

THE WEEKLY PRINT

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AUGUST 9, 2023

AIPAC steps up efforts to oust anti-Israel lawmakers

After focusing on open primaries in 2022, the pro-Israel PAC is targeting several left-wing Squad members for 2024

By Matthew Kassel

In recent months, AIPAC has stepped up its recruitment efforts to challenge Democratic incumbents who have clashed with the pro-Israel establishment, pushing the activist left into a defensive crouch as it prepares for a potentially bruising primary cycle.

The bipartisan pro-Israel group has been actively courting a slate of House candidates to oppose marquee members of the "Squad," including Reps. Jamaal Bowman (D-NY) and Ilhan Omar (D-MN), according to multiple sources familiar with AIPAC's outreach who spoke with *Jewish Insider* on Tuesday.

The recruitment efforts have come amid a surprise shake-up at a leading progressive group, Justice Democrats, which laid off nearly half of its staff last month. The embattled group has claimed a few major

victories over pro-Israel Democrats in previous primaries, but has otherwise struggled to raise money after an expensive election cycle in which several progressive candidates were defeated by establishment Democrats.

While AIPAC quietly opposed Omar last cycle by contributing \$350,000 to a separate group created to boost a top Democratic primary challenger, its latest efforts point to a new and potentially more expansive direction for the group, whose affiliated super PAC, launched in late 2021, has largely engaged in open-seat races rather than challenging incumbents.

Now, however, AIPAC appears to be embracing a more aggressive strategy as it seeks to pick off a handful of incumbents who have been unusually hostile to Israel, particularly in recent weeks. Last month,

for instance, Bowman and Omar were among a group of House Democrats who boycotted Israeli President Isaac Herzog's address to a joint session of Congress. The two lawmakers also voted against a GOP-led resolution rejecting claims that Israel is a racist state — as Rep. Pramila Jayapal (D-WA), the chair of the Congressional Progressive Caucus, recently asserted at a progressive conference in Chicago.

The boycott and the vote have fueled ongoing efforts within the pro-Israel community to find a challenger to Omar, who narrowly won her primary last cycle in a surprisingly weak showing against Don Samuels, a former Minneapolis councilman who lost by just 2,500 votes. Samuels, who after the election expressed frustration that pro-Israel groups hadn't unified behind his campaign, is now considering a rematch

against Omar, according to a Democratic operative in Minnesota familiar with his thinking.

But AIPAC, for its part, is instead eyeing a Minneapolis councilmember, LaTrisha Vetaw, who is actively weighing a bid of her own, according to the operative. “They acknowledged they missed an opportunity last cycle but have said that, based on their internal assessment, Don has reached his capacity,” said the operative, who was granted anonymity to discuss private deliberations.

In recent months, AIPAC has met with Vetaw and engaged in ongoing conversations to convince her to enter the primary, according to the operative. It remains to be seen, however, if Vetaw, a moderate Democrat who represents North Minneapolis, will have the appetite for what is likely to be a bitterly contested primary battle. While she initially indicated that she would run, the operative said that Vetaw has been comparatively “noncommittal” in the last month or so as she campaigns for reelection to the city council this November.

Vetaw and Samuels did not respond to requests for comment from JI on Tuesday. A spokesperson for AIPAC declined to comment.

Tim Peterson, a former National Guard recruiter, is also considering a challenge to Omar, the political operative told JI. “He’s feeling his way around right now,” said the operative, who recently met with Peterson to discuss a potential bid. “He wants to do it but doesn’t want to make a misstep.” (Peterson could not be reached for comment.)

Even as she is more likely to face a credible challenger from the moderate wing of the Democratic Party, Omar, whose campaign entered July with \$540,000 on hand, is also now fielding opposition from the left. Last month, she drew her first primary opponent, Sarah Gad, a Minneapolis attorney who unsuccessfully ran against Rep. Bobby Rush (D-IL) in 2020. Omar’s campaign didn’t return a request for comment from JI.

In New York, meanwhile, AIPAC has been courting George Latimer, the Westchester County executive, to challenge Bowman, who will be seeking his third term in 2024. Latimer, a former state legislator, has confirmed that “a number of individuals”

are now urging him to run, but he said last month that he has not “made a decision to seek the seat” and remains “fully focused” on his current job. He told JI on Tuesday that he had “no news” to share “as of yet.”

A source familiar with his thinking, who is involved in local efforts to recruit a challenger to Bowman, suggested that Latimer is likely to “decide in early September, after he sees polling.”

“If George Latimer runs he will be a formidable candidate — even more so if he’s well-funded,” Chris Coffey, a Democratic strategist in New York City, said in a text message to JI. “If he doesn’t run, it’s harder. Not impossible but harder. In the last cycle, Bowman was able to convince enough pro-Israel voters that he wasn’t extreme. That’s not the feeling now.”

Coffey said that AIPAC’s involvement “could obviously be decisive, especially if Latimer runs.”

Michael Gerald, a pastor and corrections official in Westchester who briefly entered the race last cycle, filed to run against Bowman last month. And Chance Mullen, the mayor of Pelham, is also weighing a primary bid. “I’m not a fan of primaries because I don’t like attacking Democrats and I try to give our congressman the benefit of the doubt,” Mullen said in an email to JI last month in which he indicated that he had “been approached” about running. “But there’s nothing progressive about his position on Israel.”

While AIPAC has yet to field its preferred challenger to Bowman, whom the group chose not to target in 2022, progressives are already preparing for a proxy war. In a recent fundraising email, Rep. Alexandria Ocasio-Cortez (D-NY), whose upset victory in 2018 was backed by Justice Democrats, warned supporters that “AIPAC is at it again.”

“They’re trying to recruit an establishment executive to run against my brother in The Bronx, Jamaal Bowman,” she wrote last week. “We know what comes next. AIPAC won’t wait much longer to start funneling dark money against Jamaal and ramping up attacks against our movement.”

Meanwhile, the pro-Israel community in Pittsburgh is also rallying behind a potential challenger to Rep. Summer Lee (D-PA), a freshman incumbent and Justice Democrats endorsee who withstood nearly

\$4 million in spending from AIPAC’s super PAC in 2022. Bhavini Patel, an Edgewood councilmember who ran a short-lived campaign for the seat before dropping out last cycle, is planning to challenge Lee and has been raising money to mount a bid in the heavily Jewish district, according to two people familiar with her efforts who asked to remain anonymous because they were not authorized to speak on the record.

Patel declined to comment on her plans but said in a text message to JI on Tuesday that she was “looking forward” to “hearing” and “uplifting the voices and opinions of our local Jewish leaders in Pittsburgh.”

JI was unable to confirm if AIPAC had met with Patel or if it is more broadly engaged in the race. Lee, whose increasingly hostile positions toward Israel have angered her Jewish constituents in Pittsburgh, would likely be among the group’s top targets in 2024, even as it previously failed to defeat her.

Last election, Lee was among a number of progressives to draw backing from Justice Democrats, whose super PAC spent more than \$1 million to boost her candidacy. But the group has yet to issue any endorsements for the coming primary season as it has struggled to rebound from a financially taxing election cycle that saw many of its endorsed candidates fall to defeat.

As AIPAC’s latest recruitment efforts have Justice Democrats and its allies scrambling, it remains to be seen if the now-diminished group will engage in open-seat races as in previous cycles. Justice Democrats didn’t respond to a request for comment on Tuesday, but Alexandra Rojas, its executive director, recently told *HuffPost* that the group is “still in active candidate recruitment for this cycle.”

In interviews with JI on Tuesday, several Democratic campaign operatives speculated that even as Justice Democrats is preparing to defend its incumbents, the group could be expected to engage in some races where progressive insurgents are now challenging entrenched incumbents.

Multiple people, for instance, suggested that Justice Democrats would back Kina Collins, a gun violence activist who lost a primary against Rep. Danny Davis (D-IL) in 2022 and recently filed to run again. “It definitely seems that they will get involved,”

said a Democratic operative in Chicago who has spoken with people connected to Justice Democrats as well as one of its board members. Collins was endorsed by Justice Democrats last cycle.

Another challenger in Chicago, Qasim Rashid, who is running to unseat Rep. Bill Foster (D-IL), is also a possible contender for an endorsement, which in the past has helped raise candidates' profiles while providing access to a national grassroots fundraising network. Rashid, who previously ran for Congress in Virginia, is "definitely on the list," said a Democratic organizer who has spoken directly with his campaign. "They indicated that they had backing from national groups and he is friends with the Squad members," the organizer told JI.

Ben Goldberg, a spokesperson for Rashid, told JI on Tuesday, however, that the campaign hasn't "had any endorsement conversations with Justice Democrats."

In Houston, Pervez Agwan, a challenger

to Rep. Lizzie Fletcher (D-TX) who has made his opposition to AIPAC a cornerstone of his campaign messaging, is perhaps most directly aligned with Justice Democrats, which has typically endorsed candidates who are opposed to continuing unconditional U.S. aid to Israel. "I would be shocked if they don't endorse Pervez Agwan," said a Democratic organizer who has worked for candidates endorsed by Justice Democrats.

Speaking more broadly, the organizer suggested that the recent layoffs at Justice Democrats could simply be a momentary setback if its leadership uses the restructuring to reevaluate its priorities. "They have always basically been a communications shop with a shockingly impressive email list grafted on," the organizer told JI. "If they have trimmed the fat on comms and made sure to invest in more fundraising capabilities and resources than they have in the past, this might be a blip."

"However, given their history," the organizer added, "I doubt that is the path they want to go down."

Meanwhile, some operatives expressed frustration with Justice Democrats' approach to primary campaigns as it has continued to wield U.S. policy toward Israel as one of its key litmus tests for backing candidates in House races that have drawn the most spending from pro-Israel groups.

Irene Lin, a Democratic strategist in Ohio — where Justice Democrats has waged some of its fiercest battles — said she believed the group has "played a valuable role in keeping Democrats honest" and that "no incumbent should ever feel entitled to their seat."

"Certainly it's a shame to see their clout diminished," she told JI on Tuesday. But, she clarified, "I definitely have concerns that they are naive and blind to antisemitism and their views on Israel-Palestine are too extreme for a lot of us who want to see peace in the Middle East." ♦

AUGUST 10, 2023

In Houston, a far-left insurgent challenges a Democratic incumbent on Israel

Rep. Lizzie Fletcher, a moderate Democrat, faces a primary challenge from her left in Pervez Agwan, a climate activist who has made opposition to Israel an early focus of his campaign

By Gabby Deutch

A Democratic primary in a Houston congressional district is shaping up to be the next battle over Israel in American politics — or at least, that's what the far-left insurgent challenging a moderate Democratic incumbent in the state's 7th

Congressional District wants.

Pervez Agwan, a first-time candidate and progressive climate activist, sees an opportunity to unseat Rep. Lizzie Fletcher (D-TX) following the state's redistricting process, which changed the 7th District

from the suburban battleground Fletcher flipped in 2018 to a heavily Democratic, majority-minority district.

In July, Agwan went on the offensive against pro-Israel activists and politicians, and pledged to end American support

for Israel in what has so far been his only interview with a national publication. He slammed Fletcher for her connection to the pro-Israel lobby AIPAC, which endorsed her in 2022 and in next year's primary. (A spokesperson for Agwan declined to comment on the race.)

"Most people want the United States not to be sending aid to countries that violate human rights," Agwan told *The Intercept* last month. "It starts with electing people that aren't going to be bought off by any lobbying group. So I think Lizzie really needs to start shifting her stance, and she won't do it, because she's funded by AIPAC."

Agwan, who recently earned an MBA at the Massachusetts Institute of Technology, was not on the radar of many Democratic activists and local political experts before he decided to challenge Fletcher earlier this year. He hasn't yet earned the endorsement of any elected officials, and Fletcher maintains a strong base of support among both local Democratic leaders and her Washington colleagues.

But political insiders in Houston caution that it's too soon to write off Agwan, who is already mounting a heavy ground game with door-knocking and in-person campaigning seven months before the March primary.

"Under the previous configuration of the district, she had a very solid message to the primary electorate, that, 'I'm a Democrat, and I'm your best chance to maintain District 7 in Democratic hands,'" said Mark Jones, a political science professor at Rice University. "Now that's gone, because whatever Democrat wins is going to win District 7. Republicans don't stand a chance."

Agwan, who swore off corporate support, has raised \$220,000 this year from individual donors. He entered the third quarter with \$77,000 on hand, well below Fletcher's \$1.6 million war chest, a signal that the incumbent is taking her primary challenger seriously.

"She's somewhat vulnerable, just because [the district] has changed so drastically," said Renee Cross, senior executive director of the University of Houston's Hobby School of Public Affairs, who pointed out that Fletcher could also face criticism for her ties to Houston's oil and gas industry. Agwan has made the Green New Deal, which he has dubbed "Green New Hou" in his campaign

messaging, a focal point of his campaign.

"If I were his political consultant, I would say that would be the issue that I would try to tell him to jump on. I think it would probably resonate with more voters," rather than his recent messaging on Israel, Cross said.

The son of Muslim Indian immigrants, Agwan has made his support for Palestinians — and opposition to Israel — a priority. In April, he appeared at an anti-Israel rally outside the Israeli consulate in Houston. His campaign office has a Palestinian flag hanging in it.

One political consultant who used to work with the Texas Democratic Party suggested Agwan's early and vocal opposition to Israel could have some sway with the district's Muslim population, which is now a larger share of the constituency in the district. But they added that it is more likely intended to reach a national progressive audience.

"I think that it's an easy way to establish his uber-progressive bona fides early on, get some national name ID which is intended for raising real money once he gets out of his personal network, and to try and have that catch fire moment when he can become the next progressive crusader against, you know, the 'bought-off' corporate elite Democratic establishment member," said the consultant.

The 7th District contains Meyerland, the historic and current heart of Houston's Jewish community.

Karen Bernstein, an engineer and political activist in Houston's aerospace industry, only learned of Agwan's candidacy when her college-age daughter was looking for opportunities for summer internships, and she saw a listing on his campaign. But Bernstein — a Democrat and supporter of Fletcher's who is also active in the Houston Jewish community — has been turned off by Agwan's aggressive style.

"He seems highly, highly partisan and pulling on issues that I don't think are relevant to this congressional district," she told JI. Bernstein described herself as a "pretty liberal Dem" who doesn't align with either AIPAC or the more liberal J Street. "But I also don't think that we need to stop any kind of aid [to Israel]," she said.

"There aren't that many progressives in

the district who are going to be compelled to vote for someone because they have a starkly anti-Israel message," said Jones. "But there are a significant number of voters in District 7 who are going to interpret that message as being antisemitic."

An AIPAC spokesperson did not respond to a request for comment. Rachel Rosen, the chief communications officer at Democratic Majority for Israel, said the group is "following the race closely" and is "very concerned about [Fletcher's] opponent's views," but declined to say whether DMFI's political action committee will get involved in the race. ♦

Nikki Haley tries to straddle the GOP's establishment-MAGA divide on foreign policy

In an interview with JI, the Republican presidential candidate tries to placate both doves and hawks within the party

By Josh Kraushaar

In a Republican Party divided over America's role in the world and its conduct of foreign policy, there are the traditional GOP hawks and the MAGA-aligned isolationists.

Two of the hawks, former Vice President Mike Pence and former New Jersey Gov. Chris Christie, recently spent time in Ukraine to bolster flagging American support for the war effort. Christie, who just returned from Kyiv, has been reminding Americans of the need to continue funding Ukraine's defense against Russia while outlining Russian atrocities as he makes the rounds on numerous cable news shows.

Former U.N. Ambassador Nikki Haley sits squarely in the hawkish camp. She's campaigning on foreign policy more than her GOP counterparts, devoting nearly half of her stump speech to the global threat posed by China and underscoring how significant a Ukraine defeat would be to American national security.

But as she tries to broadly appeal to all elements of the fractured Republican Party, she's also been sounding some notes designed to placate the war-weary GOP faction.

In an interview with *Jewish Insider* on Tuesday in Hudson, New Hampshire, Haley emphasized that in her stump speech she doesn't support "put[ting] cash" into Ukraine, even as she argues that the U.S. needs to send the war-torn country all the weapons it needs to fend off the Russian invaders.

"You can say you can work with the allies to send equipment and ammunition. You don't send cash. I just don't trust — you can't trust how countries are going to spend cash," Haley told JI.

Asked if she would support the

proposed supplemental funding the Biden administration is expected to request for Ukraine, Haley said: "I just think America's gotten burned many times by sending cash to countries. And I just, I will never agree to that. What we need to do is make sure our allies are pulling their weight."

And as far as a possible Haley trip to Ukraine? Not happening, she says, because she's too busy on the campaign trail. "I am focused on the people of Iowa, the Granite Staters and South Carolinians, and getting our message out to Americans," Haley told JI. "I don't have time to talk to Ukrainians."

Spending time with Haley at two different town halls Tuesday on the campaign trail in New Hampshire underscored the difficulty she faces in striking a foreign policy balance that will satisfy most Republicans. One of the questioners at a VFW Hall in Derry asked Haley how she would continue to support Ukraine in the face of pockets of opposition from conservative isolationists.

"The things that the Russians are doing are similar to what Hitler's Nazis were doing in the 1940s. Will you do everything you can to stop them?" the questioner asked.

Haley, after blaming President Joe Biden for weakness in failing to deter Russia from invading Ukraine, said: "A win for Russia is a win for China.... If we win, if Ukraine wins, that sends the biggest message to China on Taiwan, it sends a message to Iran trying to build a bomb, it sends a message to North Korea. If we lose, then we're in a whole 'nother situation. So yes, I will continue to support Ukraine." Her response received widespread applause.

Hours later, as she visited a Huntsman International manufacturing office to meet with several dozen employees, the first questioner asked her how America can

afford funding Ukraine when there are so many problems at home.

Haley started her response by focusing on her frustrations during her service as U.N. ambassador, seeing how so many countries that received foreign aid from Washington ended up voting against the United States at the U.N. She said she brought a chart to then-President Donald Trump illustrating the countries' lack of gratitude — something she said he appreciated.

She then reiterated her support for Ukraine in its fight against Russia, adding that it was a stalwart ally of the United States when she was ambassador. "We are trying to prevent war. The way you prevent war is you make sure that Ukraine wins," she told the Ukraine skeptic.

Haley's attempt to find some middle ground in a party that's polarized from within is the defining feature of her campaign to date. In polls, she still boasts solid favorability ratings among Republicans at a time when Pence, Christie and other traditional-minded Republicans have been rejected by Trump-aligned voters as disloyal. She's raised a healthy amount of campaign cash, won over some of the party's pivotal donors and managed to conserve much of it for the upcoming home stretch.

But she's also gaining very little ground despite being the first non-Trump candidate to announce her candidacy. She still is stuck in the single digits in both national and statewide polls — lagging far behind Trump and still behind the struggling campaign of Florida Gov. Ron DeSantis.

She's betting that her focus on retail politics — she emphasized she flies on commercial airlines to meet as many voters as possible in the early states — will pay off, especially as more voters start paying

attention with the first debate kicking off later this month.

"I think once the first debate starts and we get post Labor Day, it's off to the races. I

think you'll see a lot of things change," Haley told JI. "Everybody's panicked over how high Trump's numbers are, while we're worried about making sure we are touching as many

hands, answering as many questions, doing as many town halls as we possibly can." ♦

AUGUST 8, 2023

'I want people to get along': James McBride on the Black-Jewish neighborhood in his new novel

*The National Book Award-winner's latest book, **The Heaven & Earth Grocery Store**, explores life in a small Pennsylvania town decades before an unsolved murder is discovered*

By Gabby Deutch

Chicken Hill is not a place you want to live. At least, not judging by the first chapter in a new novel by National Book Award-winner James McBride.

The mostly fictional Pottstown, Pa., neighborhood, now extinct, was "wretched" and "ramshackle" by the 1970s, he writes at the outset of the book, which sets up a mysterious murder — and then turns back in time, to the 1920s and 1930s, to work up to the 1972 discovery of the body.

But the world that McBride creates in *The Heaven & Earth Grocery Store* is a far cry from the exceedingly negative adjectives ascribed to Chicken Hill at the start of the book. His Chicken Hill is a vibrant if slightly rundown neighborhood on the margins of Pottstown, a place where the town's immigrant Jewish community and its Black residents intersect in ways small and large.

"I just wrote the book because I want people to get along," McBride, who is Black, told *Jewish Insider* in a recent interview ahead of the book's release on Tuesday. "I want people to be happy. I want people to see how we struggle in America as immigrants and how Jewish and Black people manage

to get along in this small town."

McBride, 65, is no Pollyanna — his book presents the racial complexities of Jews and Blacks trying to get along and to get ahead, two goals that often come into conflict throughout the story. A Jewish couple at the center of the book, Moshe and Chana Ludlow, grapple with whether to leave the neighborhood for a more upwardly mobile area where many other Jews have moved. But the Ludlows' fate becomes linked with that of their Black neighbors when they agree to hide a deaf Black boy, at risk of institutionalization, in the theater Moshe owns.

In McBride's initial plan for the novel, he intended to write a story based on a camp he worked at in Philadelphia for kids with disabilities. The camp was run by a Romanian Jewish theater owner.

"I wanted to sort of write something that speaks to the whole business of equality," McBride said. "It's hard to find the magical stuff that makes stories go. This isn't a nonfiction book. This is a book about characters who do things that are courageous, and that are funny."

McBride's past novels also explore questions of racial identity set in very particular historical moments. In each of them, the characters he creates — funny and infuriating — are the engines of the book. (His National Book Award winner, 2013's *The Good Lord Bird*, tells a fictionalized story of an enslaved man uniting with abolitionist John Brown.)

The Heaven and Earth Grocery Store is not the first time McBride has turned his writer's eye toward the Jewish community: His first book, his 1995 bestselling memoir *The Color of Water*, explored his childhood in New York City being raised by a single mother, an immigrant from Poland who had grown up in Orthodox Jewish home in Suffolk, Va.

"It was a part of her history, and so I've always been kind of intrigued by it," McBride said of his mother's Jewish upbringing. (She converted to Christianity upon marrying her husband, McBride's father, who died before he was born.) "I did a lot of research into her life in the South, knowing how difficult life was for Jews of that period."

The New York of his childhood, in the

1960s, “had just a greater Jewish influence” than in the New York of today, said McBride. “Because of my teachers, my life, my mother, subway motormen and people who worked in toll booths and butcher shops and candy stores, there were a lot of Jews in New York that were present. That sense of, I don’t know, practical kindness, was part of my growing up years.”

He recalled his mother employing the occasional Yiddish term or phrase in places like Manhattan’s Lower East Side, but the Yiddishisms that appear throughout his book were the result of studying the language in phrase books and dictionaries.

“It’s too bad. It’s a disappearing language. It’s a very funny language,” McBride said.

His research for the the new novel involved mainly visits to the real-life Pottstown, in Pennsylvania’s Montgomery County, and reading firsthand accounts of Jews living in America in the 1920s — and

memories of conversations with his mother, who had experienced the difficulty of being a Jewish immigrant at a time of rising xenophobia in America.

“Nobody wanted Jews in the neighborhood, but I recall my mother talking about growing up in the South, the antisemitism was very present, and something that was unforgettable,” McBride said. “Later when she became the mother of Black children, she was very practical and very smart about how to maneuver through society.”

The Heaven and Earth Grocery Store will arrive in an America that continues to grapple with questions about race and identity and belonging. McBride doesn’t view it as a political screed, but he understands the context in which it will land.

“For me, they’re not modern questions. Racism and antisemitism never went

away,” McBride said. “It must be awfully disappointing to be a person who’s 80 or 90 years old, who gave your life to educating kids, treating people well, treating people as a doctor or a nurse or a social studies teacher, to see what is happening now.”

“I didn’t write this book,” he added, “to address those issues. I just wrote this book to show people that we have managed to do well in this country because it’s a nation of immigrants.”

McBride started his writing career as a journalist, but he quickly grew tired of what he described as “cynicism” that was “eating into the creativity and the souls of journalists who were a lot older than me,” he recalled.

“Fiction allows your dreams to come true,” he noted. “I’m grateful that I’ve had the opportunity to meet these people in my imagination.” ♦

AUGUST 4, 2023

High Court hearing on controversial law looks set to deepen Israel’s constitutional crisis

The next question is whether Israeli Prime Minister Benjamin Netanyahu and his hardline coalition will abide by the court’s ruling if the ‘reasonableness clause’ legislation is struck down

By Ruth Marks Eglash

On Monday, one week after the government of Prime Minister Benjamin Netanyahu passed its controversial “reasonableness clause” curtailing the Supreme Court’s judicial review, Israel’s Supreme Court President Esther Hayut announced that the High Court of Justice would convene a full panel

of 15 judges next month to hear and review a slew of legal petitions challenging the legislation’s legitimacy.

The government’s legislation, and the High Court’s review of that legislation, which limits the power of the court to overrule government decisions, is leading Israel into uncharted constitutional

territory. It is also setting the Jewish state up for a seismic clash between the government and the legislature on one side, and the judiciary on the other, analysts and legal experts interviewed by *Jewish Insider* said this week.

Immediately following the passage of the legislation, several organizations and

individuals submitted legal petitions calling on the Supreme Court, which becomes the High Court when debating constitutional matters, to strike down the law. The hearing for those petitions, which is expected to be broadcast live, is now set for Sept. 12.

"It will be by far the most fateful, most dramatic and the most contentious legal hearing ever held in Israel," Amotz Asa-El, a fellow at the Shalom Hartman Institute, told JI.

"Legally speaking, of course, [the court] can and does have the option to strike down the legislation – the question is will they do it?" said Asa-El, adding that the court has three options: endorse, reject or issue a more ambiguous ruling.

"In all likelihood, especially because the forum of [15] justices is so big, the first thing that is reasonable to predict is that they will split into three camps – the two extremes will either endorse or reject [the legislation], and in between will be those who say something that isn't either of those," he theorized. "What that might end up being is some kind of a ruling that says the legislation is legitimate, but in the same breath it will also interpret it in a way that will empty it of its intended content."

Asa-El explained that the justices – a simple majority is needed to reach a conclusive ruling – "could say something like, 'We understand this legislation effectively allows us to continue to critique government action as unreasonable,'" and will list all the reasons why. This kind of interpretation, when used in future Supreme Court rulings, he said, "will empty the amended law of the content that [Justice Minister Yariv] Levin intended it to state."

Netanyahu and his ruling Likud party have hinted that there is a possibility they will not abide by the court's ruling if it rejects or challenges the legislation. Following the Supreme Court announcement that the High Court would hear the legal petitions, Likud issued a statement saying that Israeli governments "have always been careful to respect the law and the ruling of the court, and the court has always been careful to respect the Basic Laws."

"These two principles form the basis of the rule of law in Israel and of the balance between the branches of authority in any democracy," the statement continued. "Any

deviation from one of these principles will seriously harm Israel's democracy."

The prime minister echoed his party's message in multiple interviews with English-language media in the United States, refusing to commit to accept the court ruling if the court decides not to accept the government's legislation.

"We have to follow two rules," Netanyahu told NBC News' Raf Sanchez. "Israeli governments abide by decisions of the Supreme Court and the Supreme Court respects basic laws; we should keep these basic principles and we do."

"I hope they don't strike it down because we should abide by both rules," Netanyahu responded when pressed on the issue. "It's a peculiar thing — it would be like in American terms, the Supreme Court that is charged with keeping the Constitution would nullify a constitutional amendment as unconstitutional; it sort of turns on itself and does not make sense."

Since Netanyahu returned to power at the helm of a right-wing, religious coalition eight months ago, the role of the judiciary, the courts and its judges, has been at the center of a furious public debate. A controversial proposal by Levin and Knesset Member Simcha Rothman, the chairman of the Knesset Constitution, Law, and Justice Committee, to significantly overhaul the judiciary over claims that it operates beyond its given power has led to broad concerns in Israel and abroad over the future of the Jewish state's democracy and prompted hundreds of thousands of Israelis to stage weekly demonstrations.

Professor Suzie Navot, vice president of research at the Israel Democracy Institute, told JI that because Israel has no formal or written constitution, with only a handful of basic laws that have been granted constitutional status by the Supreme Court and are very easy to enact and easily amended, the system is fragile and cannot be compared to the U.S.

"We have 120 members in the Knesset and 61 votes are all you need to change everything – to change all the Basic Laws, to change the power of the court, the system of government, to become a non-democratic state, to delete all human rights, and it means that in Israel and only in Israel, 61 is ultimate power," she said.

"We do not have a written constitution like in the U.S., we do not have a division of authority between two houses that are elected in different ways, we do not have the right of a veto given to the president or the legislature, we do not have a federal structure nor regional elections; we have nothing which means that the only branch that can limit this absolute power is the Supreme Court," explained Navot.

Navot, who is considered one of Israel's top constitutional law experts, noted that while this is not the first time the High Court will hear a petition challenging a basic law, it is the first time that all 15 judges will sit together to decide the fate of the legislation.

"You will hear the coalition saying that the court has no power to strike down a basic law, but the court has all the tools it needs to strike it down because the idea is that the Knesset does not have absolute power and the Knesset cannot revoke or severely infringe on the basic powers of Israel as a democratic and Jewish state," she said.

And, Navot added, if the court does decide to strike it down, the government will have no choice but to comply.

"I do not see any other possibility other than for it to comply and accept the decision," she said. "If the government does not accept the court's decision, why should an ordinary citizen accept a court's decision? That for me is the basic principle of the rule of law."

Barak Medina, a law professor at the Hebrew University of Jerusalem, also said it was highly unlikely that the government would outright ignore the court if it decides to reject the legislation, or issues a narrower ruling.

However, he also said he believes that the court is unlikely to ignore the mass protests, as well as the deep political divisions, that have overtaken Israel for the past eight months as it contemplates its decision.

"We are still at an abstract level and not close to a full-blown constitutional crisis just yet," explained Medina. "What we are talking about right now is an amendment to the basic law and abstract review of that law; no concrete measure has been taken yet by the government to determine whether it's legal or not."

Medina highlighted possible test-case scenarios, such as if Netanyahu decided to fire

the country's attorney general, Gali Baharav Miara, with whom he and his government have repeatedly clashed over the past eight months. Another possible looming conflict: if he tries to appoint former Interior Minister Aryeh Deri, who was prevented from serving in the government by the court based on

the reasonableness standard, after multiple criminal convictions for bribery and fraud.

However, he added, the bigger question is, "what happens if the court decides not to strike down this amendment?"

"We know Israel is in turmoil these days and there is concern that if the court decides

not to intervene then it could substantially increase the protests and the situation will get much worse," suggested Medina. "That is when we can start talking about a real constitutional crisis." ♦

AUGUST 10, 2023

Holocaust survivor's estate appeals court order for payout to antisemitic picketers

The high court previously declined to take up two cases seeking to restrict an antisemitic group that has picketed an Ann Arbor, Mich., synagogue for decades

By Marc Rod

A lawyer representing a Holocaust survivor is asking the Supreme Court to consider overturning a lower court decision holding his client's estate liable for a significant payout to antisemites who have picketed a Michigan synagogue for years.

An antisemitic group, including Holocaust deniers, has picketed the Beth Israel Congregation in Ann Arbor, Mich., for nearly two decades during Shabbat services. Two congregants who attended services at two different congregations at the site, Miriam Brysk — a Holocaust survivor who has since died — and Marvin Gerber, sued the group and its leader in federal court in 2019. They sought an injunction to limit when the picketers could demonstrate, arguing that their religious liberty was being violated, but were unsuccessful.

Both plaintiffs separately petitioned the Supreme Court last year to take up the

case, but the court declined to do so, without requesting a response from the defendants.

A district court ordered the plaintiffs to pay \$159,000 in attorneys' fees to the respondents, including the picketers, which was upheld by the Sixth Circuit Court of Appeals. Marc Susselman, the attorney who initially represented both plaintiffs and has continued to represent Brysk, is again petitioning the Supreme Court, asking it to review the penalty in this case. The court will evaluate the petition in September, Susselman told Jewish Insider.

Susselman has accused the district court judge — who deemed the case frivolous and assigned attorneys' fees — of being antisemitic or anti-Israel.

"How do you explain the judge ruling that the Jewish complainers' emotional distress is not a concrete injury?" Susselman told JI.

He argued that the court's decision

to assign attorneys' fees to the plaintiffs in this case is clearly out of step with precedent and the intent of the law, which "encourage[s] attorneys to file lawsuits to protect civil rights and constitutional rights of petitioners, even if they lose."

Susselman said he believes that the Supreme Court's decision not to take up the Brysk or Gerber cases last year is not necessarily indicative of how they'll approach the new petition.

"This issue of whether the lawsuit was frivolous is a separate issue as to whether we were entitled to an injunction," he said. "It affects anybody who wants to seek relief against protests in front of houses of worship."

Nathan Lewin, a longtime constitutional attorney who took over Gerber's case, filed an amicus brief in the case on behalf of the National Jewish Commission on Law and Public Affairs and a number of Orthodox

Jewish groups including Agudath Israel of America, Agudas Harabbonim, Coalition for Jewish Values, Orthodox Jewish Chamber of Commerce, Rabbinical Alliance of America, Rabbinical Council of America, Torah Umesorah and the Orthodox Union.

"It's pretty clear that a plaintiff in a civil rights case is entitled to proceed with this case, unless it's totally frivolous or vexatious," Lewin told JI. "This was not frivolous or vexatious, this was, frankly, I thought, a very proper and correct complaint."

He argued that the similar threat of sanctions would have deterred plaintiffs,

such as those in the case that overturned affirmative action at the end of the last Supreme Court term, from filing what became landmark cases.

"People bring civil rights cases frequently to get new doctrines adopted by the courts," Lewin said. "This is such a deterrent to bringing a really either new or different case that it will scare off the clients and the lawyers. That's not what should be done in terms of our system."

He also urged the court to require the respondents to respond to the petition in this case — a step that the court did not take

before rejecting the previous petitions in the Brysk and Gerber cases.

Lewin said he's hopeful that the Jewish community will step up to support this case.

"It's unfortunate that it has been ignored from the time that the district judge issued the original opinion," he said. "I would hope that there would be substantial public attention given to it by organizations that protect religious rights, by organizations that protect civil liberties, by the Jewish community." ♦

AUGUST 10, 2023

Robert Beren, donor to Orthodox causes and head of prominent philanthropic family, dies at 97

'He instilled in all of us such a sense of responsibility to the Jewish community,' his grandson tells eJewishPhilanthropy

By Haley Cohen

The article first appeared in eJewishPhilanthropy.

Robert Beren, a prolific philanthropist, oil magnate and Republican donor who funded Jewish schools, yeshivas, agencies and synagogues in the United States and Israel, died on Wednesday. He was 97.

Beren's grandson Jonah Platt reflected on Wednesday afternoon on his grandfather's "tremendous" impact, telling *eJewishPhilanthropy*, "He instilled in all of us such a sense of responsibility to the Jewish community, to give back always and to always put an emphasis on philanthropy

and education and Jewish values."

Family, Platt said, was central to Beren's values. "He really set the tone, the way he revered his family and those who came before him so much. So we try with everything we do to honor him and his legacy."

Born to Adolph and Ethel Beren in 1925, he grew up in Marietta, Ohio. After high school, Beren attended Harvard University, but his freshman year was interrupted as he enlisted in the U.S. military to fight in World War II, serving in General George Patton's 3rd Army. After the war, he returned to Harvard to complete his undergraduate degree and then returned to earn a master's

in business administration from Harvard Business School.

His uncle, Israel Henry Beren, helped found the Okmar Oil Company in the early 20th century and led it through the Great Depression. Continuing the family's ties to the oil industry, Beren founded the oil and gas firm Berexco in the 1960s. His son, Adam, serves as chairman and president of Berexco today.

During his time as president of the Wichita school board, Beren worked with the Urban League and other Jewish community leaders to desegregate Wichita's elementary schools.

Beren was president of the Mid-

Kansas Jewish Federation and the Hebrew Congregation in Wichita. His late ex-wife, Joan Schiff Beren, also served as president of the Mid-Kansas Federation. The Joan Beren Jewish Community School in Wichita is named in her memory.

The Robert M. Beren Academy, a Modern Orthodox Jewish day school in Houston; Yeshiva University; the Ner Israel Rabbinical College in Baltimore, whose campus is named for the Beren family; the Beth Medrash Govoha in Lakewood, N.J., which has a building named for Beren's parents and a study hall named for his uncle; and the Ohr Torah Stone network in Israel, including its Robert M. Beren Machanaim Yeshiva in the West Bank settlement of Migdal Oz, are among the numerous beneficiaries of Beren's charitable giving, many of which bear his name or those of his family members.

Yeshiva University's Robert M. Beren Department of History was also named in his honor. Its midtown campus, the Israel Henry Beren Campus, was named in honor of Beren's uncle, as was the Israel Henry Beren Floor at Cardozo Law School. (Ner Israel's high school is also named for Israel Henry Beren.)

"Inspired by his own experience, Mr. Beren was deeply committed to both Jewish and secular education, leaving his imprint on many institutions through his support," Yeshiva University President Ari Berman and board Chair Ira Mitzner wrote in an obituary notice they placed in *The New York Times* on Thursday.

Rabbi Kenneth Brander, president and Rosh Yeshiva of the Ohr Torah Stone network of institutions, hailed Beren's dedication to his organization throughout the years, saying he was more than just a funder.

"The worldwide Jewish community mourns the loss of a true champion, Robert M. Beren, a man of unwavering principles, of a dedication to the Jewish people, and of extraordinary generosity," Brander said in a statement to *eJewishPhilanthropy*. "His commitment to excellence and to education had a profound impact on Ohr Torah Stone's development, enabling us to pioneer transformative initiatives which continue to impact the Jewish landscape. Mr. Beren was more than just a philanthropic donor — he was an involved partner whose strategic

insights guided our growth, and he will be missed."

In 2016, a five-story addition to Harvard's Winthrop House, which included additional undergraduate housing and space for social activities, was named in Beren's honor as part of the Winthrop renewal project.

Beren supported Harvard through a variety of programs, including Jewish student life by funding the university's Hillel. At the time of the Winthrop House project, Beren reflected on his years at Harvard.

"My time as an undergraduate — as was the case with so many of my classmates — was interrupted by World War II. On my return, I spent summers making up for the time missed while serving in the Army. But in spite of those hurried years, I left college for the Business School with warm memories and a soft spot for both the College and Winthrop House," Beren recalled to the *Harvard Gazette*.

A sports lover, Beren was a limited partner of the Chicago White Sox and a general partner of the Wichita Wings Indoor Soccer Team. He also supported multiple tennis centers around the world.

When he moved from Kansas to Palm Beach Gardens, Fla., Beren became involved in that community as well, working with and donating to the Palm Beach Synagogue, Jewish Federation of Palm Beach County, Meyer Jewish Preparatory School and Chabad of Palm Beach Gardens.

Beren is survived by daughters Nancy Beren, an active member of Jewish organizations in Houston; Julie Platt, board chair of Jewish Federations of North America; Amy Bressman; former president of UJA-Federation of New York; and son Adam Beren, a former president of the Mid-Kansas Jewish Federation, member of the U.S. Holocaust Memorial Council and founder of the Combat Antisemitism Movement.

"Each learned from him the value of excellent work, dedication to a world greater than themselves and the importance of giving back to one's community both Jewishly and secularly," his children wrote in an obituary shared with eJP.

His grandchildren, in addition to Jonah Platt, include actors Ben and Henry Platt, Hollywood writer Theodore Bressman, Sophie Beren, Irene Beren Jefferson and

Punchbowl co-founder Jake Sherman (by marriage).

Funeral services will be held on Thursday in Wichita.

Melissa Weiss contributed reporting. ♦

An oasis in Jaffa offers luxury and a history lesson

The Jaffa is a hotel that brings together past and present in a unique and relaxing way

By Ruth Marks Eglash

In the midst of the busy port town of Jaffa, just beyond the bustling crowds of locals and tourists, sits The Jaffa, a peaceful oasis where orange trees grow and even produce fruits.

Located on the edge of the old town, The Jaffa is as much a hotel as it is a valuable piece of history that sheds light onto the storied past of this ancient city. The hotel is divided into two distinct parts with a leafy, shaded courtyard at its center that functions as a place where guests enjoy a sumptuous breakfast, as well as serving in many ways as the gateway between past and present.

On one side of the courtyard, sits a state-of-the-art modern building containing 80 guest rooms, 32 private residences and a 16,000-square-foot exclusive penthouse. At the building's base is an airy and eclectic lobby that welcomes guests descending a long mysterious hallway with the hotel's signature orange-flavored cocktail.

On the other side of the courtyard, is a horseshoe-shaped building that once served as a hostel for Christian pilgrims en route to Jerusalem. Built by wealthy French businessman François Guinet, the hostel, which was constructed with raw materials imported from France, formally opened in 1879.

The original design incorporated the aesthetics of the Roman Renaissance that were popular in the Holy Land during the 19th century. The multiple archways and columns, interspersed with stone statuettes and stained-glass windows, as well as the original floor tiles are still visible throughout this part of the hotel.

The crowning glory of The Jaffa, however, is a small chapel boasting a high, domed ceiling and stunning mosaic windows that reach to the top of its towering walls. The chapel also features an ornate mosaic of a

white dove above the altar and a fresco of the star-studded night skies of Bethlehem decorates the ceiling.

Guinet's original hostel was later turned into a hospital for the destitute and by the turn of the 20th century, it was considered the most modern medical facility in the region treating patients from all backgrounds and religions for free.

Purchased 17 years ago by New York-based real estate magnate Aby Rosen, owner and co-founder of RFR Holding, the building, which in recent decades had fallen into disrepair, took nearly 12 years to renovate.

Rosen hired Jaffa-based architect Ramy Gill, who has overseen multiple regentrification projects in the city, to renovate Guinet's hospice and he joined forces with renowned British architect John Pawson. Together the two tirelessly worked to restore the chapel and recast the former hospital rooms into high-tech and luxurious hotel rooms.

The two architects also designed the newer building and during the construction discovered elements of Jaffa's more ancient past: remnants of a wall built sometime in the 13th century. Under the auspices of Israel's Antiquities Authority, Gill and Pawson were forced to find a way to include the ancient stone feature into their modern design.

In a history of the hotel written by Israeli author Dorit Rabinyan, she explains that the design is a "subtle dialogue between two centuries, 19th and 21st, expressing each of their glories and strengths."

"The Renaissance U-shaped building was restored to the glory days of the 19th century, and the new, elongated building erected opposite it took on a contemporary syntax, an adaptation of 21st-century

language," she writes in the short book. "There is mutual respect between history and the present — without any bridges, adornments, or connections between the two buildings — as though the past is simply gazing at the present and vice versa."

The Jaffa, which opened for business in mid-2018 but was closed for more than a year and a half during the COVID-19 pandemic, is part of Marriott International's "The Luxury Collection" brand. It caters mainly to foreign tourists and boasts some 120 rooms in total, a mix of modern and rustic styles. Guests as well as owners of the luxury residences are able to utilize the hotel's top notch facilities which include an outdoor pool, fitness center, and spa. They can also sip orange-flavored cocktails in the lobby's Shesh Besh or backgammon bar as they engage in a match or two of the traditional board game. The chapel, which was formally deconsecrated by a priest, is now used as a bar or venue for private functions.

As for the penthouse, which sits on top of the modern building, it is still looking for an owner. Said to be one of the most exclusive residences ever built within the Jaffa-Tel Aviv city limits, the apartment is fully furnished and finely decorated, with a private rooftop garden that offers 360-degree views of the Mediterranean Sea and the Tel Aviv skyline.

Like the penthouse, the hotel also has a luxurious feel and it is clear that every detail has been carefully considered and thoroughly thought through. Galit Heller Halfon, director of sales and marketing at the hotel, told *Jewish Insider* that all guests to The Jaffa are considered VIPs and attention to servicing them is paramount.

She estimated that around 95% of the hotel's guests were foreign tourists and, she added, there is an interesting dichotomy of

who wants what type of room.

“According to our statistics, Europeans prefer the modern rooms, Americans love the history side and the Russians prefer the modern rooms that are located on the top of the historical building,” Heller Halfon told JI. She also highlighted that the hotel is

purposely not kosher (although kosher food may be ordered) because Rosen wanted to create a luxury respite for all travelers, not only the Jewish ones.

“People ask me who our competitors are and while it’s not nice to say this, I don’t think we have any competitors,” Heller

Halfon said, pointing out that while there is no shortage of large, upscale hotels, as well as newer boutique ones in the area, “there’s nothing like The Jaffa.”

“The Jaffa feels very different from any other hotel,” she said. “Not just in Israel but anywhere.” ♦