



Jerusalem 5:53
Toronto 6:53

ISRAEL NEWS

*A collection of the week's news from Israel
From the Bet El Twinning / Israel Action Committee of
Beth Avraham Yoseph of Toronto Congregation*

Remember Daniel Patrick Moynihan's advice regarding anti-Zionists: don't accuse the accused, accuse their accusers.

Sniveling violates the Zionist ethos of Jewish pride and dignity. Rooted in "mucus," snyflung or snofl in late Old

English, it means to "run at the nose," be plaintive, tearful.

American Jews' Achilles heel is only on the left foot. Contempt from the Left unnerves them. It feels unnatural, like unkosher gefilte fish. Right-wing Jew-hatred confirms that all is right with the universe, providing just the right enemies.

Left-wing anti-Zionism, however, comes from those whose approval most American Jews desperately seek. This most-unwelcome hatred festers in the secular churches most wish to join, especially Blue-Jew America's holy-of-holies, the universities. The result is a megaphone effect, giving progressive critiques of Israel disproportionate power.

Unfortunately, America's ideological winds are shifting. Liberalism and Zionism are Siamese twins, conjoined at the hip, sharing much DNA, without being identical. But while Zionism is inherently liberal, Wokeness is fundamentally illiberal. Wokeness, including Critical Race Theory, encourages blaming and shaming, with a strong totalitarian streak ever-so-quick to cancel. As a movement of liberal-nationalism and national liberation, Zionism takes responsibility and problem-solves, fostering a strong democratic political culture ever-so-slow to excommunicate, because so many arguments are so robust.

I am a Big Tent guy. Jews need an expansive, welcoming Zionist conversation from Left to Right. The Trumpified-Zionist Right is too defensive, too suffocating, not tolerating the debate and self-criticism democratic communities need to grow. The anti-Zionist Left is too offensive, too delegitimizing, not tolerating the kinds of defensive actions every sovereign country sometimes needs to survive.

Between those two extremes, there's much room to maneuver – and a large platform suiting most Jews today, the silenced majority – including the 83 percent of American Jews who support Israel.

By definition, every community needs boundaries. Our Zionist tent therefore, no matter how broad and blue-and-white, requires red lines. That is why we must lean in without falling over. That is why I shudder at so many spineless leaders, fearing the young, refusing to call out the few, the loud, the un-proud, who long ago stopped listening, the Woke who cannot even be shaken awake by the shrieks of missiles launched against their people or the muffled cries of traumatized Israeli children in bomb shelters.

Ideologies cannot protect themselves by debasing themselves. Remember the Zionist Pilates slogan: strengthen your core! That internal strengthening comes from effective messaging. Yes, reach out to the Left enough to reassure liberal Zionists, but stop overreaching, neglecting the Center while wooing the unwooable.

Too many apologists indulge Yasir Arafat's conceit that every Israel conversation must be about the Palestinians. That obsession distorts reality. It defines last year by Gaza, not the Abraham Accords. It defines the last half-century by the "intractable" Palestinian conflict, not Israel's progress with Egypt, Jordan, even Saudi Arabia. And it defines the last 75 years by Israel fighting, not Israel thriving, building, ever-improving. My Israel timeline is not '48, '56 '67... war-war-war. My chronology pivots around the Forties, the Fifties, the Sixties... – viewing the conflict in context, not making the conflict the context.

Most modern anti-Zionism is not logical or ideological but sociological – and irrational. In his important book *The Constitution of Knowledge: A Defense of Truth*, Jonathan Rauch quotes social science research proving that "believing is belonging." Most people cater their arguments and, increasingly, their truths, to reinforce their defining reference group.

These hyper-critical Jews are most committed to being Woke, to fitting in with Social Justice Warriors. They may sing Leonard Cohen's "Hallelujah," but they overlook Cohen's lesson during the 1973 Yom Kippur, when Montreal's legendary singer-songwriter traveled the Sinai, singing to buoy Israel's troops. Asked what he was doing there, despite having criticized Israel harshly, he explained: "I am joining my brothers fighting in the desert... A Jew remains a Jew. Now it's war and there's no need for explanations. My name is

Commentary...

Durban IV: The UN's Festival of Hate By Gerald M. Steinberg

Now, as in 2001, many of those who claim to speak in the name of Twenty years ago, the world's human rights community came to Durban, South Africa, for a conference called to eliminate racism and discrimination. This event took place just a few days after a Palestinian terror attack in Jerusalem killed and maimed Israelis in a pizzeria filled with teenagers and young families. But the thousands of self-proclaimed human rights activists at Durban did not mention the attack or the victims; for them, Israelis do not have human rights. Instead, the diplomats, United Nations officials and leaders of powerful non-governmental organizations (NGOs) focused on demonizing Israel and Zionism.

Durban was the blueprint for the 21st century anti-Semitism. The Arab Lawyers Union distributed caricatures of Jews with fangs dripping blood, and delegates picked up copies of the "Protocols of the Elders of Zion" forgery. Well-organized mass marches through the streets, with placards declaring "Zionism is racism," were accompanied by speeches denouncing Israeli "apartheid." Arafat and his chief propagandist Hanan Ashrawi were flown in to denounce Israeli "apartheid."

The plan to hijack Durban was formed months before, at a U.N. preparatory conference in Tehran. There, the strategy of equating Israel to apartheid South Africa was developed into a full-scale war plan. The NGO Final Declaration and Program of Action, composed in Tehran, was a strategy for political war. Israel was labeled as a "racist apartheid state," guilty of "genocide" and "racist crimes against Palestinians." They demanded that all countries implement policies for "the complete isolation of Israel as an apartheid state."

Immediately after Durban, the same NGOs and U.N. allies moved to implement the strategy. Human Rights Watch led the other groups with allegations of war crimes following every Israeli response to terror, whether from Hamas in Gaza or Hezbollah from Lebanon.

The NGO Durban war has continued for 20 years, including the flood of "reports" recently on the apartheid lie. The European-funded organizations campaign for boycotts targeting Israeli universities and businesses, athletes and cultural events, often joined by church groups with classical theological anti-Semitic agendas, under the banner of BDS (boycotts, divestment and sanctions).

The constant drumbeat from Durban has contributed significantly to violent anti-Semitic attacks worldwide. Recent statistics from the United States, Britain and European countries highlight the hate directed against Jews and Jewish or Israeli targets.

Nevertheless, the Durban framework remains on the U.N.'s permanent agenda. The one-day event in the U.N. General Assembly known as Durban IV was called so that officials and affiliated NGOs could celebrate their successes in this war of hate. To their credit, President Biden and the leaders of Canada, Britain and a number of European governments refused to participate.

But the anti-Semitism and obsession with Israel will continue, under the façade of human rights. Now, as in 2001, many of those who claim to speak in the name of morality and law continue to support the perpetrators of inhuman brutality, and erase the victims of terror and injustice. This is the legacy of Durban after 20 years. (Israel Hayom Sep 22)

חג שמחה

Enough With the Sniveling Zionists! By Gil Troy

Enough with the Sniveling Zionists! Since the Gaza eruption, I have endured dozens of hand-wringing Zooms obsessed with "bringing back progressives." Most discussions assume "we" erred, and if we would only repent, or "get" better PR, the megaphoned minority of un-Jews undoing modern Jewry's core consensus uniting peoplehood, religion and statehood would repent. But critics using our enemies' language to attack their own people aren't open to reason.

Cohen, no?”

“A Jew remains a Jew” is the strategic insight – and ideological stance – shaping Identity Zionism. Emphasizing belonging invites Jews to dream about what we can become working together, tapping into our rich heritage. It’s about values and vision, community and continuity, patriotism and pride. We didn’t come to Israel to build what the writer Herman Melville called a snivelization – we mastered that for millennia in Exile!

Snivelized types feel “dreadful about their souls,” Melville warned; civilized types know how to nurture what the Home Depot philanthropist Bernard Marcus calls “a generation of proud Jews connected to Israel and the Jewish people.” Through the teen trips Marcus sponsors, through Birthright, Masa, and other Israel Experiences, we don’t start the conversation with “what’s wrong with us” or even “where do we stand politically.” We start with “who are we,” “who have we been” and “who can we become?”

That’s the recipe for long-term pride. That’s the recipe for a Zionism which isn’t about twisting ourselves into pretzels – that’s junk food! – but baking tasty Gen Z challahs: evoking warm memories, braiding us and our ideas together, while leaving us satisfied yet hungry for more. (Jerusalem Post Sep 21)

Why Was the Jewish Response to Durban a Failure?

By Jonathan S. Tobin

Exactly 20 years ago, the egregious proceedings of the Durban Conference illustrated how the international community, and in particular, the United Nations had legitimized anti-Semitism. A conference whose purpose was to oppose racism was essentially hijacked by the Palestinians and their allies, who were eager to revive the United Nations’ since-rejected libel about Zionism being racism. In an international community in which diversity and various expressions of national identity and self-determination were celebrated, only the Jews were told that the movement dedicated to their rights and self-determination was illegitimate.

The labeling of Israel as an apartheid state—an outrageous libel that gained new momentum after Durban and became a totem of the success of intersectionality, an ideology that became best known for its willingness to analogize the Palestinian war to destroy the one Jewish state on the planet with the struggle for civil rights in the United States and against racism everywhere. Intersectionality and critical race theory, to which it’s closely related, were initially seen as far-left ideas with little impact on the real world. But from the perspective of 2021, it’s clear that what was embraced at Durban has led to directly to the current situation in which these toxic concepts have not only become embraced by the chattering classes, mainstream media and even leaders of the Democratic Party, but also have effectively given an unprecedented permission slip for anti-Semitism.

Since then, there have been three official follow-up conferences hosted by the United Nations with much the same focus. The most recent, scheduled for Sept. 22 in New York City, is being boycotted by the United States and at least a dozen other countries. But while that is commendable, as Anne Bayefsky pointed out earlier this year, the Biden administration has also re-joined the U.N. Human Rights Council, a key prop of the Durban canards, and has done virtually nothing to try to halt the Durban reboot even if it isn’t attending itself.

This problem and its various implications will be addressed in an important conference, “Fight Racism, Not Jews: The U.N.’s Durban Deceit,” that deserves a wide online audience.

But with the passage of two decades, the questions I think deserve an answer are why the response from the organized Jewish world to this outrageous calumny has been so feeble. How is it possible that the identification of Jews with racism and apartheid has been met with what are, for the most part, perfunctory protests?

How is it that the Jewish world has confronted the apartheid Israel lie that Durban helped put on the ideological map with the sort of complacency and minimal activist response that has essentially given it a pass?

Is this merely a failure of public relations, or does it indicate a more profound inability to comprehend the danger that comes from allowing these ideas to go unchallenged or, even worse, to be treated as reasonable arguments?

And equally important, do those tasked with defending the Jews against rising anti-Semitism understand the consequences of their failure?

Part of the problem stems from one of the great strengths that is also a potential weakness for Jewish groups and those tasked with

defending Israel and Zionism. Judaism contains a balance of universalism and parochial concerns; however, to much of the Jewish community, the former has assumed a far greater importance.

Some of that manifests itself in natural and laudable impulses to demonstrate solidarity with minority groups and the cause of civil rights. But it has also led to a willingness to turn a blind eye to trends that are associated with such causes but which are actually toxic to both the public square and to Jewish security.

And it is precisely because of their diffidence in opposing anything that was somehow connected—rightly or wrongly—with anti-racism that the apartheid libel and the intersectional arguments that underpin it became regarded as not so much a frontal attack on Jewish security but merely an over-enthusiastic application of good principles. This willingness not to merely downplay the justice of Zionism and the injustice of the war being waged against Jewish self-determination is itself lamentable. But when added to the inclination of many liberals to regard anti-Zionism as a legitimate point of view that deserved a hearing despite its inherently prejudicial nature, that has continued to undermine the response not just to the spirit of Durban and the apartheid Israel lie; it has materially aided the assault on Israel in various U.N. forums, as well as academic and political venues where intersectionalism has found a foothold.

Liberal Jewish groups that dominate American Jewish life were at one and the same time too busy pursuing domestic agendas and virtue-signaling their disagreements with the policies of various Israeli governments to understand that what was happening under the auspices of the United Nations wasn’t just a meaningless exercise in Third World politics or internationalist propaganda. Rather, it was an idea that had the power to delegitimize not just Israel’s existence, but the rights of Jews everywhere as those connected to the Jewish state ultimately found themselves in the sights of movements determined to treat all those connected to Israel as equally at fault and guilty of oppression.

Expressions of support for Jewish rights and full-throated opposition to the anti-Semitism that had been taken up by supporters of the Palestinians was regarded by many well-meaning Jewish groups as somehow too assertive or parochial. Such stands were also damned as insufficiently concerned about the plight of Palestinians regardless of how often the latter had rejected Israel’s offers of an independent state and peace.

While the United Nations has long since lost the luster that its idealistic origins gave it, much of the organized Jewish world, like various foreign-policy establishments in Western countries, regards multilateralism and diplomacy as an end in and of itself, regardless of whether it advances or actually sets back the causes of freedom and opposition to genuine racism.

Layered into this problem is a tendency among many Jewish groups and many Jews to view anti-Semitism only through the prism of their historical memories and contemporary partisan prisms. This leads groups like the Anti-Defamation League to seeing Jew-hatred as primarily a problem of the far-right, while either ignoring or minimizing the way anti-Semitism has always found a home on the left. The efforts of the Palestinians and their Third World and Islamic allies to use not merely the language of the left to delegitimize Israel’s existence but the structures of international organizations to pursue their goals is largely off the radar screens of Jewish defense groups. Those groups have been too focused on looking for enemies among the extremists of the far-right while regarding anti-Israeli and anti-Zionist invective from the left as less threatening.

To point this out is not to deny that anti-Semitism also exists on the right, and that it can pose a genuine danger. But the almost exclusive focus on the right—motivated in part by the partisan priorities of some of those tasked with fighting anti-Semitism—led to a degree of complacency about the spirit of Durban, the anti-Semitism of the United Nations and intersectionalism that caused it to metastasize in the last decade almost without the anti-Semitism monitors noticing.

It is also true that Israeli diplomacy has largely abandoned the field in international organizations both because its diplomats focus on other crucial matters and because the Jewish state has become inured to the influence of a United Nations that remains dead set against it.

The consequences of this failure are readily apparent in 2021. Other than a few groups that have taken up this task, the organized Jewish world has largely failed to recognize that allowing these slanders to become entrenched in international discourse can have a catastrophic impact on Jewish security. This is partly a matter of

underestimating the influence of U.N. agencies. But intersectional ideology has taken hold of academia and, like most toxic ideas that begin on college campuses, and then migrated to the rest of society. The delegitimization of Jewish nationalism and Jewish nationalism alone has created a reality in which anti-Semitism has received a permission slip from intellectuals, activists and opinion-influencers in the media in a way that would have been unthinkable two decades ago. And rather than crying “stop,” liberal groups like the ADL and the Jewish Council on Public Affairs are cheerleading for these dangerous notions.

It's time the organized Jewish world started treating this problem and its connections to an increasingly popular variant of left-wing anti-Semitism in the United States seriously. The failure of major Jewish groups isn't just a disgrace; it is creating a dangerous environment in which they have effectively cleared a path for those who hate Israel and the Jews. (JNS Sep 17)

The Palestinian Assault on Jewish History and Heritage

By Michael Freund

If anyone still has doubts about the Palestinian Authority's determination to erase all traces of Israel's ancient Jewish heritage, an important new report should lay to rest any such uncertainties.

The 65-page document, entitled “National Heritage Survey” and published by the Shilo Forum and the Shomrim al HaNetzach (“Preserving the Eternal”) organization, examined a selection of 365 of the most important national and cultural Jewish archaeological and historical sites in Judea and Samaria.

The findings are nothing less than shocking and infuriating and require immediate attention from Israel's government.

Simply put, hundreds of cherished Jewish sites in the Land of Israel which survived 2,000 years of Roman, Byzantine, Arab, Crusader, Mameluke and Ottoman occupation are being systematically destroyed right under our noses by the Palestinians.

The report, which has not received the widespread attention it deserves in the Israeli and international press, found that 289 sites, representing a whopping 80% of those surveyed, have been damaged or destroyed. These include sites dating back to biblical times, as well as those from the Second Temple, Herodian and Hasmonean periods.

Consider the following examples:

Outside of Jericho, in an area under Israeli control, is the second largest ancient Jewish burial ground in all of Israel. Dating back to the Second Temple period, it is spread out over an enormous area adjacent to a Hasmonean palace and contains a vast complex of dozens of burial caves which were used for two centuries and where an estimated 100,000 Jews were buried.

For years, grave robbers and other hoodlums have been damaging and demolishing the burial grounds, leaving the graves of our ancestors desecrated and their bones scattered about.

And yet, as Channel 12 news reported on September 9, the ongoing vandalism of the site continues apace with little or no effort being made by Israeli authorities to stop it.

Another major site under Palestinian assault is Tel Aroma in Samaria, where a spectacular Hasmonean palace stood, one of eight that was established by the dynasty to defend Israel's eastern boundary.

Exploiting the coronavirus lockdowns over the past year, the Palestinian Authority seized control over Tel Aroma and brought in heavy engineering equipment to pave a road over parts of the ruins, thereby causing inestimable damage. Adding insult to injury, they then had the gall to hold a formal ceremony and declare the palace, which was built by the descendants of the Maccabees, to be a “Palestinian Heritage Site.”

Indeed, it appears that the guiding hand behind much of the wanton destruction of Jewish historical and religious sites is none other than the regime of Mahmoud Abbas in Ramallah.

“The Palestinian Authority not only doesn't preserve and protect heritage sites, but it is responsible for some 90% of the attacks on them,” says the report.

This is nothing less than a concerted campaign by the Palestinian Authority, our ostensible “peace partners,” to systematically destroy tangible evidence of the Jewish connection to the Land of Israel.

It is an assault on history and on the truth and it must be stopped.

And the phenomenon described in the report is just the tip of the iceberg. After all, the survey examined a representative sample of just 365 out of the more than 10,000 Jewish historical and archaeological sites that have been found thus far throughout Judea and Samaria,

ranging from ancient synagogues to Jewish cemeteries to palaces erected by the kings of Israel. Who knows what other treasures have been looted, pillaged and ransacked?

Sadly, successive Israeli governments have failed to devote the time, marshal the resources or even wage a diplomatic offensive to put an end to the Palestinian campaign.

And so, not so slowly and very surely, the historical sites which serve as tangible witnesses to our ancient ties to this land are being methodically and meticulously erased.

For far too long, Israel has inculcated in the Palestinians a sense of impunity when it comes to vandalizing or defiling Jewish historical and holy sites, and this must change. Ever since the signing of the 1993 Oslo Accords, and the establishment of the Palestinian Authority, the Palestinians have been serially abusing our heritage, from digging up the Temple Mount in Jerusalem to attacking and burning Joseph's Tomb in Shechem (Nablus).

It should be clear to all that the Palestinians cannot be entrusted with safeguarding or administering Jewish historical sites under any circumstances whatsoever.

The State of Israel needs to assume and assert responsibility for the national and historical heritage of the Jewish people in Judea and Samaria. There is a limit to what a nation can be expected to tolerate when its history repeatedly comes under attack. And our patience should have surpassed that limit long ago.

Such a step would send a clear and unequivocal message to the Palestinians that there is a price to be paid for their actions. And we owe it to ourselves and to future generations to preserve and protect the relics of our glorious past.

With every day that passes, the Palestinian abuse of Israel's heritage, and all we hold dear, continues. This cannot and must not be tolerated anymore. (Jerusalem Post Sep 22)

Anti-Israel Efforts are a Regressive ‘Progressive’ Stance

By Emily Schrader

Anti-Israel efforts at the local government level in the United States have ramped up in recent weeks, particularly in progressive cities. First, there was a push from the Seattle City Council to cut off police cooperation with Israel, followed by a resolution endorsing BDS from the Burlington (Vermont) City Council. Both these cities, known for their “woke” culture and progressive stances, seem to be completely tone deaf when it comes to modern anti-Semitism.

In the case of Burlington, the vote was ultimately withdrawn after it became clear the resolution would contribute to anti-Semitism. If the resolution had passed, it would have been the first US city to formally endorse BDS. Similarly, Seattle initially tabled their resolution, but they, unfortunately, deliberated on the issue again this week.

As someone born in Seattle myself, I'm ashamed that instead of focusing on improving life for the citizens of Seattle, city council members preoccupied themselves with legislation smearing a country thousands of kilometers away and blaming Israel for Seattle's policing problems. Ironically, they criticized Israel for their own local problems when the Israeli law enforcement exchange program was working to prevent police brutality.

The Seattle proposal seeks to end collaborative efforts between Seattle's police department and law enforcement professionals in Israel, and has been used as a platform for anti-Israel activists to falsely declare a correlation between police brutality in the US and Israeli-Palestinian relations. The implication, of course, is that Israel is the racist “white” party actively harming the people of color, which is preposterous given Jews aren't white and in fact the majority of Israel is of Mizrahi origin. These attempts to conflate two different situations are unfounded and serve only to fan the flames of anti-Semitism.

To set the record straight: America, like many other countries, does have a police brutality issue which must be addressed. By and large, Americans support police reforms to combat and end abuses of basic civil liberties. To avoid incidences of brutality – and discrimination – many American police departments have enlisted the help of our allies in Israel. Because Israel is home to one of the most diverse populations and complex security situations on the planet, Israel has been working with American police to address these issues for decades. Many of these trainings are focused on de-escalation tactics to allow law enforcement to better work toward the safety of their communities. For Seattle, the training also focuses on enhancing community policing and relationship building.

The legislation by the Seattle City Council promotes false anti-Semitic tropes that claim Israel is liable for police brutality and widespread racism in the United States. This is laughable, of course, as these trainings began in the 1990s and obviously America's problems with law enforcement brutality can be traced much earlier than that. However, without any substantive evidence of a link between these trainings and police brutality in the United States, these claims mirror historic anti-Semitic conspiracy theories which blame the Jewish people for all of the world's problems.

Sadly, we have seen across the country that whenever anti-Israel bills like this are introduced, anti-Semitic slurs and violence are soon to follow, putting the local Jewish community at risk. Both Burlington and Seattle must recognize this.

During the peak of the Black Lives Matter protests, posts of cartoons paralleling the inhumane treatment of George Floyd to the Israeli-Palestinian conflict went viral. This false parallel is dangerous and makes a mockery of serious calls for police reform. There is nothing progressive about anti-Semitic tropes, and the positive cooperation between Seattle law enforcement and Israel is certainly not a stimulant for increased violence – unless of course we're looking at violence against Jews as a result of the very same anti-Semitic attitudes that resulted in the above-mentioned legislation.

I firmly oppose the unwarranted and anti-Semitic actions of self-proclaimed progressive activists who try to amplify their own platform by tethering two unrelated social issues. Ironically, the entire purpose of the law enforcement exchange program is that it equips Seattle police to better handle situations without excessive force or brutality, yet the anti-Israel groups – and apparently the Seattle City Council members as well – care more about bashing Israel than they do about improving their own police force and helping their own community. Any endorsement of resolutions of this type provide further evidence of how the progressive movement has been hopelessly linked to the rise in anti-Semitism today. (Jerusalem Post Sep 21)

The Court Decision that is a Clear and Present Danger to America's Jews By Nathan Lewin

Try painting a swastika on the wall of a synagogue, and you'll be arrested and charged with vandalism and probably serve jail time for a hate crime. But a federal appellate court has just gone out of its way to grant constitutional protection to signs bellowing "Resist Jewish Power" and "Jewish Power Corrupts" at Jews attending synagogue services every Sabbath morning for the past 18 years in Ann Arbor, Mich. The judges didn't bother to explain why menacing Jewish Americans coming together to worship is less intimidating than cross-burnings were to church attendees in African-American churches in the South. The Supreme Court said in 2003 (*Virginia v. Black*) that "cross burning carried out with the intent to intimidate is ... proscribable under the First Amendment." No sane American thinks otherwise today.

A decision rendered by three federal judges on the eve of Yom Kippur should send shivers down the collective spines of the American Jewish community. Since September 2003, a group of Ann Arbor residents has been harassing Jewish attendees at Saturday-morning services in Beth Israel Synagogue, a Conservative congregation, by gathering between 9:30 and 11:30 a.m., and posting 18 to 20 aggressive signs on grass near and opposite the synagogue. The signs challenge "Jewish Power," and attack Israel as "apartheid" and as responsible for a "Palestinian holocaust." They demand a boycott of Israel and an end to U.S. aid to Israel. But their timing and location demonstrate that they address Jews coming for religious observance, whether or not they support Israel. It takes only a rudimentary knowledge of history to recall that the Third Reich began a program that murdered millions with similar harangues against the Jewish religion by hostile hordes at the doors of Jewish synagogues.

Beth Israel's members suffered these meticulously timed taunts and the city's refusal to prevent them for years, but finally took their tormentors to federal court with a complaint alleging 13 violations of federal law and 10 violations of state law. They encountered a district court judge who, they later alleged, should have been disqualified because she "had pre-determined the outcome of the lawsuit." The judge brusquely dismissed the congregants' lawsuit on the ground that they experienced only "intangible injury," such as "extreme emotional distress." This harm, she said, was not "concrete" enough to give them "standing" to file a lawsuit in a federal court.

The Jews took their case to the Court of Appeals for the Sixth Circuit. The only issue for appeal was the trial judge's ruling aborting

their claims at birth because they had no "standing." They also asked that the district judge be disqualified from the case if the appellate court agreed that they had "standing" to pursue their claims. The American Civil Liberties Union entered as an amicus curiae ("friend of the court") to teach the judges that gathering when the Jews came to worship on Saturday mornings and posting hostile signs while the worshippers were arriving and during their religious services was protected as Free Speech by the First Amendment to the U.S. Constitution.

The three judges assigned to hear the appeal included the Sixth Circuit's Chief Judge, Jeffrey Sutton, a former law clerk to Justice Antonin Scalia and visiting lecturer at Harvard Law School. Judge Sutton is widely respected among lawyers. He was a frequent oral advocate in the Supreme Court before assuming judicial robes. Among his most successful presentations to the High Court was his winning argument that the Religious Freedom Restoration Act—enacted by an almost unanimous Congress to protect religious liberty—was unconstitutional.

The first seven pages of a 13-page majority opinion written by Sutton and joined by a retired Circuit Judge conclude persuasively that the Jewish congregants have "standing" to pursue their claim. That should have ended the appeal in the congregants' favor. But rather than sending the case back for a trial before an impartial judge, Sutton proceeds in the last five pages of his opinion to throw out all claims on the ground that "the content and form of the protests demonstrate that they concern public matters: American-Israeli relations." The Saturday-morning gatherings and the aggressive posters are, in his opinion, "squarely within First Amendment protections of public discourse in public fora" and are shielded by "the robust protections that the First Amendment affords to nonviolent protests on matters of public concern." He then dispatches the arguments to the contrary with blinding speed.

This is a frightening phenomenon in today's America. The voracious wolf of rank Jew-hatred is cloaked in the sheep's fleece of "American-Israeli relations." Why do Ann Arbor's anti-Israel zealots find it most meaningful to express their "public discourse in public fora" on Saturday mornings between 9:30 and 11:30 adjacent to a synagogue? Is this truly "public discourse" on "matters of public concern?" Are those who gather for two hours on Saturday mornings really trying to persuade the Jewish congregants with their placards? Or are they harassing and intimidating a religious minority that has suffered centuries of intolerance and hatred?

With all respect to Chief Judge Sutton's legal acumen, there are solid reasons in federal and Michigan law to sustain the Jewish worshippers' claim that gatherings and placards designed to harass and intimidate Jewish worshippers are not shielded by the Constitution. Even Sutton acknowledges in his cursory review of the complaint that the claims cannot be called "frivolous."

Federal law gives the Jewish congregants only until Sept. 29, when Jews around the world will be celebrating Simchat Torah, to file a request with the Sixth Circuit to have the appeal considered anew by the full court of 16 active Circuit Judges (along with the senior judge who agreed with Sutton and is entitled under federal law to sit on a rehearing). Six of the Sixth Circuit's current judges were appointed by President Donald Trump and four by President George W. Bush. They, along with the court's only active Jewish judge, may disagree with Sutton's summary rejection of the plaintiffs' 23 legal claims. If the appeal is reheard, the court may hear and learn from many more friends of the court than the ACLU, which was the only amicus curiae in the argument before three judges that looked like only a technical legal dispute over "standing."

William L. Shirer, author of the *Rise and Fall of the Third Reich*, was the most authoritative eyewitness and reporter of life in Germany in the years leading to the Holocaust. He kept a daily personal journal that was published in 1941 titled *Berlin Diary*. A telling entry is April 21, 1935, which was Easter Sunday and Passover. Shirer noted that he took the weekend off, and he reported, "The hotel mainly filled with Jews and we are a little surprised to see so many of them still prospering and apparently unafraid. I think they are unduly optimistic."

How right he was. Less than five months later, the Nazis formally codified Jew-hatred with the Nuremberg Laws, which deprived Germany's Jews of citizenship and all basic human rights.

Action is needed now if we learn the lesson of history. The late Todd Beamer said it in a heroic effort on the hijacked Flight 93 to avert another 9/11 tragedy, "OK. Let's roll." (JNS Sep 20)
