the project. Racist skinhead groups continued to hold concerts that attracted large audiences.

Even more alarming, extremists expanded their presence on the Internet during 2004, creating new and sophisticated sites to promote hatred. Virtually every major U.S.-based extremist group had an Internet presence. There were now hundreds of anti-Semitic, anti-Israel, and Holocaust-denial Web sites, many incorporating up-to-date technologies such as streaming audio, video, and e-commerce sections, flash videos, background music, original artwork, and cartoons. However, international terrorist groups such as Hamas, Hezballah, and Al Qaeda-affiliated factions, which targeted Jews and Israel, found American Internet providers less willing than before to host their sites.

A major theme articulated by extremist groups was adamant opposition to any government action against racism or anti-Semitism, such as proposals for hate-crimes legislation (see below, p. 000). Extremist publications condemned all such policies for threatening to increase government control over the personal freedom to think and say what one wished, and blamed Jews—the alleged “world Zionist conspiracy”—for masterminding the proposed legislation. Indeed, some saw initiatives against anti-Semitism as part of an ongoing conspiracy to destroy white Christian society.

Even though right-wing extremists were generally anti-Arab on racial grounds, some, in 2004, expressed support for Muslims and the Palestinian cause. Several arguments were used in this connection: that the extremists and the Muslims shared a common Jewish enemy; that traditional Islamic values, such as the subservient role of women, were shared by conservative Christians; and that Muslims, unlike Jews, venerated Jesus.

The largest neo-Nazi group in the U.S. was still the National Alliance (NA), based in Hillsboro, West Virginia. It had been led by William
Pierce from 1974 until his death in July 2002, when Erich Gliebe, former head of NA's Ohio chapter and manager of the group's white power music company, Resistance Records, assumed control. In 2003, the group was plagued by infighting. Although accusations about the leadership's mishandling of finances continued in 2004, Gliebe and his associates maintained power. Membership in 2004 was near 1,000, a 33-percent decline since the death of Pierce. The group sought to attract young recruits through its musical recordings, leafleting campaigns, and billboards around the country. Active in the area of Holocaust denial, it sponsored lectures by the British denier David Irving, and assisted in organizing a conference dedicated to denier Ernst Zundel.

The second largest neo-Nazi group, the National Socialist Movement (NSM), was more blatantly Nazi than the NA, its members dressing and acting as if they were living in the Third Reich. NSM membership apparently grew, profiting from the NA's decline, but the organization was relatively quiet in 2004. It did hold significant gatherings in Pennsylvania, Nebraska, and North Carolina, and participated in a number of other racist events.

The virulently anti-Semitic, white-supremacist Creativity Movement, formerly the World Church of the Creator (WCOTC), promoted the idea of an all-white nation and, ultimately, an all-white world, rejecting Christianity outright in favor of its whites-only Creativity religion. It had been led since 1996 by Matt Hale, who called himself pontifex maximus, or supreme leader. In April, Hale was convicted of solicitation of murder and obstruction of justice. He remained in jail awaiting sentencing, which would undoubtedly entail many years behind bars (see below, p. 181). Without his leadership, the movement lost numbers and influence.

The Christian “Identity” movement promoted a racist, anti-Semitic agenda through the manipulation of religious themes. It taught that people of white European ancestry descended from the Lost Tribes of Israel, making them the “chosen people” of the Bible. Identity’s “two-seed-line” theory asserted that only whites descended from Adam and Eve, and that Jews originated from a sexual union between Eve and Satan. Among notable Identity groups in 2004 were America’s Promise Ministries of Sandpoint, Idaho; Dan Gayman’s Schell City, Missouri, Church of Israel; Pete Peters’ Scriptures for America Worldwide in Laporte, Colorado; and Kingdom Identity Ministries in Harrison, Arkansas. In May 2004, Peters held an event in Branson, Missouri, that attracted 500 followers. In July, three different Identity groups held events in the Pacific Northwest on the same weekend.

Aryan Nations, a paramilitary neo-Nazi group formed in the mid-
1970s and based in Hayden Lake, Idaho, also espoused Identity ideology. It was forced to declare bankruptcy in 2000, and with its leader, Richard Butler, in failing health, Aryan Nations lost members and split into four factions, although Butler remained a revered figure and a featured speaker at white supremacist gatherings. One of the splinter groups, in Louisiana, disassociated itself from Aryan Nations in March 2004. Aryan Nations hosted a three-day Aryan World Congress in Coeur d’Alene on July 16–18, with Butler and 40 other white supremacists conducting a racist parade through the city. Butler died on September 8 at the age of 86. Some of his loyalists moved the organization’s headquarters from Idaho to Alabama, with a four-person leadership assuming control.

Formed in Dallas in the late 1980s, the neo-Nazi skinhead Hammerskin Nation was composed almost exclusively of young white males. With local chapters scattered worldwide (there were 18 in the U.S.), the Hammerskins claimed to represent the working class of the white racist movement, and advocated violence to achieve their goals. During 2004, three members were sentenced to prison for the racially motivated stabbing of a black man in Springfield, Missouri. Although Hammerskin Nation was in decline during 2004, it continued to sponsor rock concerts promoting group hatred, and had several popular racist bands affiliated with it. At the same time, a splinter group, the Outlaw Hammerskins, expanded its membership.

Liberty Lobby, created in 1955 by Willis Carto, was for years the most influential anti-Semitic propaganda organization in the U.S., with considerable impact on right-wing extremism generally. In recent years it had become much weaker, although its publication, the *American Free Press*, continued to peddle anti-Semitic and anti-Israel conspiracy theories. In 2004, it frequently accused Israel, influential American Jews, and “international Zionism” of initiating the war in Iraq. Liberty Lobby regularly advertised Holocaust denial literature.

The Ku Klux Klan was collectively much smaller than it had been decades earlier, but it was still the largest hate group in the U.S. In 2004, there were approximately 50 different Klan groups, ranging from small single-chapter bodies to larger organizations with chapters in many states. Most were located in the South and Midwest. In October 2004, a North Carolina Klan leader was charged with murder for allegedly helping to kill a fellow Klansman. On November 18, Bobby Frank Cherry, the Klansman who had been convicted in 2002 for the 1963 church bombing in Birmingham that killed four black girls—an event that galvanized the civil-rights movement—died at the age of 74.

So-called “militia” groups, which were stridently anti-government, con-
continued to conduct paramilitary training in relative secrecy during 2004. According to an ADL report, these groups got a new lease on life from the various anti-Jewish conspiracies that developed following the events of September 11, 2001, and were "growing and reorganizing." The militias also sought to exploit fear of immigrants and anger at the Patriot Act and other counterterrorism measures, which militia members were sure would be directed against American citizens. In June, two Michigan militia members were charged with possessing illegal machine guns in an alleged plot to kill police officers, in retaliation for the 2003 death of a fellow member. Also in June, the Kentucky State Militia took part in border patrolling in Arizona with Ranch Rescue, an extreme anti-immigration group that conducted vigilante border patrols. In Pennsylvania, two militia leaders were charged with illegal weapons violations. Rick Stanley of Colorado, former leader of the Mutual Defense Pact Second American Revolution Militia, was found guilty in June on two felony counts of attempting to influence a public official.

David Duke, the former Louisiana Ku Klux Klan leader who was sent to jail in 2003 for financial crimes, completed his sentence and was freed in 2004. During his incarceration, Duke continued to send letters to right-wing publications and Web sites expressing contempt for the federal government, Israel, Jews, and other minorities, and promoting his book, *Jewish Supremacism*. After his release from prison, Duke's organization, EURO (European American Unity and Rights Organization), held a major rally in New Orleans, May 29–30, with the goal of promoting unity among white supremacist groups. High-ranking racist figures attending the conference signed the "New Orleans Protocol," a three-point document advocating nonviolence, collegiality, and a "high tone in our arguments." While the agreement was unlikely to maintain harmony between the myriad extremist organizations and personalities, it put Duke once again at the center of the white-supremacist movement. Duke proceeded actively to recruit new EURO members, and another book, *For Love of My People*, was slated for publication in 2005. Duke had a weekly live Internet question-and-answer program on Don Black's Stormfront forum, which featured prominent extremist guests.

Another goal of Duke's New Orleans conference was to forge strong links between white supremacists and Holocaust deniers. Highly significant was the presence on the program of Germar Rudolf, a fugitive from Germany who had established himself as the leading publisher of Holocaust-denial books in the U. S. Rudolf had long denied any connection to ideological racism, a contention now belied by involvement with Duke and his associates.
Also noteworthy was the International Revisionist Conference, held in Sacramento, California, in April. It was convened jointly by the Holocaust-denying Institute for Historical Review (IHR) and the neo-Nazi National Alliance, with the participation of a smaller “denial” group, the European American Cultural Council. IHR president Mark Weber frankly acknowledged that the collaboration with a neo-Nazi group—news of which was posted on the IHR Web site—represented a break from the IHR’s previous portrayal of itself as dedicated to disinterested historical research. The Sacramento conference, originally scheduled to convene at the facilities of the Turn Verein, a German social and sports club, had to move elsewhere when, two days before the opening session, the Verein learned the nature of the program and barred the conference from using its premises.

One of the speakers in Sacramento was veteran Holocaust denier Bradley Smith. Smith’s major focus in 2004 was a campaign to “decriminalize Holocaust history,” that is, to legitimize the dissemination of Holocaust denial through the claim of free speech. To this end, Smith set up a new Web site and an electronic mailing list. He also managed to obtain speaking engagements at several college campuses in California.

Other Holocaust-denial activities during 2004 included speaking tours by British denier David Irving, who resided part of the year in Key West, Florida. Also, as he had done annually since 1999, Irving conducted another “Real History” conference in Cincinnati. Ingrid Rimland, who ran the on-line Holocaust-denial site known as Zundelsite, continued her efforts to draw attention to the plight of her husband, the German Holocaust denier Ernst Zundel, who was held in Canadian custody during 2004 while courts sought to resolve his legal status there (see below, p. 000). In May 2004, Rimland published Setting the Record Straight, consisting of letters by her husband about constructing a “cultural center” in Tennessee to promote the renaissance of the “Aryan race.”

An ad placed by the IHR in the May 3 issue of the Nation magazine, an influential liberal weekly, generated protests both from individuals associated with the magazine and from Jewish groups. The ad, promoting a book entitled The Founding Myths of Modern Israel, had been scheduled to run for six issues, but was pulled after its first appearance. Although the Nation did not have a policy on running Holocaust-denial ads, it decided that certain claims in this one violated the magazine’s policy not to print “patently fraudulent” ads. Publisher Victor Navasky noted that his magazine had a “presumption in favor of taking ads where we
politically disagree,” but added that all publications had the legal right to refuse any advertisement.

And finally, Bobby Fischer, the brilliant and erratic one-time world chess champion, long known, despite his own Jewish roots, for expressions of anti-Semitism and Holocaust denial, took another jab at Jews and Judaism in mid-July. After he was taken into custody in Tokyo for extradition to the U.S., Fischer’s Web site announced: “Bobby Fischer does not wish to return to the Jew-controlled U.S.A. where he faces a kangaroo court and ten years in prison.”

The Debate over the “New” Anti-Semitism

Several books and articles had appeared in 2003 on the question of whether there was a “new” anti-Semitism at loose in the world, largely consisting of anti-Israel rhetoric and action (see AJYB 2004, pp. 77–78). A valuable comprehensive anthology on the topic was published in 2004, Those Who Forget the Past: The Question of Anti-Semitism, edited by Ron Rosenbaum, who also contributed an original introduction. While all points of view were represented in the volume, Rosenbaum’s own position was that there was indeed good reason for Jews to be apprehensive about the increasingly blurred line between criticism of Israel, on the one hand, and anti-Semitism, on the other. Agreeing with him was historian Omer Bartov, who wrote, in The New Republic (Feb. 2), “There is a Hitlerite quality to the new anti-Semitism, which now legitimizes . . . the resurrection of the myth of world domination.” Midstream, a journal of Jewish concerns, devoted two issues to the question, “The Old and New Anti-Semitism” (February/March), and “The Old and New Anti-Semitism Revisited” (November/December).

The furor generated in 2003 by New York University historian Tony Judt’s New York Review of Books article, “Israel: An Alternative,” in which Judt called Israel a political anachronism that ought to be replaced by a binational state in Palestine (see AJYB 2004, pp. 79–80), continued into 2004. Among the most trenchant responses to Judt’s thesis was Daniel Gordis’s open letter to him, “My Anachronistic Home,” which appeared in the January issue of Midstream. Gordis charged that Judt knew full well that Jews would be submerged, both politically and culturally, in a binational state. Clearly, Judt had no qualms about the disappearance of the Jewish people, and therefore he and others who agreed with him, wrote Gordis, were guilty of anti-Semitism.

Philip Roth’s new novel The Plot Against America, which appeared in
September, was an exercise in historical fiction whose theme was American anti-Semitism. The book examined what might have happened had the isolationist and anti-Semitic aviator hero Charles A. Lindbergh had been elected president in 1940. A number of reviewers suggested that Roth, after raising hackles in the Jewish community over the years with unsympathetic portrayals of Jewish characters, had, with *The Plot Against America*, emerged as a champion of Jews against their detractors. Others claimed that the book was meant to draw parallels between a fictional Lindbergh administration and the current Bush presidency. But the work, which presented anti-Semitism as pervading the central institutions of power in America, found resonance with some in the Jewish community who believed they saw signs of exactly such a scenario in the investigation of AIPAC, anti-Semitism on the campus, and other worrying portents. Roth himself wrote (*New York Times Book Review*, Sept. 19), “All I do is defatalize the past. . . . In the 30’s there were many of the seeds for [a Nazi-type regime] happening here, but it didn’t . . . . It is not my point that this can happen and will happen; rather it’s that at the moment when it should have happened, it did not happen.”

An important conference on anti-Semitism in the U.S. and around the world in 2004 was “Anti-Semitism and the Contemporary Jewish Condition,” convened in Los Angeles, October 17–19, by the University of Judaism’s Sigi Ziering Institute.

A 2004 Library of Congress lecture, “Anti-Semitism in America, Past and Present: Realities and Myths,” delivered by Jerome A. Chanes, was held in conjunction with the library’s exhibition on the 350th anniversary of Jews in America, “From Haven to Home.” This was the first Library of Congress lecture ever devoted to the topic of anti-Semitism. Chanes also authored, in 2004, the first comprehensive reference work on the subject, *Anti-Semitism: A Reference Handbook*.

**Media and the Arts**

The return of Shylock to popular culture—in this case, a film version of *The Merchant of Venice*, released late in 2004, directed by Michael Radford, and featuring Al Pacino as Shylock the Jew—aroused renewed concerns about anti-Semitism, particularly in the aftermath of the controversy over *The Passion of the Christ*. But most observers found that while the film could hardly escape the stereotypes of the original play—the Jew as alien, vengeful, and money hungry; Old Testament cruelty contrasted to New Testament kindness—the portrayal of Shylock was
sympathetic, and the anti-Jewish elements were placed within a historical context. Kenneth Jacobson, associate national director of the ADL, which had been one of the leading critics of the Gibson film, was impressed that “[T]hey put on the screen how there was anti-Semitism, how Jews were put in ghettos, and how Jews were forced into the profession of money-lending.”

The vexed question of whether works of art were exempt from criticism on the grounds of anti-Semitism came up at the beginning of the year in the case of an installation at Stockholm’s Museum of Antiquities that portrayed a smiling suicide bomber. It was the work of an Israeli-born Swede, Dror Feiler, and his wife, Gunilla Skold Feiler, for an exhibition to accompany an upcoming conference on genocide. At the opening, on January 16, Avi Mazel, Israel’s ambassador to Sweden, was so outraged that he committed an act of vandalism on the work. Efraim Zuroff, director of the Simon Wiesenthal Center’s Israel office, characterized the installation as “a classic example of the new anti-Semitism... done by someone who was born in Israel, which gives it a hekhsher [seal of Jewish approval].” Clearly, the boundaries between freedom of artistic expression, anti-Semitism, and good taste were still bitterly contested.

Jewish viewers who saw the August 1 episode of “Da Ali G Show” on HBO were probably perplexed about a portrayal by Sasha Baron Cohen, one of television’s hottest and most irreverent comedians. His character, Borat, in an effort at irony, sung at one point, “The Jew/he take everybody’s money,” and the chorus responded, “Throw the Jew down the well/so my country can be free/you must grab him by the horns/and then we have a big party.” The ADL complained: “We are concerned that the irony may have been lost on some of your audience... in attempting to expose bigotry and prejudice you also bear a responsibility to be sensitive.” But HBO responded: “Cohen delivers an obvious satire that exposes people’s ignorance and prejudice.”

In early March, the executive director of the Academy of Motion Picture Arts and Sciences—which awards the “Oscars”—defended its decision to honor Nazi movie propagandist Leni Riefenstahl during the forthcoming Academy Awards ceremony. The recognition of Riefenstahl, dubbed “Hitler’s filmmaker,” had been heavily criticized by some in the movie industry, prominent Holocaust scholars, and Jewish organizations. “Her art was directly linked to politics,” observed Michael Berenbaum, a Holocaust scholar and professor at the University of Judaism. “To let that pass without mention is to presume that art is valueless, and that’s an abomination.”
On the media front, Bill O’Reilly, the controversial host of “The O’Reilly Factor” on the Fox TV News Channel and on national radio, offended many Jews when he suggested, on December 3, that a Jewish caller who expressed anger that Christmas was celebrated in public schools should “go to Israel” where he would not have to submit to public acknowledgement of that holiday. When ADL national director Abraham Foxman, among others, demanded an apology, O’Reilly called Foxman “a nut.” Rep. Nita Lowey (D., N.Y.) sent a letter to congressional colleagues on December 15 calling for an O’Reilly apology.

In a little-noticed book review in a major magazine, the well-known author and literary critic John Updike resorted to a combination of old-fashioned Protestant anti-Semitism and modern anti-Zionism to express his feelings about what Christians call the Old Testament. Reviewing Robert Alter’s translation of *The Five Books of Moses* in the *New Yorker* (Nov. 1), Updike objected to what he considered the angry and vengeful God of the Hebrew Bible, as well as the xenophobic tribalism inherent in the idea of a chosen people. He went on, “The Israelites’ effort to claim and maintain their Promised Land fuels a contemporary crisis. It is still cruelly true that, as we read in Alter’s version of Numbers, ‘If you do not dispossess the inhabitants of the land . . . they will be foes to you . . . .’”

**Responses to Anti-Semitism**

**Legislation and Law-Enforcement**

As of 2004, 46 states and the District of Columbia had hate-crime laws that punished crimes motivated by group bias more severely than the same acts performed without such motivation. There was no evidence that these laws reduced the incidence of bias crime, but supporters nevertheless felt it crucial that government, as a central institution of society, should send a forthright message that such activity was unacceptable. Georgia’s law was struck down during the year, the state supreme court ruling 7-0 that the statute was too broad.

Little progress was made during 2004 in passing a comprehensive federal hate-crime law. The existing federal Hate Crime Statistics Act (HCSA) required the Justice Department to gather data on crimes that manifested prejudice based on race, religion, sexual orientation, disability, or ethnicity from law-enforcement agencies across the country, and to publish an annual summary of its findings (see above, p. 159). Also, a
federally mandated and funded initiative to prevent hate crime by young people, Partners Against Hate, continued to conduct training and education programs.

Legislation was introduced in April barring insurance companies from denying coverage to Americans based on their lawful travel to Israel or any other country. Taking the hint, Allstate, one of the largest insurance underwriters in the country, announced in early July that it would no longer “redline” passengers traveling to Israel. The company had been accused of refusing to sell insurance policies to those who were planning to visit Israel or other nations subject to U.S. State Department travel advisories.

Twenty-seven years after the event, the U.S. State Department and American intelligence agencies acknowledged in January that the Israeli attack on the USS Liberty during the Six-Day War was a mistake, and “not made in malice.” The Liberty incident had long been used as fodder for anti-Semitic and anti-Israel expression.

In April, white supremacist leader Matt Hale was convicted in Chicago of soliciting the murder of a federal judge. Hale, leader of the former World Church of the Creator, now the Creativity Movement, was found guilty of one count of solicitation of murder and three counts of obstruction of justice. He faced a maximum penalty of 20 years in prison and a maximum fine of $250,000.

Three American members of the so-called “Virginia Jihad Network” were sentenced to long prison terms in U.S. District Court in June, for conspiring to fight alongside a Pakistani-based terrorist group and engaging in paramilitary training in the Virginia woods. Masoud Khan, a Maryland native who had traveled to Pakistan to train with Lashkar-e-Tayyaba—designated as a foreign terrorist group by the U.S.—was sentenced to life in prison on charges of conspiracy to levy war against the U.S. and providing material support to the Taliban and Al Qaeda. Seifullah Chapman was sentenced to 85 years and Hammad Abdur-Raheem to eight. The lengthy terms of Khan and Chapman resulted from mandatory minimum sentences for related weapons convictions.

Former national guardsman Duane Braden was arrested in October for allegedly planning to blow up a synagogue and a National Guard armory in Tennessee. Federal agents found bombs, weapons, and neo-Nazi paraphernalia at Braden’s residence, along with notes in which he threatened to kill a rabbi and children. Authorities charged him with two federal counts of attempting to destroy an armory and possession of an unregistered firearm.
RESPONDING TO ANTI-SEMITISM ABROAD

In light of the shocking numbers of anti-Semitic incidents in Europe and the Muslim world since 2000, Senator George Voinovich (R., Ohio) introduced S.2292, the Global Anti-Semitism Review Act, on April 7, 2004. Cosponsored by Senators George Allen (R., Va.) and Joseph Biden (D., Del.), the bill directed the secretary of state to deliver to the Senate Committee on Foreign Relations and the House International Relations Committee, by December 31, 2004, a one-time report on anti-Semitic acts around the globe. Rep. Tom Lantos (D., Calif.) introduced the legislation in the House. Despite opposition from the State Department, which objected that the law would single out Jews for special treatment, it passed the Senate on May 7 and the House on October 8, and President Bush signed it into law on October 16.

Pursuant to the new law, the State Department submitted a comprehensive and detailed “Report on Global Anti-Semitism” to Congress on December 30. It defined anti-Semitism to include criticism of Israel that, going beyond principled objection to policies, indulged in demonization and dehumanization, such as invoking grotesque comparisons between Israelis and Nazis. The report highlighted not only acts of vandalism and assault, but also the growth of anti-Semitic rhetoric in the European media, and in publications, textbooks, and television programming found in the Middle East and North African countries, especially Egypt and Saudi Arabia.

Following up on their June 2003 meeting in Vienna that identified anti-Semitism as a human-rights issue, the U.S. joined with the other 54 member countries of the Organization for Security and Cooperation in Europe (OSCE) for a second meeting on the subject, which took place in Berlin in April 2004. There, these countries denounced anti-Semitism and pledged both to monitor and combat it. U.S. secretary of state Colin Powell—whose presence added significant star-power to the proceedings—emphasized that some anti-Zionist criticism of Israel was also anti-Semitic. Nobel Laureate Elie Wiesel, one of the speakers, called for a “manifesto” against hatred of Jews, and that this document should be taught in schools. Following the conference, a number of resolutions were introduced in the U.S. Congress urging all the OSCE member nations to implement the commitments they had made.

The OSCE led the way in government-level actions against anti-Semitism. In December 2003, following the Vienna meeting, the foreign ministers met in Maastricht, where they mandated the Office of Demo-
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cratic Institutions and Human Rights (ODIHR) to act as a collection point for hate-crime information from governments and NGOs, and designated an official to oversee the task. ODIHR would also evaluate and disseminate "best practices" on how to gather data about hate crimes, the training of law enforcement agencies to deal with them, and educational efforts to fight prejudice. At Sofia in December 2004, the foreign ministers appointed three special representatives on tolerance issues, including one specifically to investigate instances of anti-Semitism. They also agreed to hold a third conference on anti-Semitism in June 2005, in Cordoba. American Jews groups welcomed the OSCE moves.

On a related front, in June, the OSCE convened in Paris for the first conference dedicated specifically to examining hate on the Internet. What emerged was a document, "Promoting Tolerance and Media Freedom on the Internet," which was carefully crafted to take into account the varying legal proscriptions on "hate" materials in the different OSCE nations. The member states agreed to examine Internet content in their respective countries so as to determine the level of anti-Semitism and other forms of intolerance, to investigate and prosecute criminal threats of violence based on such content, and to establish educational programs for children about the dangers of Internet hate sites.

Perhaps even more significant that the OSCE process was the historic UN conference in June entitled "Confronting Anti-Semitism: Educating for Tolerance and Understanding." This event, held at UN headquarters in New York, was the first time that organization had ever confronted the topic of anti-Semitism head-on. UN officials—and most emphatically, Secretary General Kofi Annan—acknowledged that the world body's record on this issue had fallen short of its ideals. Annan called upon the General Assembly to adopt a resolution on anti-Semitism modeled on that of the OSCE in Berlin. The UN's Third Committee, on November 22, specified "anti-Semitism" in a call for the "elimination of all forms of religious intolerance," the first time that anti-Semitism had been included in the annual "intolerance" resolution. General Assembly action was expected to follow. Felice Gaer, director of the AJC's Jacob Blaustein Institute for Advancement of Human Rights, suggested that the UN would never have taken this step had the OSCE not done so first. "When the European countries take leadership, things can change at the UN," said Gaer.

Columbia University law professor Anne Bayefsky authored two noteworthy articles on the UN in 2004. In "The UN and the Jews," which appeared in the February issue of Commentary, Bayefsky frankly described
the anti-Semitic rhetoric expressed over the years by representatives of member states and UN officials. And the November/December issue of *Midstream* carried Bayefsky’s address to the UN conference on anti-Semitism, in which she challenged the world body to confront its anti-Jewish bias.

A long-awaited report on anti-Semitism by the European Monitoring Center on Racism and Xenophobia (EUMC) was released in April. The 344-page document confirmed that anti-Semitism was a growing danger across the continent, but danced around the politically sensitive question of responsibility. The mere passing reference to Muslim perpetrators of acts against Jews was deeply disappointing to Jewish observers.

The Ford Foundation had come in for criticism in 2003, when it was learned that large financial grants from the foundation had enabled Palestinian groups virtually to hijack the 2001 UN Conference Against Racism, held in Durban, and thereby make it into a forum for verbal attacks on Israel and Jews. As leaders in Congress considered legislation authorizing the investigation of the accountability of tax-exempt groups, the foundation, after consultation with Jewish organizations, adopted a new policy requiring grant recipients to eschew support for terrorism, bigotry, and anti-Semitism, and hired Stuart Eizenstat, a former Clinton administration official with strong ties to the Jewish community, to advise on its implementation.

Finally, the banning by the French government of al-Manar, the Lebanese satellite television station controlled by the terrorist organization Hezbollah, triggered calls for an examination of al-Manar’s operations in the U.S.

**JEWISH ORGANIZATIONAL RESPONSES**

National Jewish community-relations organizations continued to invest significantly in prejudice-reduction programs, such as “Hands Across the Campus” managed by the American Jewish Committee, and “A World of Difference,” an ADL program. Also, the ADL ran a series of television ads in Europe and billboard ads in the U.S. with the theme, “Anti-Semitism is Anti-All of Us.”

Such initiatives—in use since the 1950s—were aimed at moderating and even eliminating prejudicial attitudes, and thereby affecting behavior. The consensus among social scientists, however, was that such changes in attitude, with few exceptions, were doubtful, raising questions about whether the large expenditures involved were worthwhile. Indeed,
little evaluative research had been done to test the efficacy of these programs; such an evaluation of "A World of Difference," commissioned by the ADL and conducted in 2000, had yet to be released, notwithstanding calls for its publication by scholars and community professionals.

In February, the Simon Wiesenthal Center officially opened its Tolerance Center in New York, for professional development and prejudice reduction.

A sharp critique of Jewish "defense" organizations came from Jack Wertheimer, historian and Jewish Theological Seminary provost. In "Jewish Security and Jewish Interests," published in *Commentary* in October, Wertheimer argued that the traditional politically liberal stance of these agencies has led them, in an era of declining anti-Semitism in the U.S., to take upon themselves an increasingly diverse array of issues having little or nothing to do with "Jewish interests," defined by Wertheimer as "the defense of Jewish security." Wertheimer's article reignited the perpetual debate about Jewish communal priorities, as those who disagreed with him suggested that Jewish security was not necessarily limited to physical security, and that involvement in general social issues, such as the civil-rights struggle in the 1950s and 1960s, made Jews more secure.

The Union of Orthodox Jewish Congregations (OU) had to deal with a threat to kosher slaughtering procedures that some viewed as tinged with anti-Semitism. In early December, People for the Ethical Treatment of Animals (PETA), an animal-rights group, claimed to have videotaped proof that the kosher-slaughter practices of AgriProcessors, Inc., a plant in Postville, Iowa, were needlessly cruel to animals. On first gaining access to the video, the OU, which ran the largest kosher certification operation in the country, asserted that it "was testimony that it was done right," that the slaughterhouse did not violate laws of kashrut or any statute. Within a week, however, the OU reversed itself and raised questions about AgriProcessors' practices. Apparently, the organization's original defensive reaction reflected the memory of repeated efforts on the part of animal-rights and anti-Semitic groups to legislate "humane slaughter," a code word for the outlawing of kosher slaughter. It appeared, however, that in this case PETA was not attacking Jewish slaughtering practices, but rather only a particular firm's procedures.

A case that had dogged the ADL for a decade finally came to an end on March 1, when the U.S. Supreme Court, without explanation, declined to review a jury verdict ordering the organization to pay more than $10 million to William and Dorothy Quigley for defaming them. In 1994, when the coupled lived in Evergreen, Colorado, they had an argument
with their Jewish neighbors, the Aronsons. Afterward, those neighbors used a police scanner to hear and record anti-Semitic comments the Quigleys made on a cordless phone. The Aronsons presented the recordings to the local ADL director, who denounced the Quigleys as anti-Semites at a press conference, and county prosecutors charged them with hate crimes. But it turned out that the recording had been illegal, and the charges were dropped. The Quigleys, meanwhile, pursued a defamation suit against the ADL, which they won in 2000. With the Supreme Court’s refusal to intervene, the affair was over and the ADL had to pay. “But through the entire process we have continued to serve the community,” said the ADL Mountain States director. “We do remain committed to our fight against hatred and racism and bigotry and extremism and anti-Semitism.”

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