

**The Reform Movement's Response to Controversial Political Issues: The Vietnam  
War, Affirmative Action and the First Lebanon War**

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## **Digest**

This thesis focuses on the response by the institutions of Reform Judaism to three distinct events: the Vietnam War, Affirmative Action and the 1982 Israeli incursion in Lebanon.

Within the sprawling context of the Vietnam War, the thesis examines the responses to the issue of dissent, conscientious objectors and the military chaplaincy.

Turning next to the fractious topic of affirmative action, the thesis considers the institutional response to the *DeFunis* litigation and the impact of these responses on the relationships between the institutions themselves, the relationships between the institutions and their constituents and the relationships between the Reform Movement and other outside groups such as African American activists.

Finally, turning to the controversial 1982 Israeli incursion into Lebanon, the thesis considers the pre-1982 Reform attitude towards Israel, the response to the first phase of the war – to secure peace for Galilee, and the response to the second phase of the war—when the Israeli military advanced towards Beirut.

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## **Table of Contents**

<b>Digest</b>	i
<b>Acknowledgements</b>	ii
<b>Table of Contents</b>	iii
<b>Introduction</b>	1
<b>Chapter I:</b> The Vietnam War: A Cause for Controversies in the Reform Movement of American Judaism	5
<b>Chapter II:</b> The Reform Movement's Controversy over Affirmative Action	56
<b>Chapter III:</b> The First Lebanon War: American Reform Zionism and the Search for Israel's Jewish Soul	103
<b>Conclusion</b>	142
<b>Bibliography</b>	148

## **Introduction**

Throughout United States history, there have been many controversial political issues; debates about abortion, the Iraq war, social welfare programs, and tax policy only to name a few. When most U.S. citizens think about controversial political issues, they think in terms of partisan politics, about the natural tensions that exist between Democrats and Republicans. However, in the daily political grind, there are actually many non-partisan organizations jockeying for position in the halls of government to express their ideals to politicians in hopes of influencing legislation. Despite the constitutional call for a separation of church and state, some of the most influential organizations responsible for guiding U.S. public policy have been the institutions representing various religious denominations, including the institutions of Reform Judaism.

This year, 2011, marks the celebration of the fiftieth anniversary of the Reform Movement's Religious Action Center (RAC), "the hub of Jewish social justice and legislative activity in Washington, D.C."<sup>1</sup> However, the Union of American Hebrew Congregations (UAHC), the organization representing Reform congregations – now known as the Union for Reform Judaism (URJ) – and the Central Conference of American Rabbis (CCAR), the organization representing Reform rabbis - the principal institutional bodies of American Reform Judaism, began their engagement in national politics at a much earlier date.

In 1885, a group of rabbis convened at the behest of Rabbi Kaufman Kohler. At this meeting, this constituency adopted the Declaration of Principles, also known as the Pittsburgh Platform of Reform Judaism. The first seven planks of the platform, written by

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<sup>1</sup> <http://rac.org/aboutrac/> (accessed April 15, 2012).

Kohler, were “steeped in [the] Messianic hopes and postulates of reason” typical of the belief that modern progress would lead to human redemption.<sup>2</sup> The eighth and final plank of the platform, written as a postscript, was a dynamic call for social responsibility from Rabbi Emil G. Hirsch.

In full accordance with the spirit of the Mosaic legislation, which strives to regulate the relations between rich and poor, we deem it our duty to participate in the great task of modern times, to solve, on the basis of justice and righteousness, the problems presented by the contrasts and evils of the present organization of society.<sup>3</sup>

In 1885, as a movement, rabbis and laypeople were not prepared to heed Hirsch’s call to work for justice and righteousness in society. But the modern institutions of Reform Judaism, including the UAHC, CCAR, RAC, along with the Commission on Social Action of Reform Judaism (CSA), an instrumentality of the CCAR and UAHC and other national affiliates, have worked diligently in the public square, constantly struggling with “how Jewish values, law, and moral insights [should] be applied to contemporary political and social issues in a non-Jewish society.”<sup>4</sup> For most of the twentieth century, American Reform Judaism has insisted that there is a textual tradition that provides an ethical framework to consider when engaging in national, secular policy debate. In this way, the Reform Movement has become a part of a religiously diverse chorus of voices that informs the public culture and government policies of America.

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<sup>2</sup> Leonard J. Mervis, “The Social Justice Movement and the American Reform Rabbi,” *American Jewish Archives* 7, no. 2 (June, 1955): 172.

<sup>3</sup> <http://ccarnet.org/rabbis-speak/platforms/declaration-principles/> (accessed April 15, 2012).

<sup>4</sup> David Saperstein, *The Use and Abuse of Jewish Tradition in Political Debate* (CCAR, 2008), 14.

The institutions of Reform Judaism, the URJ, CCAR, RAC, and CSA realized then as they do now that engaging in politics always comes with the potential for controversy and struggle. American Reform Jews are a diverse group of people, with a variety of political perspectives, including about the role religious organization should play in the formulation of public policy.<sup>5</sup> With this in mind, the institutions of Reform Judaism have worked diligently to translate the principles of Jewish social justice into various forms of action, carefully maneuvering within the political realm in a way that avoids creating the impression that all Reform Jews are of one mind on any of the policy issues of interest.<sup>6</sup> The leaders of these institutions are well aware that “Judaism does not mandate for the nations of the world, monarchy or democracy, socialism or capitalism; nor has it endorsed food stamp programs or supply-side economics. These are human inventions and policies.”<sup>7</sup> Therefore, they insist that the Jewish role in these matters is “to test these human theories and policies to see if they advance or impede the universal moral values of Judaism.”<sup>8</sup>

Historically, the RAC has safeguarded the institutional response to many political issues. A couple of years ago, the RAC graciously packed up and shipped their filing cabinets to the American Jewish Archives located on the Hebrew Union College-Jewish Institute of Religion’s (“HUC”) Cincinnati campus. One of my goals in writing this thesis was to be one of the first scholars to do research in this treasure trove of information. The majority of the sources used in this paper come from the RAC files.

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<sup>5</sup> For this reason, the establishment of the RAC was one of the most controversial issues in the History of American Reform Judaism. See Steven E. Foster, “The Development of the Social Action Program of Reform Judaism, 1879–1969,” Rabbinic Thesis (HUC-JIR, 1970).

<sup>6</sup> 20 Questions on Reform Judaism and Social Action: With Special Reference to the Center for Religious Action in Washington, D.C. (New York: Union of American Hebrew Congregations, 1962), 7.

<sup>7</sup> Albert Vorspan and David Saperstein, *Jewish Dimensions of Social Justice: Tough Moral Choices of Our Time* (New York, NY: UAHC Press, 1998), 6.

<sup>8</sup> Ibid.

However, because the organization of these materials was not complete at the time of the research and writing of this thesis, the content of this thesis is necessarily limited.

Nevertheless it represents an important first look at these fascinating documents.

Specifically, this thesis focuses on how the institutions of Reform Judaism have responded to three particular controversial issues: the Vietnam War, affirmative action, and Israel's first Lebanon War. These topics were identified by Rabbi David Saperstein, the current director of the RAC, as being three of the most divisive topics for American Reform Jews in the past 50 years.<sup>9</sup>

Within the complex morass of the Vietnam War, the first chapter of the thesis specifically looks at the issues of (1) the right to dissent against official government policies, (2) the rights and defining parameters of conscientious objectors, and (3) the role of CCAR and HUC in supplying chaplains to the U.S. military.

Turning next to the controversial topic of affirmative action, the second chapter focuses on the *DeFunis v. Odegaard* case in which UAHC opted to support affirmative action policies even when they negatively impacted members of the Jewish community.

The final chapter of the thesis examines the Reform Movement's institutional responses to Israel's first Lebanon war. This military incursion represented the first time that Israel was perceived as an aggressor. This perception prompted American Jews to publically disapprove of Israeli foreign policy.

By examining these three diverse topics, this thesis endeavors to determine if there was any consistency in the Reform Jewish institutional response to controversial issues.

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<sup>9</sup> Phone Interview with David Saperstein, February 9, 2011.



## **Chapter I: The Vietnam War: A Cause for Controversies in the Reform Movement of American Judaism**

According to Rabbi David Saperstein<sup>1</sup>, long time director of the Religious Action Center of Reform Judaism (RAC),<sup>2</sup> the Vietnam War was the most politically divisive event for American Reform Jews to date.<sup>3</sup> Specifically, the right to dissent, redefining the category of conscientious objection, and the Reform Movement's policy related to military chaplains engendered a great deal of tension.

Despite the lack of consensus on these issues, the institutions of Reform Judaism - the Union of American Hebrew Congregations (UAHC),<sup>4</sup> the Central Conference of American Rabbis (CCAR),<sup>5</sup> and the RAC - developed formal positions which they made known to their constituents in a variety of ways: official publications, mass communications, news paper articles, and editorials. These documents are vital for understanding the complexities of these controversial issues. This chapter will examine and evaluate the official positions of the Reform Movement, and how leaders of the Reform institutions engaged with these issues in order to understand better the depth of controversy.

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<sup>1</sup> Selected by *Newsweek* magazine in 2009 as the most influential rabbi in the country, Rabbi Saperstein has served as the director of the Religious Action Center for Reform Judaism for nearly thirty years.

<sup>2</sup> The Religious Action Center of Reform Judaism is the hub of Jewish social justice and legislative activity in Washington, D.C., which seeks to educate and mobilize the Reform Jewish community on a variety of legislative, and social justice issues. It operates under the auspices of the Joint Commission on Social Action of Reform Judaism, an instrumentality of the CCAR and UAHC along with other national affiliates.

<sup>3</sup> Phone Interview with David Saperstein, February 9, 2011. During this interview, Saperstein mentioned that only possible exception to Vietnam being the most divisive issue would be the U.S. invasion of Iraq in 2003. However, because there were so many individual controversial issues related to the Vietnam War, he concluded that it was more significant.

<sup>4</sup> The UAHC is the synagogue arm of the Reform Movement. It was renamed the Union for Reform Judaism in 2003.

<sup>5</sup> The CCAR is the rabbinic body of Reform Judaism.

## **The Reform Movement Fights for the Right to Dissent**

According to the RAC's website, "the CCAR and UAHC [were] the first national Jewish organizations to oppose the war in Vietnam."<sup>6</sup> Already in 1950, the CCAR's Commission on Justice and Peace<sup>7</sup> developed a working sub-committee, chaired by Rabbi Jacob Rothschild,<sup>8</sup> dedicated to analyzing the situation in Southeast Asia. In the annual report presented at the 1950 CCAR convention, this sub-committee called for the United States government "to divorce itself from the support of every oppressive and exploiting government in Asia...[including] the French administration in Indochina [which] saddles the people of that country with an outdated colonialism."<sup>9</sup> It argued that America should try to influence the people of Southeast Asia by feeding their stomachs and their hearts. The rabbis felt that if the United States tried to boost the Vietnamese people's quality of life, it would serve to encourage democracy and strengthen the anti-communist contingency in Vietnam.<sup>10</sup>

Over the next fourteen years the CCAR's concern over the conflict in Southeast Asia remained constant. However, during this period, the institutional bodies of Reform Judaism showed a tacit complacency towards U.S. foreign policy with respect to Vietnam, despite the fact that the U.S. government was financially backing and arming the totalitarian, suppressive regime of Ngo Dinh Diem in South Vietnam.

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<sup>6</sup> Religious Action Center, "The History of the Religious Action Center of Reform Judaism, " <http://rac.org/aboutrac/rachistory/> (accessed, February 26, 2012).

<sup>7</sup> A committee of the CCAR dedicated to researching and drafting resolutions dealing with the social justice issues of the day.

<sup>8</sup> Rabbi Jacob Rothschild (1911-1973) had an interest in Southeast Asia stemming from his tour of duty as a military on the Pacific Front during World War II. After completing his military chaplaincy in 1946, Rabbi Rothschild served as rabbi for the Hebrew Benevolent Congregation in Atlanta, GA.

<http://www.georgiaencyclopedia.org/nge/Article.jsp?id=h-1616> (accessed, March 4, 2012)

<sup>9</sup> Abraham Vossen Goodman, "Report of Commission on Justice and Peace," *CCAR Yearbook* 60 (1950): 162-163.

<sup>10</sup> Ibid.

## **The Initial Institutional Response to Vietnam**

The Reform Movement reasserted its concerns about the Vietnam conflict in November 1963 when violent riots broke out, and a military coup successfully removed Diem from power. Despite a series of regime changes in South Vietnam, President Johnson remained firm in America's policy to support any anti-communist regime in that country. As tensions in Vietnam increased, leaders in the Reform Jewish community began expressing their concerns that the American presence in Southeast Asia would provoke World War III.<sup>11</sup>

At the UAHC biennial assembly in 1963, the Reform Movement suggested that the only way to achieve peace in Southeast Asia was negotiations with all parties – including the Communist North. However, many Americans considered communist regimes as unapproachable enemies; the idea of sitting at the negotiating table with any such government was unacceptable. In an attempt to combat this pervasive mindset, the UAHC called on its supporters to “reject the voices of hysteria which unthinkingly confuse honest negotiations with appeasement, social revolution with communism and co-existence with treason.”<sup>12</sup>

On February 4–5, 1964, with the cooperation of RAC, and under the chairmanship of Rabbi Richard G. Hirsch,<sup>13</sup> the CCAR held its first conference on the issues of war and peace. Aptly titled the “Conference on Disarmament and Peace,” the

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<sup>11</sup> Ibid.

<sup>12</sup> UAHC 47<sup>th</sup> Biennial Assembly, *The Pursuit of Peace* (Chicago, IL, November 1963), [http://urj.org/about/union/governance/reso/?syspage=article&item\\_id=2263](http://urj.org/about/union/governance/reso/?syspage=article&item_id=2263) (accessed February 26, 2012).

<sup>13</sup> Born in 1926, Rabbi Hirsch served as the first director of the RAC. He was appointed to the position in 1962 by Rabbi Maurice N. Eisendrath. In 1973, Hirsch moved to Israel and became the executive director of the World Union for Progressive Judaism. In 2011, the Union for Reform Judaism honored Rabbi Hirsch with the Maurice N. Eisendrath Bearer of Light Award for Service to Reform Jewry. [http://urj.org/about/union/pr/2011/?syspage=article&item\\_id=76162&printable=1](http://urj.org/about/union/pr/2011/?syspage=article&item_id=76162&printable=1) (accessed March 3, 2012).

gathering explored the moral complexities and the world of danger associated with modern warfare.<sup>14</sup> The 125 rabbis in attendance heard from representatives of the State and Defense departments, members of the United States Senate, spokesmen for the French and Russian governments, and leaders of the Christian Peace movement, each speaker addressing the issues of disarmament and peace.<sup>15</sup>

These topics were also discussed and debated at the 75<sup>th</sup> annual CCAR convention. The convention president, Rabbi Leon Feuer,<sup>16</sup> argued in his address that there was a tangible need to “develop experts” capable of speaking about political and social justice issues of interest to the Reform Jewish community. Feuer explained that the earlier Conference on Disarmament and Peace was the CCAR and the RAC’s first clear attempt to educate the constituency of the Reform Movement about a controversial political issue. He speculated, “Those who attended [would] testify that it was from every point of view an unqualified success.”<sup>17</sup>

One sign of the Conference’s success was that it resulted in the Reform Movement’s first official statement on Vietnam since 1950. Issued by the Committee on Justice and Peace of the CCAR, the statement proclaimed:

We view with distress the growing deterioration of the political and military situation in South Vietnam. Neither the two changes in government in the past year, nor the presence of 15,000 U.S. troops, nor the one and one-half million dollars in daily aid we have provided, have

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<sup>14</sup> Jerome R. Malino, “Report of the Recording Secretary,” *CCAR Yearbook* 74 (1965): 21.

<sup>15</sup> Samuel D. Soskin, “Report of Committee on Justice and Peace: South Vietnam,” *CCAR Yearbook* 74 (1965): 79.

<sup>16</sup> Rabbi Feuer (1903–1984) served as the President of B’nai Brith, chairman of the CCAR’s committee on religious education, vice president of the Zionist Organization of American and rabbi of Collingwood Temple in Toledo, Ohio.

<sup>17</sup> Leon I. Feuer, “President’s Message,” *CCAR Yearbook* 74 (1965): 7.

brought the people of South Vietnam closer to peace or to a better way of life. We are grieved at reports of great casualties among both Vietnamese and American citizens.

In light of statements in recent weeks by prominent U.S. Senators demanding a negotiated settlement in South Vietnam, and in view of our firm conviction that the world's problems can be solved by peaceful means, we urge that our government, with all due haste, work with the world body established for the purpose of settling perilous disputes – the United Nations – to seek a peaceful solution to the problem of South Vietnam.<sup>18</sup>

However, in June 1964, the majority of American citizens were either unconcerned or sympathetic to President Johnson's policy of subordinating communist aggression in Southeast Asia. Moreover, very few national organizations were speaking out against the U.S. presence in Vietnam.<sup>19</sup>

When viewed in this broader context, the CCAR's statement on Vietnam was perhaps anomalous, but given the tenor of conversations within the Reform Movement, it was not very surprising. In writing this statement, the rabbis demonstrated their concern for rising tensions in Vietnam, and the United States' increasing involvement.

Nevertheless, not all rabbis at the 1964 CCAR convention were ready to articulate such a strident position on the conflict in Vietnam. Instead, they preferred to speak in

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<sup>18</sup> Soskin, "Justice and Peace," *CCAR Yearbook* 74 (1965): 84.

<sup>19</sup> Irwin A. Zeplovitz, "Jewish Attitudes towards the Vietnam War," (Rabbinic Thesis, HUC-JIR, 1984), 21.

generalities about the evils of war. One such rabbi was Arthur J. Lelyveld,<sup>20</sup> a long-time member of the Committee on Justice and Peace. Two days after the CCAR adopted the Committee's statement on Vietnam, Lelyveld led a session called "Seminar on Peace: Nuclear Threat and Ultimate Demand."<sup>21</sup>

During this seminar, Lelyveld first presented a very elaborate paper, contextualizing the issues of war and peace in Jewish tradition. He used a conglomeration of sources - a vast range of traditional Jewish texts, the writings of modern political philosophers, and others - all to explain the dire situation created by the stockpiling of nuclear weapons. Lelyveld reminded the seminar participants that the "first obliteration bombing of a civilian population" happened in 1937 during the Spanish Civil War, when "the Germans bombed the Biscayan city of Guernica." Lelyveld exclaimed that people from all over the world thought that "only Fascist brutes" were morally capable of committing such an atrocity; the "bombing of women and children by democratic nations was unthinkable." However, he continued, "eight years later, with horrifying equanimity, [the United] States wiped out Hiroshima and Nagasaki."<sup>22</sup>

Lelyveld's presentation dealt entirely with the moral conundrum of war, and the potential for human destruction in an age of nuclear weapons. It is somewhat surprising, with his colleagues only recently acknowledging the political instability and threat of war in Vietnam, that Lelyveld never mentioned Vietnam specifically in his

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<sup>20</sup> Born on February 6, 1913, Lelyveld was ordained by HUC in 1939. He served as rabbi of Fairmount Temple in Cleveland, Ohio from 1958 to 1986. Before his death on April 15, 1996, Lelyveld held many prestige leadership positions, including executive director of the Committee on Unity for Palestine in the Zionist Organization, president of CCAR, president of American Jewish Congress, and national director of the B'nai B'rith Hill Foundation. <http://www.nytimes.com/1996/04/16/us/rabbi-arthur-j-lelyveld-83-rights-crusader.html?pagewanted=all&src=pm> (accessed March 3, 2012).

<sup>21</sup> Arthur J. Lelyveld, "Seminar on Peace: Nuclear Threat and Ultimate Demand," *CCAR Yearbook* 74 (1965): 254-260.

<sup>22</sup> *Ibid.*, 258.

presentation. In fact, when questioned by Rabbi Leon Kronish,<sup>23</sup> a well-known rabbi and political activist from South Florida, about how to apply his theories and ideas to Vietnam, Lelyveld continued to shy away from directly engaging with the Vietnam conflict. Rabbi Kronish asked:

We are all caught in a terrible cycle of frustration. We speak; so what?

When we speak to our congregants of civil rights they write their

Congressmen, they make known their feelings to their representatives.

But what do we want them to do in this area? My congregants know

that on the Holydays I shall preach a “B & B” sermon. I shall deal with

blacks and bombs. But what do we want to do, to have them agree that

life is sacred? Amen, life is sacred! Do we have to make a statement to

have them agree that war is horrible or that there are horrors in

Vietnam?<sup>24</sup>

In his question, Rabbi Kronish distinguished between making grandiose moral statements, and suggesting a specific course of action; it is one thing as the leader of a community to speak about the morality of war, it is another to suggest a particular course of action to support or oppose a particular war. Kronish also differentiates between the public perception of the civil rights movement in America, a ubiquitous issue in the lives of every American, and the conflict in Vietnam, which was, generally speaking, out of sight and out of mind.

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<sup>23</sup> Born in 1917, Kronish was ordained in 1942 by the Jewish Institute of Religion in Manhattan. In 1944, he founded Temple Beth Sholom in Miami Beach, Florida. Prior to his death in 1996, Kronish served as chairman of the Joint Committee on Israel of the CCAR and UAHC. <http://www.nytimes.com/1996/03/31/us/leon-kronish-79-miami-beach-rabbi.html> (accessed March 3, 2012).

<sup>24</sup> Alan Mayor Sokobin, “Recorder’s Report,” *CCAR Yearbook* 74 (1965): 264–265.

Lelyveld's response to Kronish's question failed to address specifically the conflict in Vietnam. Instead, he indicated that his real concern was for the survival of humankind. He felt that it was irrelevant whether individuals took pacifistic or warmongering stances on particular wars; these positions would not protect people from the devastation of even one nuclear bomb.<sup>25</sup>

### **Increasing Tensions in Vietnam Result in Heightened Interest from Reform Institutions**

Despite a significant escalation in violence, which included the Gulf of Tonkin incident on August 2, 1964,<sup>26</sup> for the next six months, the Reform Movement remained relatively quiet with respect to Vietnam. In January 1965, at the Religious Leaders Conference on Peace, Rabbi Balfour Brickner<sup>27</sup> criticized the American Jewish community for their insignificant action against the potentialities of war. He did not claim that American Jews were disinterested in Vietnam, but that they were uneducated about the issues. Moreover, Brickner suggested that Reform Jews were unable to criticize any of President Johnson's policies on Vietnam because they were too open minded; they were too willing to find legitimacy and accept views from all across the political spectrum on

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<sup>25</sup> Ibid., 265.

<sup>26</sup> Because President Johnson described the escalation in Vietnam following the Gulf of Tonkin as an act of self-defense, he received widespread support from the American people. As a result Congress formally passed a resolution on Southeast Asia, giving Johnson a "blank check of 'approval and support' for 'all necessary steps, including the use of armed force,'" with respect to the Gulf of Tonkin. See: "Congress and Vietnam," *The New York Times* (August 8, 1964).

<sup>27</sup> Rabbi Balfour Brickner (1926–2005) served as the Director of the Commission on Interfaith Activities of the UAHC, and as the Associate Director of the Commission on Social Action of Reform Judaism. Brickner founded Temple Sinai in Washington, D.C. and served as rabbi for Stephen Wise Free Synagogue in Manhattan.



this issue. This, he concluded, made it difficult for American Reform Jews to take a position about the Vietnam conflict publicly.<sup>28</sup>

However, when the U.S. government decided to embark on “Operation Rolling Thunder,”<sup>29</sup> a carpet bombing campaign against North Vietnam, the institutions of Reform Judaism reacted quickly. Until the commencement of Operation Rolling Thunder, the United States had only been contributing monetary aid and on-the-ground military advisors to its allies in Vietnam. This new military offensive represented the first time that the United States forces directly engaged in armed combat with the communists. The Reform Movement saw this escalation of U.S. involvement as unnecessary violence and counter to the movement’s goal of encouraging world peace.

The day after this new wave of bombing began, the CCAR executive board wrote a “Resolution on Vietnam,” urging the U.S. to join with other governments and the United Nations Secretary General to begin immediate negotiations in Vietnam.<sup>30</sup> The CCAR was not calling for a unilateral withdrawal; they believed that it was necessary for an outside presence to remain in Vietnam. Their proposed solution was to substitute U.S. troops with U.N. peacekeeping forces in the region to bring a peaceful settlement to the conflict as quickly as possible.<sup>31</sup>

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<sup>28</sup> Balfour Brickner, “Religion and Peace: Next Steps,” *Religious Leaders Conference on Peace*, January 14, 1965, RAC collection, Box 10, Judaism and arms control: misc., The Jacob Rader Marcus Center of the American Jewish Archives (hereafter AJA), Cincinnati, OH.

<sup>29</sup> This campaign began on March 2, 1965.

<sup>30</sup> CCAR Executive Board, Resolution on Vietnam, March 3, 1965, Nearprint File, Vietnam War, AJA. It is also interesting that the last line of this resolution - “communism is not stopped by bullets but by bread, education and hope.” - hearkens back to the CCAR’s 1950 Report of Commission on Justice and Peace; a position that had been missing since.

<sup>31</sup> U.N. Secretary General, U Thant, had previously shared his views on keeping the peace with President Johnson. However, Thant also expressed in these meetings that, because North Vietnam was not a member of the U.N., the Security General was limited in what he could effectively do. See, Arnold H. Lubasch, “U.N. Chief Gives Johnson Some Ideas on Vietnam,” *The New York Times*, August 6, 1964.

The Commission on Social Action for Reform Judaism and the UAHC also held their executive meeting on March 3-4, soon after the CCAR issued their initial response to the escalation of the Vietnam War. During this meeting, the board submitted the first draft of a proposed resolution on World Peace. As the title suggests, this was not a resolution solely dedicated to Vietnam, but it was the first official public statement made by the UAHC containing specific reference to the Vietnam War. In the resolution, the UAHC called for all interested parties to agree to negotiations. UAHC also suggested that the U.S. provide significant economic aid to the region, echoing the CCAR's statement of 1950.<sup>32</sup> This represented the first moment of unified opposition to the Vietnam War by the institutions of Reform Judaism.

During these early years of the Vietnam War and as the conflict was escalating, there were government officials like the Secretary of State, and even President Johnson himself who took to decrying publicly those who disagreed with the administration's views about the Vietnam War. This caustic approach to the public's dissent brought fresh criticism from the institutions of Reform Judaism.

On May 11, 1965, Rabbi Maurice N. Eisendrath,<sup>33</sup> speaking on behalf of the CCAR, delivered an address at a vigil on Vietnam in Washington, D.C. In his address, Eisendrath expressed "deep misgivings with regard to the policies which [the United States] has been following in Vietnam and in South East Asia generally."<sup>34</sup> In the speech, Eisendrath was not overly critical of U.S. foreign policy. Rather, he reserved his most

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<sup>32</sup> Minutes of Meeting Commission on Social Action of Reform Judaism, March 3-4, 1965, MS COL 72, Box 53, Folder 3, AJA, 6-7.

<sup>33</sup> Rabbi Eisendrath (1902-1973) was one of the leader's of the Reform Movement's opposition to the Vietnam War. Instrumental in the founding of the RAC, Eisendrath also served as the executive director and president of UAHC.

<sup>34</sup> Maurice Eisendrath, Address delivered at Rally Vigil on Vietnam, "Vietnam: The Search for Peace," May 11, 1965, MSS Col No 167, Sermons and Writings, "T-V," AJA.

strident criticisms for the government's public attacks, and tacit support for attacks against dissenters. Eisendrath stressed the importance of the right to dissent without any threats from the government. In his eyes, it was imperative to have an open discussion of ideas about the war. He noted especially that dissent against government policies did not make an individual a "communist sympathizer" or "a muddle-headed idealist."<sup>35</sup> He remained committed to the CCAR's and UAHC's position that military solutions were not the only way of operating in foreign affairs, especially not tactics that involved napalm bombings, sneak attacks, torture or other morally deplorable actions.

Rabbi Eisendrath was not the only leader of Reform Judaism condemning President Johnson for lashing out on numerous occasions against those who disagreed with his Vietnam War policies. One of the most significant statements with respect to the right to dissent was *The Right to Free Debate*, a report of the Committee on Justice and Peace submitted at the 1965 CCAR convention. The CCAR strongly adhered to the notion that "free and untrammelled discussion is all-important for the survival of [American] democracy."<sup>36</sup>

This statement by the CCAR differs from Eisendrath's in that it also condemned any attempts made by the government to prevent Americans from knowing the whole truth about the war. There were reports, including a statement by U.N. Secretary General U Thant, that the military and other U.S. officials were limiting the American media coverage of the war.<sup>37</sup> The CCAR argued that this "managed" news has no place in a

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<sup>35</sup> Ibid.

<sup>36</sup> Samuel D. Soskin, "Report of Committee on Justice and Peace," *CCAR Yearbook* 75 (1966): 68.

<sup>37</sup> Ibid. On February 24, 1965, U.N. Secretary General, U. Thant in his communication with the American media, claimed that "if Americans had all the facts, they would back him," in calling for a cessation in violence. See, Thomas J. Hamilton, "Thant Asks Vietnam Talks Leading to a U.S. Pullout," *The New York Times* February 25, 1965.

democracy and they commended university professors and others who fought against the attempt to censor the news.<sup>38</sup>

Rabbi Feuer, in his presidential address during the same convention, took a different approach to the issue of dissent. He opened the door for the leaders of American Reform Judaism to move beyond the simple methods of dissent, suggesting that American Reform rabbis should “always be in the vanguard – even to the point of civil disobedience [in the] struggle to abolish forever the horrors of war.”<sup>39</sup> Feuer, and the Committee on Justice and Peace, stood firm, believing that “there could be no military solution to the fundamental social and economic problems of the Vietnamese,” and emphasizing the idea that the U.S. should pull out before Vietnam spiraled into the uncontrollable anarchy of a full blown war.<sup>40</sup>

Later that year, during the UAHC’s 48<sup>th</sup> Biennial Assembly, the UAHC passed its own resolutions on the right to dissent and on the Vietnam War. The aforementioned *World at Peace* resolution<sup>41</sup> was a much more substantial document than the CCAR’s. The UAHC, as representative of the American Reform Jewish community, asked that President Johnson assign a date for the U.S. armed forces to cease firing and bombing, and begin negotiations with the opposing forces in Vietnam, in effect reaching a peaceful solution to the conflict. The UAHC deemed it necessary that the U.S. meet with all parties involved in the conflict, including the Viet Cong and the North Vietnamese governments, not for appeasement, but for the enabling of the full self-determination of the Vietnamese people in forming a new government. There was also a plea, at the end of

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<sup>38</sup> “Report of Committee on Justice and Peace,” *CCAR Yearbook 75* (1966): 68.

<sup>39</sup> Leon I. Feuer, “President’s Message,” *CCAR Yearbook 75* (1966): 14.

<sup>40</sup> Samuel D. Soskin, “Report of Committee on Justice and Peace,” *CCAR Yearbook 75* (1966): 67.

<sup>41</sup> See fn.25.

this section for UAHC members to join with “like-minded religious bodies -- Jewish, Protestant and Catholic” to share in expressing moral concerns about the war.<sup>42</sup>

On the matter of dissent, the UAHC underscored that there was a “growing tendency in America to equate dissent with an anti-patriotic or an un-American attitude.”<sup>43</sup> The UAHC wanted to make clear that it supported the right for American citizens to demonstrate, whether for or against the war, as a civil liberty granted by the Constitution of the United States.

In the Vietnam clause of the resolution on World Peace, the UAHC claimed that its statement was “[representative] of a religious people;”<sup>44</sup> through this document, the UAHC was speaking for Reform Jews in America. This is important to note because the institutions of Reform Judaism, despite publishing political statements and resolutions, had always supported autonomy of the Reform congregations and individual Reform Jews. This broad-based statement, however, seemed to suggest a different approach, one that was not wholeheartedly embraced by the Reform Jewish community.

### **Reform Institutional Support for the Right to Dissent and Position On Vietnam Cause Dissention within the Reform Movement**

One example of this disagreement was that some congregations took it upon themselves to dissent from certain portions of the resolution. For example, E. S. Ottenheimer, President of Temple-Beth El, in St. Petersburg Florida, sent a letter

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<sup>42</sup> Soskin, “Report of Committee on Justice and Peace,” *CCAR Yearbook* 75 (1966): 67.

<sup>43</sup> 48<sup>th</sup> Biennial Assembly, “Right to Dissent,” *Where We Stand: Social Action Resolutions Adopted by the Union of American Hebrew Congregations* (New York, NY: The Commission on Social Action of Reform Judaism), 69–70.

<sup>44</sup> *Ibid.*, 76.

addressed to the UAHC citing his congregation's disagreement with clause 6a relating to Vietnam. Ottenheimer wrote:

By a vote of 7–5, a motion passed dissenting from this clause. The reasoning of the majority group can be briefly stated as follows: The deep desire for peace is shared by all, but the specific means of obtaining it can best be determined by those in the top level of our Government to whom alone all the facts and conditions are available.<sup>45</sup>

The view that government knew best because it had the best access to facts on the ground was common during this period of the war. Hawkish groups, like the Jewish War Veterans of the United States (JWV)<sup>46</sup> were among the groups who believed that questioning the government's official policies and actions was improper.

Albert Vorspan<sup>47</sup>, Director of the Commission on Social Action of Reform Judaism (CSA), responded to Ottenheimer by upholding and emphasizing the UAHC's policy of autonomy: "Every congregation and individual Reform Jew is at perfect liberty to dissent from any resolution adopted by a UAHC General Assembly."<sup>48</sup> Vorspan's response to Ottenheimer of Temple Beth El in St. Petersburg, Florida, contained a

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<sup>45</sup> Letter from E.S. Ottenheimer to the Union of American Hebrew Congregations, January 26, 1966, RAC Collection, Box 66, Folder 27: Social Action – General, AJA.

<sup>46</sup> "Summary of Presentation by Dr. Morton J. Sobel, Assistant National Executive Director, Jewish War Veterans of the United States of America," Executive Committee Meeting of the National Community Relations Advisory Council, January 23, 1966, RAC Collection, Box 60, Folder 55: Vietnam War, Jewish Religious Views, AJA. Founded in 1896, the Jewish War Veterans is one of the oldest veterans groups in the United States. As stated in its constitution, the group is committed to "maintain[ing] true allegiance to the United States of America; to foster[ing] and perpetuate[ing] true Americanism; to combat[ing] whatever tends impair the efficiency and permanency of our free institutions..." [http://www.jwv.org/about\\_us/mission](http://www.jwv.org/about_us/mission) (accessed March 5, 2012)

<sup>47</sup> Vorspan served for many years as the senior vice president of the UAHC and director of the Commission on Social Action. Additionally, Vorspan was also instrumental in the founding of the RAC and served as the URJ's representative to the United Nations.

<sup>48</sup> Letter from Al Vorspan to E.S. Ottenheimer, February 1, 1966, RAC Collection, Box 66, Folder 27: Social Action – General, AJA.

reminder that the UAHC accepted the fact that its constituents might disagree with the Union's formal positions.

Not all Jewish organizations were so civil. In the issue of *This and That*<sup>49</sup> from February 7, 1966 the Commission on Social Justice reported that Milton A. Waldor, National Commander of the JWV "condemned rabbis and Jewish organizations who have urged cessation of bombings and the initiation of peace negotiations with the Vietcong."<sup>50</sup> He argued that the groups who were so concerned with their right to dissent did not seem to recognize the responsibilities associated with freedom. Waldor called on members of the JWV to "mobilize and activate the American Jewish community to eradicate any doubts about the vital necessity for a decisive victory by whatever means required in Vietnam." He continued by saying that the constituents of the JWV would continue to "challenge the appeasers, the naïve and the confused" in the Jewish community until the war was settled.<sup>51</sup>

The CSA did not take kindly to these statements by Commander Waldor. The Commission first acknowledged the lack of uniformity<sup>52</sup> on the issue of Vietnam. However, they quickly followed by stating that the JWV's "position of military victory by whatever means necessary [was] certainly not reflective of the humane and rational

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<sup>49</sup> *This and That* was a periodical newsletter distributed by the Commission on Social Action of Reform Judaism to the chairmen of congregational social action committees, members of the Commission on Social Action, and congregational rabbis. The goal of these newsletters was to update these constituents on the Reform Movement's social action initiatives.

<sup>50</sup> Albert Vorspan, Balfour Brickner, and Richard G. Hirsch, *This and That* no. 41 (February 7, 1966): 1.

<sup>51</sup> *Ibid.*, 2.

<sup>52</sup> It is important to note that there were sharp divisions over the President's policy on Vietnam even within the Jewish War Veterans. Before the passage of a resolution supporting President Johnson on August, 25, 1966, there was a heated debate within their ranks. Former National Commander Morton London, among others, attacked the resolution, charging that the reasons presented for supporting the resolution were "factually incorrect." See: Irving Spiegel, "Jewish Veterans Back War Goals," *The New York Times*, August 26, 1966. This article also mentions that the strongest opposition to the Jewish War Veterans of America's position on the Vietnam War came from the CCAR.

views expressed by Jewish religious bodies.”<sup>53</sup> The early stages of this conflict between the Reform Movement and the JWV helped to inspire the institutions of Reform Judaism to “give voice and force to the Jewish prophetic vision of building a peaceful world,” to fight for what they believed to be morally right, especially the right to question authority.

This feud was also one of the factors that led Rabbi Maurice Eisendrath, president of the UAHC and active member of the CCAR, to write “An Imaginary Letter to President Johnson” for the magazine, *Dimensions in American Judaism*, in December 1966. In the letter, Eisendrath used a metaphor to compare President Johnson to the Chanukah villain King Antiochus. He none too subtly referenced the JWV calling them King Antiochus’s cronies, “the Veterans of Syrian Wars.” Meanwhile, he likened the leaders of the Reform Movement and other Jews who spoke out against Johnson’s Vietnam policies to the Israelite Maccabees.<sup>54</sup>

Clearly, Eisendrath’s major criticism of President Johnson stemmed from the President’s policies and practices of responding to dissent. He wrote that, like King Antiochus, when President Johnson “wanted to wage a war... he demanded one hundred percent consent.”<sup>55</sup> Moreover, like the ancient Maccabees, who “dissented” against the objectionable demands of Antiochus to worship idols, and let pigs run rampant in the sanctuary, the Jews who protested against Johnson’s policy of indiscriminately dropping napalm bombs on the rice fields of Vietnam would not be silenced by threats of retaliation.<sup>56</sup> In the final paragraph of the letter, Eisendrath questioned President

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<sup>53</sup> *This and That* no. 41, February 7, 1966, 1.

<sup>54</sup> Maurice N. Eisendrath, “An Imaginary Letter from Rabbi Eisendrath to President Johnson,” *Dimensions in American Judaism*, Vol. 1, No. 2 (Winter 1966–1967): 25.

<sup>55</sup> *Ibid.*

<sup>56</sup> There were a number of reports suggesting that Johnson was very concerned over Jewish opposition to the Vietnam War, and that he threatened to decrease U.S. aid to Israel if American Jews did not quiet their dissent against the war. For more on this issue please see the following: “President’s View on Jews is



Johnson's religious character, noting that American Jews were not the only religious groups objecting to his Vietnam policies. It is possible to say that this magazine editorial, written in the form of a letter to the president, was one of the most controversial statements ever published by a leader of the American Reform Movement and the backlash was significant.

On February 9, 1967, Malcolm A. Tarlov, Commander of the JWV, wrote a scathing letter of response to Eisendrath. Tarlov called Eisendrath's letter an example of irresponsible dissent, and said that it was "unbecoming of a man in [Eisendrath's] position."<sup>57</sup> He pointed out how ironic it was that Eisendrath's letter criticized President Johnson's "alleged attempts to force conformity on Vietnam policy" when Eisendrath's actions were actually "an extreme example of complete freedom that dissent enjoys in [the United States.]"<sup>58</sup> Tarlov also sought to remind Eisendrath that Ho Chi Minh "avidly [read] all reports and statements of American dissenters," and used them as fuel for his persistent aggression against South Vietnam, and avoidance of the negotiation table.<sup>59</sup>

However, Tarlov's biggest criticism of Eisendrath was of his role as representative of American Judaism. In the opening of his letter, Tarlov wrote:

It seems clear to me that you speak for little more than yourself when you address to the President of the United States of America a communication

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Sought," *The New York Times*, September 21, 1966; American Council for Judaism, *Brief*, Vol. 20, No. 7, October, 1966, CIN Special Collections B-2002 108, Klau Library, Cincinnati, OH. Related to President Nixon's use of similar tactics, see: "Israel," *This and That* no. 50 (February 6, 1970); Balfour Brickner, "Vietnam and the Jewish Community: Unfortunately, Many American Jews Have Let Fear of Loss of U.S. Support for Israel Silence Their Opposition to the War in Vietnam," *The Christian Century* (April 29, 1970): 531-534.

<sup>57</sup> Letter from Malcolm A. Tarlov to Maurice N. Eisendrath, February 9, 1967, RAC Collection, Box 60, Folder 55: Vietnam War – Jewish Religious Views, AJA.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

so replete with open and thinly veiled slurs. Certainly, you do not speak

for all or most of American Jewry, or even most of Reform Jewry.<sup>60</sup>

Tarlov referenced the many reports sent to the JWV after Veterans Day, which included many rabbis' sermons and congregational programs, including from Reform rabbis and congregations, that expressed support for Johnson's position on the Vietnam War.

The JWV and its supporters were not the only people to call Eisendrath's leadership into question as a result of his controversial approach to this issue. Temple Emanu-El, of New York City, which at the time was the "largest Reform Jewish congregation in the world," withdrew from the UAHC over a "succession of public statements" made by Eisendrath about U.S. involvement in Vietnam.<sup>61</sup> Albert R. Bachrach, president of the congregation, was critical of Eisendrath for acting as a spokesman for the entire Reform Movement, when "such a position [was] unauthorized and impossible."<sup>62</sup> Rabbi Julius Mark,<sup>63</sup> who was vocal in opposition to the Vietnam War, said that the withdrawal from the Union was not tied directly to Eisendrath's position on the war, but to his insistence on speaking for the whole Reform Movement and not only for himself.<sup>64</sup> In a letter distributed to congregants by Temple Emanu-El's board of trustees, Bachrach explained the congregation's position with respect to Vietnam, and to the reasons for withdrawing from the UAHC:

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<sup>60</sup> Ibid.

<sup>61</sup> Edward B. Fiske, "Temple Emanu-El Leaves Association Over Vietnam," *The New York Times*, May 5, 1967.

<sup>62</sup> Ibid.

<sup>63</sup> Rabbi Mark (1899–1977) served as the senior rabbi for Temple Emanu-El from 1948–1977. Mark also served as president of the Synagogue Council of America, the national coordinating agency of the rabbinical and congregational organizations of the Orthodox, Conservative and Reform denominations.

<sup>64</sup> Peter Kihss, "Reform Union Assails Emanu-El In Messages to Jewish Leaders," *The New York Times*, May 19, 1967.

We as a Congregation, take no position on Vietnam, for we recognize the right of each individual to speak for himself... The Union is managed without any recognition of, or regard to, the views of the constituent congregations.<sup>65</sup>

While this gesture from Temple Emanu-El was significant, it was not without precedent. Temple Emanu-El also withdrew their UAHC membership during the debate over whether the UAHC and CCAR should open the RAC in 1961.<sup>66</sup> Despite all this commotion, the UAHC's board of trustees unanimously voted to support Eisendrath's "right and obligation to speak out on public issues" on behalf of the UAHC.<sup>67</sup> Because of this conflict, the UAHC resolved to re-evaluate its position on the Vietnam War, and reconsidered appropriate platforms for its leaders to dissent with respect to government policies.<sup>68</sup>

The institutions of Reform Judaism maintained their strong opposition to the U.S. presence in Vietnam until the end of the war despite these internal pressures from some of their constituents. The UAHC, RAC and the CCAR continued to write resolutions and make public statements questioning the morality of the war and defending the right to dissent.

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<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> John Leo, "Eisendrath Gets Support of Union: Trustees Back Rabbi in His Dispute with Emanu-El," *The New York Times*, May 30, 1967.

<sup>68</sup> See: Minutes of Meeting of the Commission on Social Action of Reform Judaism, November 16, 1967, MS COL 72, Box 53, Folder 3, AJA, 4.

## **Institutions of Reform Judaism Lend Their Support to Dissenters**

These statements defending the right to dissent were more than just words and posturing. The institutions of Reform Judaism were involved in a number of cases defending the rights of individuals who faced discrimination because of their opinions about the war. In May 1966, the RAC and the CSA worked on one such case in Rye, New York.

Jay Fidler and Dick Cantor, members of the temple in Rye, visited Albert Vorspan at the UAHC office New York City. Fidler and Cantor came to discuss the Rye Neck Board of Education's decision to fire Arthur Rosenberg,<sup>69</sup> a 6<sup>th</sup> grade teacher, because he conducted a "controversial fast in protest against the United States Policy in Vietnam."<sup>70</sup> The Rye congregation's social action committee recommended to the temple board that the congregation support Rosenberg in a case against the school board.

The school board was facing mounting pressure from the American Legion and other right wing groups to fire teachers like Rosenberg who were in a position to influence the opinions of young people about the war. Vorspan noted that there was no evidence to suggest that Rosenberg ever abused his position as a teacher.<sup>71</sup> Quite the contrary, the letter explained that many acknowledged Rosenberg, who taught in Rye for thirteen years, as an exceptionally good teacher.

After his conversation with Fidler and Cantor, Vorspan decided that Rosenberg, who was already receiving legal support from the American Civil Liberties Union (ACLU) and the American Jewish Congress, should also receive the support of the

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<sup>69</sup> There is a parenthetical note in the Memo explaining that Rosenberg is not Jewish.

<sup>70</sup> Albert Vorspan, Memorandum to Balfour Brickner: The School Teacher Fired in Rye, New York, RAC Collection, Box 41, Folder 9: Civil Liberties, AJA.

<sup>71</sup> Ibid.

UAHC and the RAC. In the case of Rosenberg, and in other similar instances, Vorspan and the leaders of the Reform Movement turned their ideals into actions in order to defend the civil liberties of their fellow Americans.

The issue of dissent was lifted to new heights in August 1967, when following the passage of Military Selective Service Act of 1967, Benjamin Spock, Michael Ferber, Mitchell Goodman, and William Sloan Coffin Jr., consolidated their anti-war efforts and produced a document called “A Call to Resist Illegitimate Authority,” the beginning of a series of collaborative efforts which eventually led to their arrest.<sup>72</sup> The group was responsible for giving anti-war speeches, encouraging dissent among young people and ultimately called for the burning of draft cards as a sign of protest against the Vietnam War.<sup>73</sup> With all of the controversy surrounding dissent in the Reform Movement and the news of this case of dissent spreading throughout the nation, the CSA and the UAHC decided to hold a conference on Dissent to “try to hammer out a concrete recommendation to the Commission on the urgent immediate issues,” asking in particular “what position should the agencies of Reform Judaism take, if any, on the Coffin-Spock case?”<sup>74</sup> It appeared that there was a new urgency for the UAHC to distinguish for their constituents what appropriate dissent looked like. Marvin Braiterman asked John Pemberton, ACLU attorney and one of the prospective conference speakers, if he would speak about “Levels of Dissent – from opposition, to protest, to civil disobedience, to resistance, to violence...[which] would involve an analysis of the problem in terms of its

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<sup>72</sup> U.S. v. Ferber, 416 F. 2d 165 (1<sup>st</sup> Cir. 1969).

<sup>73</sup> Ibid.

<sup>74</sup> Memo from Irving Dain to Social Action Chairmen, Rabbis, Commission on Social Action and CRC, Conference on “Dissent”, February 28, 1968, RAC Collection, Box 43, Folder 41: Dissent, AJA.

history, its law and its ideology, and not to be limited to a civil liberties explanation in the narrowest terms.”<sup>75</sup>

At the conference, which was held on March 24, the CSA distributed three draft papers related to the Spock-Coffin case describing the legal and moral concerns to the conference participants. There was no denying that Coffin and the others broke the law – “Section 12 of the Selective Services Act was, indeed, expressly flouted and violated by the defendants” – the main concern of the UAHC however, was whether or not the law was just.<sup>76</sup> In this paper Braiterman questioned the legitimacy and the constitutionality of the laws: there were issues related to the constitutionality of the war, unconstitutionality of the selective services draft, questions of conscience related to the possibility of war crimes being committed by U.S. forces in Vietnam, and most importantly the defense of the first amendment rights of the defendants in the case to express their disapproval of U.S. policy related to the war.<sup>77</sup>

At the conclusion of this conference on dissent, the CSA met to draft a formal position and resolution to present at the biennial assembly at the end of the year. The CSA offered a number of recommendations including that the UAHC and the CCAR support the defendants in this case with respect to the appropriate moral issues, however, to be careful also not to give “carte blanche” approval for all aspects of the case.<sup>78</sup> One important recommendation by the committee was for the CSA to receive proper permission from the UAHC and the CCAR before making any public statements in the

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<sup>75</sup> Letter from Marvin Braiterman to John Pemberton, February 13, 1968, RAC Files, Box 43, Folder 41: Dissent, AJA.

<sup>76</sup> Marvin Braiterman, U.S. v Coffin, et al: an Overview of the Issues, RAC Files, Box 43, Folder 1: Dissent, AJA, 1.

<sup>77</sup> Ibid., 3.

<sup>78</sup> Adopted by the CSA, Recommendations for Action on U.S. v. Coffin, et al, March 25, 1968, RAC Files, Box 43, Folder 41: Dissent, AJA, 1.

CSA's name. They also suggested taking steps like writing a brief to the court at the appropriate time to express the UAHC's and CCAR's opinion on the facts of the case and on establishing outlets for young people to discuss their concerns of conscience related to the war with appropriate Jewish leaders, with particular reference to the draft.<sup>79</sup>

In 1970, the RAC actualized its support of dissenters when it served as a sanctuary for about 1,500 college students who participated in an anti-war rally at the nation's capital. Employees of the RAC, as well as volunteers, provided a variety of services, from basic tasks like distributing food and Band-Aids, and more urgent jobs of treating people who had been tear-gassed.<sup>80</sup> In addition, these organizations began dedicating more attention to specific issues related to dissent, such as expanding the category of conscientious objection and re-evaluating the Reform Movement's policy on assigning chaplains to the U.S. military.

### **The Reform Movement Attempts to Redefine Conscientious Objection**

In addition to the issue of dissent, the representative bodies of the Reform Movement were also engaged in a series of debates related to selective service laws with respect to the draft and the issue of conscientious objection. From the outset of the Vietnam conflict, there were those who sought to expand the category of conscientious objection to include non-theistic religious pacifists and altogether non-religious moral peaceniks. There was also a push to allow for selective conscientious objection – the ability to object to a specific war for moral reasons without being altogether pacifistic.

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<sup>79</sup> Ibid., 3.

<sup>80</sup> Ruth A. Buchbinder, "The Religious Action Center in Action," *This and That* no. 51 (June 24, 1970): 5.

The last phase of the draft controversy came towards the end of the war, when the nation questioned the legitimacy of the whole draft process.

The CCAR first dealt with the issue of conscientious objectors in 1917, but even a quick look at the record will show that their position changed dramatically over time in response to a variety of issues.<sup>81</sup> A series of court cases related to conscientious objection during the early years of the conflict in Vietnam encouraged the CCAR to examine the issue. On January 20, 1964, the United States Court of Appeals ruled that the section of the Selective Services Act dealing with conscientious objectors violated the Fifth Amendment of the U.S. Constitution because it “discriminated against religions not based on belief in a Supreme Being,” and was therefore unconstitutional.<sup>82</sup> Later that year, the U.S. Supreme Court agreed to hear three cases in which people claimed conscientious objector status without “belief in a supreme being.” In two of the three circuit court cases, the judge granted the defendants conscientious objector status. However, in the third case, the court convicted the defendant of draft evasion and sentenced him to a six-month term in prison.<sup>83</sup>

The CCAR responded to this issue at their convention on June 18, 1964 with a statement from the Committee on Church and State.<sup>84</sup> The statement acknowledged that the CCAR and the other institutions of Reform Judaism consistently fought against attempts by the U.S. government to define the parameters of religion. Additionally, the

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<sup>81</sup> For an outline of the CCAR’s position on Conscientious Objectors, please see <http://ccarnet.org/rabbis-speak/resolutions/all/conscientious-objectors-1889-1972/> (accessed February 27, 2012).

<sup>82</sup> Edward Ranzal, “Part of Draft Act in Upset by Court: Judges Hold Conscientious Objector Need Not Believe in a Supreme Being,” *The New York Times*, January 21, 1964, 1, 26.

<sup>83</sup> Special to the New York Times, “Court to Review Objectors’ Cases: Agrees to Rule on Refusals to Answer Draft Calls,” *The New York Times*, May 4, 1964, 26.

<sup>84</sup> The Committee of the CCAR that typically dealt with civil liberties issues related to the separation of Church and State. In years to come, this Committee of Church and State merges with the Committee on Justice and Peace



CCAR recognized the reality of an individual's ability to hold moral values without professing a belief in a supreme being. The Committee urged Congress to provide legislation to protect the rights of individuals who conscientiously object to the violence of War regardless of their consideration of or belief in a higher power.<sup>85</sup>

On March 8, 1965, the Supreme Court ruled that, indeed, requiring the belief in a supreme being to receive exemptions from military service on religious grounds violated the Fifth Amendment of the Constitution. The Supreme Court's ruling effectively "liberalized the concept of religion" so that people with non-traditional religious beliefs, or even total pacifists who objected solely on moral grounds, could qualify for conscientious objector status, assuming that these convictions occupied the same place in this individual's life as more traditionally defined religious beliefs.<sup>86</sup>

These early statements by the CCAR on conscientious objection do not appear to have generated any controversy. The CCAR's approval of the court's expanded definition of religion was consistent with the Reform Movement's long-standing dedication to ensuring moral freedom for all citizens, in this case, regardless of belief in a supreme being.

In addition to questioning the government's policy on conscientious objectors, in writing the 1964 statement, the Committee on Church and State also highlighted a concern that both rabbis and Jewish organizations were failing to help Jewish conscientious objectors find alternative service assignments. Furthermore, not one Jewish organization signed up to accept applications from conscientious objectors.<sup>87</sup> The rabbis of this committee urged sensitivity and understanding of these Jewish objectors,

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<sup>85</sup> Edward E. Klein, "Report of Committee on Church and State," *CCAR Yearbook* 75 (1966): 55.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

acknowledging that these decisions of conscience were not easy for young people to make.<sup>88</sup>

By May 1966, many religious organizations in the United States were expressing concern over the draft and other selective service policies. As a result, a variety of national religious organizations, including the RAC and CCAR, participated in conferences to re-evaluate the selective service process. At the same time, the American Veterans Committee (AVC)<sup>89</sup> was hosting a conference on ways to improve the process of selective service. The AVC was exceedingly concerned about what it perceived as a real possibility that the country could not satisfy the military demand for manpower as the war in Vietnam continued to escalate. However, this group was also concerned about inequities and injustices they saw in the nature of the selective service process as it existed at the time. They acknowledged that the use of the draft as a means to punish dissenters, pressuring students to perform well with the threat of being drafted, and penalizing people who were already economically disadvantaged were issues of serious concern. On May 23, the AVC sent an invitation for Rabbi Richard G. Hirsch to participate in this conference.<sup>90</sup> Hirsch, who was unable to attend, encouraged a representative from the CSA to go take notes because Hirsch and the Commission were already in the process of planning their own conference on issues related to the selective service.

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<sup>88</sup> Ibid.

<sup>89</sup> By 1947, the American Veterans Committee had about 100,000 members nationwide including President Ronald Reagan and Franklin D. Roosevelt Jr. A liberal veterans organization, the AVC's vision was to change the world and prevent another global war. The AVC's motto was "Citizens first, veterans second." It championed civil rights and government-financed, low-cost housing, and was the first national veterans group to be racially integrated. Members were not required to have combat experience and female veterans were accepted. The group has since been dissolved. [http://articles.chicagotribune.com/2008-02-07/news/0802061200\\_1\\_avc-american-veterans-committee-veterans-group/2](http://articles.chicagotribune.com/2008-02-07/news/0802061200_1_avc-american-veterans-committee-veterans-group/2) (accessed May 5, 2012).

<sup>90</sup> Letter from the American Veterans Committee to Richard G. Hirsch, May 23, 1966, RAC Collection, Box 50 Folder 40: Selective Services – Correspondence, AJA.

On the very same day that the AVC penned their letter to Rabbi Hirsch, the Executive Board of the CSA had a “spirited discussion of the moral implications of the draft.”<sup>91</sup> The Board suggested that the Commission should set up a top-level panel to study the morality and equality of the draft, specifically with respect to the issue of conscientious objection. They laid out a plan for the Commission to review the prior CCAR position statements on conscientious objection. Specifically, the board wanted to know if there was any evidence from previous position statements to suggest that the conference would allow for conscientious objection to particular wars. They also discussed the need for the CCAR to establish training programs for rabbis who would be counseling young Jewish men who could become draft candidates.

At the June 1966 CCAR convention, the rabbis raised the issue of conscientious objection on their own. Arthur Lelyveld, a member of the CSA board and the chairman for the Committee on Justice, Peace and Church-State Relations, explained that members of the CCAR were again considering broadening the definition of conscientious objection. He noted that there was a slow-growing contingent of people in the Reform Movement who believed that the term “conscientious objection” should include “those who did not reject all war but who refuse to participate in a particular war.”<sup>92</sup>

In the report, Lelyveld cited the position of the ACLU, a long time ally of the institutions of Reform Judaism:

The Union will strive to have the Selective Service System recognize a policy under which no person shall be compelled to participate in armed

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<sup>91</sup> Minutes of Meeting of the Commission on Social Action of Reform Judaism, May 22–23, 1966, MS COL 72, Box 53, Folder 3, AJA, 6.

<sup>92</sup> Arthur J. Lelyveld, “Reports of Committee on Justice, Peace, and Church-State Relations,” *CCAR Yearbook* 77 (1967): 55.

conflict when he believes it to be in violation of his conscience to do so and equally wrong to yield his conscience to his government, whether on moral, social, philosophical, or religious grounds.<sup>93</sup>

By suggesting the newly conceived idea of “selective conscientious objection,” the CCAR broke new ground in terms of Reform Judaism’s defense of American civil liberties. However, Lelyveld tempered any immediate controversy by suggesting that the Conference’s official stand on conscientious objection needed re-evaluating. In response to Lelyveld’s report, the CCAR, along with the CSA, decided to sponsor a conference dedicated to addressing draft issues.

Planning for the conference began in January 1967. Al Vorspan initially suggested a small conference for members of the CSA, the CCAR and small delegations from other Union constituent groups – the National Federation of Temple Youth, the National Federation of Temple Sisterhoods, the National Federation of Temple Brotherhoods, and two representatives each from the National Association of Temple Administrators and National Association of Temple Educators. He proposed that the opening session of the conference should evaluate and comment on U.S. draft law, and suggest possible alternatives. In Vorspan’s opinion, the second session should deal with counseling young men on the issues of pacifism and the draft. Vorspan also instructed Rabbi Irwin M. Blank<sup>94</sup> to outline a draft resolution of the issues, so that there would be something to work on immediately following the completion of the conference.<sup>95</sup>

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<sup>93</sup> Ibid.

<sup>94</sup> Prior to his death in 2006, Rabbi Blank served as the rabbi for Temple Sinai of Bergen County, New Jersey. <http://query.nytimes.com/gst/fullpage.html?res=9F03E6D8143AF931A15750C0A9609C8B63> (accessed March 4, 2012).

<sup>95</sup> Letter from Al Vorspan to Irwin M. Blank, January 13, 1967, RAC Collection, Box 50, Folder 40: Selective Services Correspondence, AJA.

In his return letter, Blank explained to Vorspan that he was not yet comfortable enough with his position on the selective services and the draft issues to outline any proposal for the upcoming CCAR convention.<sup>96</sup> So in the subsequent correspondences, the members of the CSA's Executive Board continued discussing the issues and planning the remaining details of the conference.

The result of all the planning was a one-day conference held on April 16, 1967 called "Military Conscription in the United States: Facts, Moral Issues, and Future." In the opening address to the Conference, Rabbi Irving J. Fain<sup>97</sup> noted that the conference was not designed for individuals to argue in favor of their opinions about the difficult issues related to the selective services. Rather, the conference presented an opportunity for those in attendance to seek clarity on the issues and to advance appropriate dialogue when they returned to their Reform congregations.<sup>98</sup> Rabbi Fain also mentioned that the conference participants would discuss the question of selective conscientious objection, the advantages and disadvantages of allowing for selective conscientious objection, and the ethical considerations that would be involved.

To help fully inform the participants, the CCAR and the CSA brought in a diverse group of speakers. Colonel Paul Akst, the director of the Selective Services Board of New York City, presented first. He spoke about the technical and legal side of the draft. He outlined the government's policies related to mandatory conscription and conscientious objectors and explained the procedural steps for obtaining that status.<sup>99</sup>

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<sup>96</sup> Ibid.

<sup>97</sup> Rabbi Fain (1906–1970) served as the chairman of the Commission on Social Action.

<sup>98</sup> "Military Conscription in the United States: Facts, Moral Issues, Future," Commission on Social Action of Reform Judaism, April 16, 1967, RAC Collection, Box 50, Folder 38: Selective Services, AJA, 1.

<sup>99</sup> Ibid., 14.

The next speaker was Dr. Ralph Potter, an Assistant Professor of Social Ethics from Harvard Divinity School. Dr. Potter gave a moral critique of the draft board and asked over-arching questions about limitations of the government's definition of conscientious objectors. Potter framed the issue of selective conscientious objection in a very convincing manner for his Jewish audience. He suggested that unless an individual was completely unwilling to fight against a new Hitler, then they ultimately could be forced to fight for a new Hitler.<sup>100</sup> This was significant, because many people during this period compared the totalitarian regime in South Vietnam to Hitler's Germany.<sup>101</sup> Ultimately, Potter asked, what was the point for religious groups to develop just war theory, if they could not use them as moral guidelines for fighting in actual wars?<sup>102</sup> Dr. Isadore Hoffman, a counselor to Jewish students at Columbia University, talked about the glaring need for Jewish leaders to counsel students about the draft and about conscientious objection.<sup>103</sup> Dr. Hoffman's presentation was followed by a panel discussion where a group of Jewish college students presented their thoughts about the needs of students and other young people who were being forced to make the tough moral choice whether or not to go to war.<sup>104</sup>

At the subsequent April 17 board meeting of the CSA, Blank provided an outline for the upcoming resolutions based on the information discussed and disseminated at the Conference. The Commission suggested that the CCAR and UAHC adopt a resolution calling for an end to military conscription as a fixed institution. They proposed an end to mandatory conscription for conscientious objectors in non-military service, and they

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<sup>100</sup> Ibid., 15.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid., 17.

<sup>103</sup> Ibid., 23.

<sup>104</sup> Ibid., 27.

argued for the expansion of the law on conscientious objectors to include moral objection to specific wars.<sup>105</sup>

However, not all members of the CSA's Executive Board agreed with Blank. One member was opposed to the principle of objection to a particular war, arguing that a citizen has no right to override his government as to whether a war is good or bad. He noted that his opposition stemmed not from concerns about whether the resolution would be approved by the biennial general assembly, but because he felt that the proposed position on the issue was morally wrong. He believed that being a citizen came with a minimum obligation of subservience to a government.<sup>106</sup> Others shared that Christian groups were backing selective conscientious objection initiatives and so should the Reform Movement. One rabbi on the board suggested that by taking a moral position on the war, the institutions of Reform Judaism, without supporting selective conscientious objection, were putting young people in the precarious situation of fighting in a war considered morally deplorable by many of these young peoples' religious role models.<sup>107</sup> Despite the disagreement, the draft resolution passed.

Just two months later at the 1967 CCAR convention, the Committee on Justice, Peace, and Church-State Relations formally adopted Blank's statement on expanding the category of conscientious objection. Just as the statement had engendered controversy at the board level, its adoption by the Committee was not without controversy. The statement passed by a vote of sixty-six to forty-nine. Two rabbis in particular asked to

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<sup>105</sup> Minutes of Meeting of Commission on Social Action of Reform Judaism, April 17, 1967, day after conference, MS COL 72, Box 53, Folder 3, AJA, 3.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

have their names formally listed on the record specifically referencing their vote against the clause about selective conscientious objection.<sup>108</sup>

This was not the only opposition to the CCAR's position approving of selective conscientious objection. Rabbi Robert I. Kahn,<sup>109</sup> a member of the CCAR's special committee on chaplains, was sharply critical of selective conscientious objection. In an open letter, he acknowledged that there was a growing movement in religious circles in favor of expanding the conscientious objector category; however, he severely questioned their judgment.<sup>110</sup> He acknowledged the Jewish position that peace is the highest value, but he also asserted that certain situations, like living under a tyrannical dictator and the institution of slavery, are worse than war. Kahn posited that Jews are morally obligated to fight against such atrocities in an effort to ultimately bring about peace. He agreed that the category of conscientious objectors should include non-religious pacifists; however, the idea of selective conscientious objection to specific wars seemed to Kahn like the gateway to anarchy.<sup>111</sup>

Some Reform congregations also responded negatively to the CCAR's statement on selective conscientious objection. Al Scharf, President of Temple Beth Shalom of Orange County, in Santa Ana, California, wrote an open letter on September 28, 1967, addressed "to all congregations affiliated with the UAHC," specifically referencing the issue of selective conscientious objection. Scharf informed these congregations that on July 27, 1967, the Board of Directors of Temple Beth Shalom voted 13-4 on a resolution

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<sup>108</sup> Irwin M. Blank, "Report of Committee on Justice, Peace, and Church-State Relations," *CCAR Yearbook* 77 (1968): 53.

<sup>109</sup> Rabbi Kahn (1910–2002) later served as president of the CCAR. He also founded Congregation Emanu El in Houston, Texas and served there for 58 years.

<sup>110</sup> Robert I. Kahn, "Shall We Support Selective Conscientious Objection?" 1967, Box 50, Folder 40: Selective Services – Correspondence, AJA, 1.

<sup>111</sup> *Ibid.*, 2.



that considered selective conscientious objection to be “harmful to the best interests of the United States of America.”<sup>112</sup>

The biggest blow, however, to the CSA and the CCAR’s attempt to support expanding the definition of conscientious objection seems to have come from Marvin Braiterman, the Associate Director and Legal Counsel of the RAC. In October 1967, Braiterman received a letter from Rabbi David Panitz,<sup>113</sup> the chairman of the Synagogue Council of America (SCA),<sup>114</sup> who was forwarding a copy of the recently approved SCA policy statement on selective conscientious objection. The statement begins by announcing Judaism’s deep respect for law. It claims that Judaism has never accepted human attempts to dispense with the legal order of society in its search for justice.<sup>115</sup> At the same time, the SCA acknowledged that each individual is responsible for his own actions before God. Accordingly, they claimed that is possible for “conscience” to temporarily “reject the demands of human law, which to the individual in question appears to conflict with the demand made on him by a higher law.”<sup>116</sup> Despite this inclination, the SCA stated their support for the institutionalized laws of men. They held that U.S. citizens should simply obey the selective services law, which only allowed recognized conscientious objectors as individuals who objected to all wars. The SCA felt that citizens had “no absolute right” to claim exemption from a particular law. They continued by suggesting that the notion of conscientious objection in the first place was

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<sup>112</sup> Al Scharf, “To All Congregations Affiliated with the UAHC,” September 28, 1967, RAC Collection, Box 50, Folder 40: Selective Service – Correspondence, AJA.

<sup>113</sup> Rabbi Panitz (1919–1991) was ordained by the Jewish Theological Seminary. He served as rabbi at Temple Emanuel in Paterson, New Jersey and also worked at Temple Adas Israel in Washington and B’nai Jeshurun in New York City. <http://www.nytimes.com/1991/01/27/obituaries/rabbi-david-h-panitz-educator-is-dead-at-72.html> (last accessed March 4, 2012).

<sup>114</sup> An organization of Jewish synagogue associations.

<sup>115</sup> Letter from Rabbi David Panitz, to the Commission on Social Action, October 24, 1967, RAC Collection, Box 50, Folder 40: Selective Services Correspondence, AJA.

<sup>116</sup> Ibid.

anomalous in history; asking to expand the category in this way would require a significant break with past understandings of national loyalty and issues related to the adherence of laws.<sup>117</sup>

Upon receiving this statement from the SCA, Braiterman forwarded it to Vorspan. Braiterman gave the position paper a rave review, calling it “slightly magnificent.”<sup>118</sup> He further suggested to Vorspan that the CSA distribute the SCA’s statement at the upcoming biennial. Because of this suggestion, the UAHC general assembly adopted the SCA’s statement almost verbatim as the introduction to their resolution on selective services at the 1967 biennial convention.<sup>119</sup>

The UAHC did add a few suggestions for policy changes. They first moved to formally extend the rights of conscientious objection to all non-traditional forms of pacifism. They also suggested that there be more non-combat service positions available for objectors. They also renewed their commitment to advocating that the selective services not use the draft or military service as a means for punishing dissenters. The UAHC argued that the only way to ensure fair conscription practices was to establish and utilize a national selective service office, which would eliminate certain unethical practices. Though the UAHC adopted the CSA’s anti-selective conscientious objective statement, the idea was not completely defeated. The idea of selective conscientious objection came up again in the debate of 1970–1971 over whether or not the draft should end. However, the issue of selective conscientious objection also played a significant role

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<sup>117</sup> Ibid.

<sup>118</sup> Marvin Braiterman to Al Vorspan, “Memorandum: Selective Conscientious Objection,” October 20, 1967, RAC Collection, Box 50, Folder 40: Selective Services Correspondence, AJA.

<sup>119</sup> Resolution: Recommend by the Resolutions Committee for Adoption by the 49<sup>th</sup> Selective Services, Nov 14, 1967, RAC files, Box 50, Folder 40: Selective Services Correspondence, AJA.

when the CCAR and Hebrew Union College–Jewish Institute of Religion (HUC-JIR)<sup>120</sup> reconsidered the Reform Movement’s policy on military chaplaincy.

### **Reform Jewish Chaplaincy and Vietnam**

The CCAR, in cooperation with HUC-JIR, had a long-standing policy of requiring qualified rabbis to serve as military chaplains. Despite the Reform Movement’s institutional condemnation of the United States government’s policies in the Vietnam War, the leaders of the movement remained committed to supporting the Jewish young men fighting in the war by supplying Jewish chaplains. In 1950, at the start of the Korean War, the CCAR instituted a self-imposed mandatory chaplaincy service for newly ordained rabbis in order to meet the greater demand for chaplain support during wartime.<sup>121</sup>

Though the CCAR called it a mandatory service, there were many avenues toward exemption. If the candidate was a military veteran, foreign, not physically equipped for military service, or married with children, he qualified for an exemption from this two-year period of mandatory service.<sup>122</sup> Despite this seemingly lenient exemption policy, from 1950 until 1968, the CCAR and HUC-JIR provided the services of 173 rabbis for military chaplaincy. After the Korean War, the need for Jewish chaplains in the military declined. However, once the war in Vietnam began, there was a renewed need for Jewish chaplains to serve Jewish service members overseas. With the system of mandatory

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<sup>120</sup> Founded in Cincinnati in 1875 by Isaac Mayer Wise, Hebrew Union College (“HUC”) was the first permanent Jewish institution of higher learning in America. In 1950, HUC merged with the Jewish Institute of Religion (“JIR”) of New York. Today HUC-JIR has four campuses in Cincinnati, New York, Los Angeles, and Jerusalem. Graduates of HUC-JIR go on to be educators, rabbis, cantors, and leaders of the Reform Movement.

<sup>121</sup> Report of the Chaplaincy Committee Central Conference of American Rabbis, June 19, 1968, RAC Collection, Box 66, Folder 28: Selective Service – Chaplaincy, AJA.

<sup>122</sup> Bertram W. Korn, “Report of Committee on Chaplaincy,” *CCAR Yearbook* 77 (1967): 39.

chaplaincy in place, the CCAR assumed that it would be able to meet the demand for Jewish chaplains in the U.S. military. Nevertheless, in 1966, unforeseen circumstances forced the CCAR's Committee on Chaplains to revisit their policy on chaplaincy service.

Rabbi Bertram W. Korn,<sup>123</sup> the Chairman of the CCAR Committee on Chaplaincy, announced at the 1966 CCAR Convention that the Reform Movement would only be able to provide one candidate for military chaplaincy from that year's graduating class. Korn also announced that in the future, all eligible men, even married men with children were going to be required to register in the seminarian reserve program to avoid any repeat of the embarrassing failure to meet the Reform Movement's "just and fair share of this national responsibility."<sup>124</sup> The new seminarian reserve program, an innovation of Dr. Nelson Glueck,<sup>125</sup> required all physically eligible candidates, at the time of their enrollment into HUC, to accept a commission in the Second Lieutenant/Ensign program of the armed forces. While this process of registering everyone moved incredibly slowly because of all the military red tape, Korn and Glueck believed that this program would prevent any future chaplaincy shortages.

The response to the seminarian reservist system was overwhelmingly positive. At the CCAR convention in June 1967, Korn reported that "student morale in regard to chaplaincy [was] appreciably higher than in past years."<sup>126</sup> The only problem continued to be the amount of time it took the military's offices to process the new candidates.

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<sup>123</sup> During World War II, Rabbi Korn (1918–1973) joined the US Navy as a lieutenant in the chaplaincy. He was assigned to the China theatre with the 1<sup>st</sup> and 6<sup>th</sup> Marine divisions. Korn was the first Jewish chaplain to obtain flag rank of any US armed force. After his service in the military, Korn spent time at HUC completing a doctorate degree and teaching. He later served as the senior rabbi at Reform Congregation Keneseth in Elkins Park, PA. <http://americanjewisharchives.org/aja/FindingAids/Korn.htm> (accessed March 3, 2012)

<sup>124</sup> Bertram W. Korn, "Report of Committee on Chaplaincy," *CCAR Yearbook* 77 (1967): 39.

<sup>125</sup> President of HUC-JIR from 1947–1971.

<sup>126</sup> Bertram W. Korn, "Report of Committee on Chaplaincy," *CCAR Yearbook* 77 (1968): 38.

The changes in policy up until that point went smoothly; however, it was clear that there was tension in the air related to ideas about further changes. In Rabbi Jacob J. Weinstein's<sup>127</sup> presidential address, he explained that most rabbis in the CCAR believed that war in general, but particularly the war in Vietnam, was barbaric. Despite these feelings, Weinstein reconciled that men who serve in the armed forces, many unwillingly drafted into a war that they did not fully understand, were all children of God, and "they should not be denied the ministrations of their faith."<sup>128</sup> The CCAR's commitment to the chaplaincy, up until this point, was so strong that HUC was reluctant to admit certain people because of their conscientious objector status. However, Weinstein also recognized that a good number of prospective students were hesitant to apply to the College because they would "ineluctably become a part of the war machine."<sup>129</sup>

In acknowledgment of this growing contingent of prospective student rabbis who conscientiously objected to the war in Vietnam, Korn proposed to the executive committee of the CCAR that any new applicant to the College who professed their conscientious objection to war should be exempt from serving in the chaplaincy.<sup>130</sup> In addition, Korn graciously acknowledged the CCAR's continued support for the chaplaincy, despite its otherwise vitriolic opposition to the military escalation in Vietnam.<sup>131</sup>

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<sup>127</sup> Rabbi Weinstein (1902–1974) served as the spiritual leader of Kehilath Anshe Maariv (KAM) in Hyde Park from 1939 to 1967, was known as one of the country's leading social activist rabbis. He preached to his congregation that social activism was a religious duty of Jews and practiced what he preached, marching with Dr. Martin Luther King Jr. and joining a delegation of anti-Vietnam War clergy in helping to seek solutions for ending the war. He also served as the President of the CCAR from 1965–1967. [http://www.chicagojewishnews.com/lists\\_chijews.htm](http://www.chicagojewishnews.com/lists_chijews.htm) (accessed May 5, 2012).

<sup>128</sup> Jacob J. Weinstein, "Presidential Message," *CCAR Yearbook* 77 (1968): 6.

<sup>129</sup> *Ibid.*, 7.

<sup>130</sup> *Ibid.*

<sup>131</sup> Korn, "Committee on Chaplaincy," *CCAR Yearbook* 77 (1968): 38

In recognition of the increased opposition to mandatory chaplaincy service, on April 17, 1968, the CCAR's Committee on Chaplaincy began investigating options for alternative forms of service. The Committee planned a debate during the 1968 CCAR convention to discuss two alternatives. There was a strong, though shrinking contingent of rabbis who thought that it was a moral obligation to require chaplaincy for rabbis who were qualified to serve. These rabbis felt that the obligation for a rabbi to serve Jewish troops trumped any negative feelings related to the government's foreign policy. In the debate, Korn served as the representative for this constituency. On the other hand, there were also many rabbis, including a group of active military chaplains, who were in favor of a two-year requirement of some form of general national service. This would provide the new rabbis with options, including but most certainly not limited to chaplaincy. Rabbi Eugene Lipman<sup>132</sup> spoke on behalf of this contingency.

In his pursuit of a well-reasoned argument for such substitutionary service, Lipman received a great deal of support from chaplains in the field and those recently discharged. One of these chaplains working to support Rabbi Lipman's cause was Rabbi Samuel M. Stahl.<sup>133</sup> Stahl wrote and distributed a letter to a group of his colleagues, expressing the need for feedback from a large sampling of people about the new proposal. Stahl supported the proposed resolution for a broadly-defined two-year term of service as an alternative to chaplaincy because of his own experience of serving as a military chaplain while the U.S. was engaged in an abhorrent war.<sup>134</sup> Some of Stahl's

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<sup>132</sup> Rabbi Lipman (1919–1994) served as an Army chaplain in Europe during the waning days of World War II. He was the president of the CCAR and director of the Commission on Social Action of Reform Judaism. He served as the rabbi for Temple Sinai in Washington, D.C. for many years.

<sup>133</sup> Rabbi Stahl (1939– ) was as an Army chaplain in Ft. Belvoir, Virginia and Seoul, Korea. Stahl also served as the senior rabbi of Temple Beth-El in San Antonio, Texas.

<sup>134</sup> Samuel M. Stahl, Office of the Jewish Chaplain, April 17, 1968, RAC Collection, Box 66, Folder 28: Selective Services – Chaplaincy, AJA, 1.

discomfort stemmed from his belief that the military restricted his ability to perform essential rabbinic actions. In particular, he argued that the military silenced the rabbinic mandate to speak truth to power, limiting the chaplains' ability to question and comment on military policies.<sup>135</sup> He cited as evidence of this inherent dilemma the Army Officer's Guide Book, which stated that "once national policy has been decided... the officer and the soldier must support it as their orders require... never divulging that they have doubts or that they have ever had doubts as to its wisdom."<sup>136</sup> Furthermore, Stahl objected to mandatory military chaplaincy because of the military's demand for the chaplain to invoke God's name before sending soldiers out to fight. Stahl noted that the *Army Manual* quotes Deuteronomy 20 in describing the role of the chaplain as a morale booster:

"The Military Chaplain in the Combat Zone." Similar is the biblical antecedent for the military chaplain: "And it shall be, when ye draw nigh unto the battle, that the priest shall and speak unto the people, and shall say unto them: 'Hear, O Israel, ye draw nigh this day unto battle against your enemies. Let not your heart faint... for the Lord... goeth with you to fight for you against your enemies to save you.'"<sup>137</sup>

Stahl exclaimed that this is not what the rightful vision of a chaplain should be. The *Army Manual* was a war cry, a call to encourage people to go fight and die, even during unjust wars. He could not bring himself to serve in this capacity and he questioned how it was possible for some rabbis to rally their troops to fight in what he felt was an unjust war.

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<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

One of Stahl's most convincing arguments was related to the issue of conscientious objection. He recalled the CCAR's publicized statement from 1967 which allowed for an expanded category of conscientious objection, including objection to particular wars. He wondered how the CCAR and HUC could hold such a double standard, requiring rabbis to become military chaplains while approving of selective conscientious objection for its constituents.<sup>138</sup>

At the debate during the CCAR Convention of June 1968, Rabbi Stahl's question was answered in the presentation of Rabbi Korn. With respect the mandatory chaplaincy draft, Korn proposed a surprising change to his policy proposal, stating that he felt that it would be appropriate for the CCAR and UAHC to allow newly ordained Rabbis to object conscientiously to chaplaincy service because of specific wars.<sup>139</sup>

Following the debate portion of the convention, two representatives from HUC, Peter Rubenstein, President of the Student Rabbinical Association on the New York campus, and Charles P. Sherman, a rabbinic student from the Cincinnati campus, addressed the committee, communicating the opinions and sentiments of their respective student bodies. Rubenstein expressed the wishes of the New York students who desired the "freedom to decide for [themselves] where [they could] best serve with integrity and responsibility,"<sup>140</sup> and therefore supported Rabbi Lipman's proposal.

Sherman shared a somewhat-surprising proposal written by the student body in Cincinnati with the committee. In this proposal, the students expressed that the HUC-JIR chaplaincy program as it was did not meet the approval of the students. They therefore suggested two alternatives: a volunteer system in which there would be incentives for

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<sup>138</sup> Ibid.

<sup>139</sup> "Report of Committee on Chaplaincy," *CCAR Yearbook* 78 (1969): 43.

<sup>140</sup> Ibid., 50–51.



choosing military chaplaincy, or a mandatory requirement of service for all students following ordination. Either of these options, Sherman explained, would need further research but would be acceptable to the student body.<sup>141</sup>

Ultimately, the committee voted in favor of adopting Lipman's proposed mandatory two-year service as an alternative to military chaplaincy for all newly ordained rabbis. The committee acknowledged that any new plan would require a great deal of time and research, but the rabbis were committed to making this change.<sup>142</sup>

While most of the work of redefining the Reform Movement's chaplaincy policies took place in official CCAR meetings, at least one outside organization put pressure on the CCAR to follow through with the proposed changes to the Reform chaplaincy draft. In December of 1968, the B'nai B'rith Hillel Foundation wrote a resolution regarding the CCAR's old chaplaincy policy:

We deplore the continuing practice of the Central Conference of American Rabbis and the Hebrew Union College – Jewish Institute of Religion, whereby members of the graduating classes of the College-Institute are called upon, unless they can satisfy certain criteria for exemption, to enlist in the military chaplaincy... We ask that the CCAR and HUC-JIR to permit graduating students to freely choose the area in which they wish to perform their rabbinical service. Such action will enable us, religious counselors to college students, to recommend without reservation to well-

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<sup>141</sup> Ibid., 52.

<sup>142</sup> Ibid.

qualified, committed young men, application to the College-Institute as a first step in preparing for a dedicated career in the Reform Rabbinate.<sup>143</sup>

Forty-nine Hillel Directors and members of the B'nei B'rith Hillel Foundation's Executive Board signed this resolution calling for an alternative to mandatory chaplaincy.

On the other hand, Aryeh Lev, Director of the Commission on Jewish Chaplaincy,<sup>144</sup> made an impassioned plea at the April 29, 1969 meeting of the commission to retain the system of mandatory chaplaincy. Rabbi Edward T. Sandrow,<sup>145</sup> Chairman of the Commission, wrote a letter to Rabbi Hirsch at the RAC to explain Lev's report and to express the National Jewish Welfare Board's position on the chaplaincy issue. Sandrow explained that in the coming Hebrew year, there would be a demand for 80 Jewish chaplains in the military; however, he estimated that they would only have 50 on active duty.<sup>146</sup> In Lev's message, he addressed several issues which he perceived to be misconceptions about the military chaplaincy among his rabbinic colleagues. In the first place, he argued that there was no reason to suggest that the military placed the obligation of being an officer first and clergyman second. Like Rabbi Stahl, Lev cited the Army Officer's Guide Book to justify his position:

“Status Mission.” The chaplain is a clergyman in uniform. He represents religion in the Army. The duties of the chaplain as a religious and spiritual leader are established by law and by the ecclesiastical usages, which pertain to his profession as a clergyman. The mission of the chaplain is to

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<sup>143</sup> Letter: Resolution of the Regional Office of B'nai B'rith Hillel Foundation, to the CCAR, December 19, 1968, RAC Collection, Box 66, Folder 28: Selective Service – Chaplaincy, AJA.

<sup>144</sup> A Commission of the National Jewish Welfare Board, this group was involved in setting national policies for Jewish military chaplaincy.

<sup>145</sup> Rabbi Sandrow (1906–1975) served as the president of the Rabbinical Assembly of America and as the rabbi of Temple Beth-El, Cedarhurst, New York.

<sup>146</sup> Letter from Edward T. Sandrow to Richard G. Hirsch, May 13, 1969, RAC Collection, Box 66, Folder 28: Selective Service – Chaplaincy, AJA.

provide for the religious and moral needs of military personnel, their dependents, and authorized civilians.<sup>147</sup>

He argued that any suggestion that the Army manual did not protect a rabbi's right to fulfill his duties as a rabbi was misleading. However, ironically, he acknowledged that all these arguments were subject to interpretation.

He also countered the idea that the military squashed a rabbi's "freedom of the pulpit." Lev suggested that all rabbis have limited pulpits, constrained by each individual rabbi's conscience, the "audience" present in any given situation, and more generally by the use of good judgment. He suggested that if a rabbi served as a prison chaplain, that it would be foolish to give a sermon condemning criminals, or for that matter criticizing the legal justice system. This would only serve to aggravate the hostilities of the inmates and the people who worked at the prison.<sup>148</sup> He noted, however, that it could be appropriate to speak about these issues during "off hours" or to a different audience. Likewise, he suggested that military chaplains had the right to don their civilian clothes and speak freely about the issues of military immorality at rabbinic conferences or to civilian pulpits. Lev agreed with the CCAR that there needed to be a new approach to the issue of military chaplaincy. But in his view, the new approach should be one that "brings the rabbinate back to an awareness of its responsibility" to provide chaplains for Jewish servicemen.<sup>149</sup>

The CCAR and the members of the Committee on Chaplaincy worked tirelessly to consider seriously statements from groups like Hillel and the National Jewish Welfare

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<sup>147</sup> Aryeh Lev, "The Function and Freedom of the Jewish Chaplain," Presentation at the Meeting of the Commission on Jewish Chaplaincy, April 29, 1969, RAC Collection, Box 66, Folder 28: Selective Service – Chaplaincy, AJA, 1.

<sup>148</sup> Ibid., 3.

<sup>149</sup> Ibid., 5.

Board (NJWB) while formulating their new policy proposal for universal service. After the year of consultations with students and Jewish organizations, discussions with the NJWB, and committee meetings, Rabbi Robert I. Kahn, President of the Committee on Chaplaincy, recommended a full policy report for approval by the Committee. The proposal explained that upon the completion of rabbinical school, a graduate of HUC had the freedom to choose from a group of equal options including chaplaincy service to the armed services, service to Jewish students, Jewish education of world Judaism, service in Jewish institutions – such as hospitals, prisons, homes for the aged, or service to isolated congregations unable to secure the services of a full-time rabbi. The only people eligible for deferment would be students continuing on in full-time post-graduate studies. However, if at any time those students who had continued in their education sought a pulpit job, they would be obligated to complete their own two years of service prior to being granted eligibility.

After Kahn read the proposal to the committee and before the discussion of the proposal began, Rabbi Kahn alerted the committee of a new dilemma. Despite a consensus from the participants in the previous meeting of the Committee on Chaplaincy, which including members of the HUC-JIR student body, the committee received a last minute letter from the students on the Cincinnati campus stating that they preferred the chaplaincy draft system to the newly proposed universal service plan. Several days later, the students sent another letter to the committee explaining that they preferred a voluntary plan to any kind of required service plan. Kahn seemed deeply troubled by the lack of commitment demonstrated by the students in these letters. He expressed his

sincere hope that the special committee's proposal be accepted, because if it was not, then the committee would have wasted a lot of time and energy.<sup>150</sup>

Three student representatives, one from each campus began the open discussion of the proposal. Michael LeBurkien, a HUC Cincinnati student, led off by explaining that the Cincinnati student body did not agree with the special committee's proposal. He confirmed Kahn's statement about how the students in Cincinnati overwhelmingly preferred a voluntary chaplaincy program to any other form of required service. He tried to ameliorate the concerns of the committee members who thought that a voluntary system would not receive any chaplaincy candidates by explaining that there were some students on the Cincinnati campus who fully supported the government's involvement in Vietnam. These students, he said, "[saw] American Manifest Destiny as the instrument of the Lord unifying the world under global capitalism."<sup>151</sup> For this reason, he suggested that if the CCAR found a way to make the chaplaincy financially worthwhile, then they would have no issues recruiting volunteers to serve. Of particular importance was the fact that chaplains made an average of \$4,000 less in annual salary than newly-ordained congregational rabbis; working for a congregation meant an immediate pay raise of roughly 40%.<sup>152</sup> LeBurkein also noted that adding any additional required service to an educational program that already required six years of study was "absolutely inhumane."<sup>153</sup>

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<sup>150</sup> Robert I. Kahn, "Report of Special Committees on Chaplaincy," *CCAR Yearbook* 79 (1970): 47

<sup>151</sup> Michael P. Le Burkien, Statement at the Special Committee on Chaplains, *CCAR Yearbook* 79 (1970): 48. It is worth noting that the expression of this support for the Vietnam War as a facet of American Manifest Destiny, a form of messianic idealism, was absent from every other primary source, including the writings of hawkish groups, cited in this thesis.

<sup>152</sup> *Ibid.*, 49.

<sup>153</sup> *Ibid.*, 50.

Mark L. Weiner<sup>154</sup> followed LeBurkein speaking on behalf of the students of the New York Campus. The majority of his argument focused on the notion that the job of a rabbi was already in service to the Jewish community. He and his classmates therefore did not find it necessary for HUC to require any additional mandatory service. He explained that student rabbis already visited and served many of the smaller underserved communities in their bi-weekly student pulpit jobs. He also expressed his opinion that it was anachronistic for the CCAR to hold on to a chaplaincy draft system when the nation as a whole was in the process of debating the elimination of the selective services all together. Weiner exclaimed that he and his classmates were conscientiously opposed to the policies related to the war in Vietnam, and to any form of selective service, including the CCAR's chaplaincy draft initiative. This, however, did not mean that the students were conscientiously objecting to the chaplaincy. In the concluding paragraphs of his statement, Weiner said that the student's real objection to serving as chaplains was that "the chaplaincy committee [had] not sufficiently investigated nor acted upon the means to elevate the lot of chaplains to a par with the rest of the Reform rabbinate."<sup>155</sup> The real way, in his opinion, to encourage these forms of service would be to incentivize them properly. After a brief introduction, Paul Saiger from the California campus deferred to Weiner's statement on the issues.<sup>156</sup>

In the debate following these statements, the rabbis expressed a wide range of opinions on the issues. Rabbi Edward A. Chesman,<sup>157</sup> one of the first speakers in the

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<sup>154</sup> The former Senior Rabbi of West London Synagogue of British Jews, Winer also served as the President of FAITH: the Foundation to Advance Interfaith Trust and Harmony.

<http://www.wupj.org/Publications/Newsletter.asp?ContentID=344>, accessed February 28, 2012.

<sup>155</sup> Mark L. Winer, Statement at the Special Committee on Chaplains, *CCAR Yearbook* 79 (1970): 51.

<sup>156</sup> Paul Saiger, Statement at the Special Committee on Chaplains, *CCAR Yearbook* 79 (1970): 53–54.

<sup>157</sup> Rabbi Chesman served for many years as the rabbi at Temple Judah in Cedar Rapids, Iowa.

session, was perhaps the most outspoken against any mandatory chaplaincy service. He voiced his opinion that “a compulsory draft system which feeds members into a [war] machine... is totally immoral.”<sup>158</sup> Moreover, it seems that Chessman believed that the entire institution of military chaplaincy was immoral. He described several horrible scenes from his personal military chaplaincy experience to justify his complete opposition to rabbis serving in the military:

We were required to run through the infiltration course while live ammunition was being used. One chaplain suffered a heart attack; no medical aid was on hand; the chaplain subsequently died and we could only sit by helplessly.<sup>159</sup>

There were rabbis in the group sympathetic to the views expressed by Chessman, however, the goal of the committee was not to attack the morality of the institution of military chaplaincy, and therefore, the overwhelming majority of the rabbis present made no further reference to Chessman’s comments.

Rabbi Israel S. Dresner<sup>160</sup> expressed that he was opposed to sending chaplains to the military at all so long as the immoral Vietnam War lasted. A chaplaincy boycott, he posited, would show the government the CCAR’s position on the war better than any words or resolutions could.<sup>161</sup>

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<sup>158</sup> Paul Saiger, Statement at the Special Committee on Chaplains, *CCAR Yearbook* 79 (1970): 55.

<sup>159</sup> Ibid.

<sup>160</sup> Dresner was an active participant in the civil rights movement, earning him the moniker, “the most arrested rabbi in America.” He took part in the June 13–16, 1961 Interfaith Freedom Ride from Washington, DC to Tallahassee, Florida. Rabbi Dresner was featured in the recent PBS documentary, *Freedom Riders*. <http://www.pbs.org/wgbh/americanexperience/freedomriders/people/rabbi-israel-si-dresner> (accessed March 4, 2012).

<sup>161</sup> Report of Special Committee on Chaplaincy, *CCAR Yearbook* 79 (1970): 57.

On the other hand, Rabbi David S. Goldstein<sup>162</sup> argued not only for encouraging chaplaincy, but he felt that the maintenance of the CCAR's draft system was necessary: "So long as Jewish men are required to serve we must provide them with chaplains."<sup>163</sup> Rabbi Korn invited Rabbi Roland B. Gittelsohn<sup>164</sup> to speak on behalf of the Committee on Chaplaincy and he echoed Goldstein. Gittelsohn could not see a scenario with respect to the chaplaincy where "saying no to the government and military industrial complex [was not] also saying no to the kids in [his] congregation."<sup>165</sup> Gittelsohn argued that the Committee should maintain the draft, but should appropriately incentivize the chaplaincy positions in order to make the experience at least financially worthwhile.

There was clearly a difference of opinion on the extreme ends of the debate; however the largest contingency of rabbis in this debate was in the middle: the group who thought it was necessary to support the chaplaincy, but who felt that the graduates had the right to choose in an open voluntary system. Rabbi Sylvan D. Schwartzman<sup>166</sup>, the first speaker in the forum, agreed with LeBurkien that requiring two years of service on top of a six-year graduate program would be inhumane. He felt that "nothing could be healthier for the student bodies of HUC than to allow the men to respond voluntarily to their moral obligations."<sup>167</sup> Rabbi W. Gunther Plaut,<sup>168</sup> who had the last word in this debate, openly

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<sup>162</sup> Rabbi Goldstein served as a US Navy chaplain in Japan. He currently is the Associate Director of the Jewish Studies Program at Tulane University and the rabbi emeritus of Touro Synagogue in New Orleans, Louisiana. <http://digifindingaids.cjh.org/?pID=1375514> (accessed March 4, 2012)

<sup>163</sup> Report of Special Committee on Chaplaincy, *CCAR Yearbook* 79 (1970): 57.

<sup>164</sup> Rabbi Gittelsohn (1910–1995) was the first Jewish chaplain to serve with the US Marines. He delivered the sermon at the dedication of the Iwo Jima cemetery in July 1945. After returning to the States, Gittelsohn served as the rabbi and rabbi emeritus at Temple Israel in Boston, Massachusetts. Gittelsohn was also the president of the CCAR and the president of the Association of Reform Zionists of America. <http://www.nytimes.com/1995/12/15/nyregion/roland-gittelsohn-85-rabbi-and-a-marine-chaplain-on-iwo-jima.html> (accessed March 4, 2012)

<sup>165</sup> See fn. 149, Report of Special Committee on Chaplaincy, *CCAR Yearbook* 79 (1970): 58.

<sup>166</sup> Rabbi Schwartzman (1913–1994) taught education and practical rabbinic courses on the Cincinnati campus of HUC.

<sup>167</sup> Report of Special Committee on Chaplaincy, *CCAR Yearbook* 79 (1970): 54.



opposed the proposed universal service plan because he did “not like resolutions that [carried] threats.”<sup>169</sup> More importantly, Plaut suggested that the right thing to do was give the men the freedom to choose. After the lengthy debate, the committee struck down the proposal to institute universal service.

Immediately following, there was also a motion to abolish the CCAR’s chaplaincy draft. After another significant debate, the motion passed for a conditional two-year trial period. After those two years, if too few students registered for the chaplaincy, then the CCAR would reinstate the topic of the chaplaincy draft for further review.<sup>170</sup>

After voting to end the chaplaincy draft temporarily, the Committee granted Rabbi Gittelsohn permission to speak. Despite his belief that the CCAR should have maintained the mandatory chaplaincy draft, Gittelsohn expressed his feelings to the committee that he was very pleased with the outcome of the debates. He recognized that these rabbis were involved in so many nasty debates over issues pertinent to the Vietnam War that he commended the men of the committee, declaring that “the general tenor and quality of this debate [was] one of which every one of [them] could be proud. There could have been a great deal of bitterness in this debate; there was almost none.”<sup>171</sup>

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<sup>168</sup> Rabbi Gunther Plaut (1910–1995) is well-known for his seminal work *The Torah: A Modern Commentary*. Plaut emigrated to the United States in 1935 after he received a scholarship to study at Hebrew Union College. Plaut served as a chaplain with the US Army’s 104<sup>th</sup> Infantry division and took part in the liberation of the Dora-Nordhausen concentration camp.  
<http://www.nytimes.com/2012/02/12/world/americas/w-gunther-plaut-rabbi-and-scholar-dies-at-99.html?pagewanted=all> (accessed March 4, 2012).

<sup>169</sup> “Report of Special Committee on Chaplaincy,” *CCAR Yearbook* 79 (1970): 64. The resolution included a clause, which stated that the system would revert to the draft, should there be too few students to meet the needs of the military.

<sup>170</sup> *Ibid.*, 70.

<sup>171</sup> Roland B. Gittelsohn, “Report of Special Committee on Chaplaincy,” speaking after the motion carried, *CCAR Yearbook* 79 (1970): 70.

## **Conclusion**

It is clear to see from the aforementioned examples that the Reform Movement responded to the variety of controversies in many different ways. In the debate over the right to dissent, the institutions of the Reform Movement had a clear historical precedent for defending American civil liberties, and protecting the rights of American citizens when speaking out against the government. The controversy related to the issue of dissent was really an issue of public perception. In general the constituents of the Reform Movement were not opposed to the idea that the Reform institutions would disagree with the government related to the Vietnam War. They were concerned that leaders of the UAHC or the CCAR would make statements publicly when their words could be seen to represent the entire Reform Movement. Reform Jews also feared that the Reform Movement's institutional dissent would lead to negative repercussions in terms of American foreign policy with respect to Israel.

In the case of expanding the definition of conscientious objection, the Reform Movement also had several precedent-setting resolutions dating back to World War I which supported an individual's right to be exempt from compulsory military service if they were conscientiously opposed to all war. The movement clearly supported the move to broaden the government's definition of religion initiated by the Supreme Court. However, when it came to the issue of selective conscientious objection, the institutions of Reform Judaism formally disagreed. The CCAR supported selective conscientious objection, even with respect to chaplaincy service, and the RAC and UAHC opposed selective conscientious objection citing SCA's resolution on the issue.

The Reform Movement's debate over their chaplaincy policy represented a different kind of political conflict. This controversy was specific to the CCAR and the students of HUC. This, for the most part, was an internal debate regarding a policy specific to prospective Reform Rabbis. Though there were several instances in which members of the CCAR considered outside influences, there was enough incentive for the CCAR and the students of HUC to make this change on their own.

These three examples represent only a small sampling of the variety of divisive issues that affected the Reform Movement during the Vietnam War. It seems from Rabbi Gittelson's remarks at the end of the CCAR's chaplaincy debate that just about every issue during the Vietnam War had the potential for extreme disagreement. Gittelson recognized that when it came to issues of morality, it was likely that people would disagree. However, he, like the institutions of Reform Judaism, also understood that no group or individual had "a monopoly on conscience," no matter how adamantly someone stood behind their position.<sup>172</sup> The UAHC, CCAR, CSA and RAC, as the institutional bodies of a religion founded on certain moral and ethical principles, had a duty to formulate opinions related to political issues. However, the Vietnam War taught these organizations to be more conscious of the fact that when organizations make political statements they might not always accurately reflect the values of all their constituents.

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<sup>172</sup> Ibid.

## **Chapter II: The Reform Movement's Controversy Over Affirmative Action**

On March 15, 1974, *Washington Post* reporter William Raspberry portrayed the Jewish community as leading the “fight against affirmative action programs designed to help blacks and other minorities into the American mainstream.”<sup>1</sup> While it is true that by 1974, several Jewish organizations had written formal position statements against affirmative action, there were also Jewish organizations that actually supported affirmative action programs. Bert Silver, the Social Action Chairman of the Seaboard Region of the United Synagogue of America,<sup>2</sup> wrote a letter to Raspberry explaining that some of the statements in his article, “[bordered] on the irresponsible” because, in fact, the issue of affirmative action “[had] fragmented the Jewish community more than any issue in recent years.”<sup>3</sup> Moreover, he wrote that portraying all Jews as antagonists of affirmative action was not good for the already struggling relationship between African Americans and Jews.<sup>4</sup>

This chapter will examine the Union of American Hebrew Congregation's (UAHC) official position on affirmative action beginning with the Supreme Court case *DeFunis v. Odegaard*, and concluding with UAHC's formal resolution on Affirmative Action in 1977. This analysis will focus on how the Institutions of Reform Judaism

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<sup>1</sup> William Raspberry, “Fighting Campus Discrimination,” *The Washington Post*, March 15, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

<sup>2</sup> The United Synagogue of America (now The United Synagogue of Conservative Judaism) is the congregational organization of the Conservative Movement. The Seaboard Region includes the states of Maryland, Virginia, and North Carolina.

<sup>3</sup> Letter from Bert Silver to William Raspberry, March 18, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA. Silver forwarded his letter along with Raspberry's article to Al Vorspan, Director of the Commission on Social Action of Reform Judaism.

<sup>4</sup> Ibid.

defended affirmative action policies despite a large constituency of Reform Jews who held different beliefs about affirmative action programs.

The 1974 Supreme Court case *Marco DeFunis, et al. v. Charles Odegaard, President of the University of Washington, et al.* was the first time American Reform Jews ever seriously addressed the issue of affirmative action. In this case, Marco DeFunis, a Jewish Phi Beta Kappa, Magna Cum Laude student filed a suit against Charles Odegaard, President of the University of Washington, with the State Superior Court in Seattle after the university refused to admit him to their law school even though they admitted minority candidates who were considered less qualified.<sup>5</sup> The Supreme Court in the DeFunis case questioned the affirmative action policy undertaken by the University of Washington, which showed preferential treatment to racial minorities in the admissions process. In contrast to the majority of other Jewish organizations, members of the Commission on Social Action of Reform Judaism (CSA) somewhat reluctantly chose to add the signature of the UAHC to an *amicus* brief, a friendly letter to the court, supporting the University of Washington's decision to use race as a factor for admissions in their law school.

The CSA members quickly discovered just how divided the Reform Jewish constituency was on the issue. The members of the Jewish community who protested preferential treatment based on race claimed that "each person should be evaluated on his/her own merits, without regard to race, sex, religion, or natural origin," and there were alternative ways to remedy the problem of past discrimination.<sup>6</sup> On the other hand,

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<sup>5</sup> "Fact Sheet on UAHC position in Case of *Marco DeFunis v. University of Washington*," *This and That* no. 61, March 19, 1974.

<sup>6</sup> David Saperstein and Al Vorspan, *Jewish Dimensions of Social Justice: Tough Moral Choices of Our Time* (New York: UAHC Press, 1998), 212.

the CSA and other members of the Jewish community believed that “a society that systematically discriminated against particular groups has the moral obligation to act affirmatively to offset the impact of that discrimination by targeting remedies if necessary at those groups.”<sup>7</sup> Therefore the CSA, on behalf the UAHC supported the University of Washington’s affirmative action program in the DeFunis case, even though they were unable to pass a formal resolution supporting affirmative action until three years later.

A review of the primary sources from the institutions of the Reform Movement related to the DeFunis case reveal the complex reaction of the Jewish community to affirmative action and provides insight into an issue that remains politically relevant in the United States today.

### **Affirmative Action and the Jewish Community’s Initial Response**

During the civil rights struggles of the ’50s and ’60s, the Jewish community played a vital role working with the African American community to end racial segregation and discrimination in the United States.<sup>8</sup> Perhaps the most significant outcome of the civil rights alliance between blacks and Jews during this period was when the Leadership Conference on Civil Rights (LCCR)<sup>9</sup> drafted the Civil Rights Act of 1964 in the Religious Action Center’s (RAC) conference room.<sup>10</sup> This law, along with its subsequent amendments, served to protect the rights of prospective and current

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<sup>7</sup> Ibid.

<sup>8</sup> Albert Vorspan and David Saperstein, *Tough Choices: Jewish Perspectives on Social Justice* (New York: UAHC Press, 1992), 10.

<sup>9</sup> The Leadership Conference on Civil Rights is a 501(c)(4) organization that engages in legislative advocacy. Founded in 1950, it has coordinated national lobbying efforts on behalf of every major civil rights law since 1957. The Religious Action Center of Reform Judaism serves as a member of the organization’s executive committee and for many years the offices of the Leadership Conference were in the Kivie Kaplan Building of the RAC.

<sup>10</sup> Vorspan and Saperstein, *Tough Choices*, 10.

employees and students from discrimination in admissions, hiring, promotions, job training, and many other employment or higher education related issues, based on race, color, religion, sex, or national origin including calling for employers to take “affirmative action” to hire minority employees and admit minority students.<sup>11</sup>

As time passed, government officials concluded that simply calling for “affirmative action” was not enough. Without a way to ensure that colleges and companies were taking necessary steps to ensure the inclusion of minorities, the law proved ineffective. In 1965, President Lyndon B. Johnson wrote Executive Order 11246 in an attempt to remedy the problem. In a speech supporting his stance on affirmative action, he exclaimed, “You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, ‘you are free to compete with all the others,’ and still just believe that you have been completely fair.”<sup>12</sup> The Executive Order assigned to the Secretary of Labor the job of specifying rules of implementation for the affirmative action policies of construction companies who received government contracts.<sup>13</sup> Revisions made in 1967 broadened the scope of the order and further required every government contracting agency to “take affirmative action to insure that applicants are employed and employees are treated without regard to their race, color, religion, sex, or national origin.”<sup>14</sup>

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<sup>11</sup> Equal Employment Opportunity is The Law, U.S. Equal Employment Opportunity Commission, November 2009, [http://www.eeoc.gov/employers/upload/eeoc\\_self\\_print\\_poster.pdf](http://www.eeoc.gov/employers/upload/eeoc_self_print_poster.pdf) (accessed February 27, 2012).

<sup>12</sup> The Religious Action Center, “What is Affirmative Action,” [http://rac.org/Articles/index.cfm?id=2156&pge\\_prg\\_id=12913&pge\\_id=2382](http://rac.org/Articles/index.cfm?id=2156&pge_prg_id=12913&pge_id=2382) (accessed March 2, 2012).

<sup>13</sup> Lyndon B. Johnson, *Executive Order No. 11246 – Equal Employment Opportunity*, September 28, 1965, <http://www.eeoc.gov/eeoc/history/35th/thelaw/eo-11246.html> (accessed March 3, 2012).

<sup>14</sup> Lyndon B. Johnson, *Executive Order No. 11375 – Amending Executive Order No. 11246, Relating to Equal Employment Opportunity*, October 13, 1967, <http://www.presidency.ucsb.edu/ws/index.php?pid=60553#axzz1o7W2ZmjO> (accessed March 3, 2012). See also, Naomi Levine, “Presentation by Naomi Levine,” *Affirmative Action, Preferential Treatment and*

During the two years following the passage of Executive Order 11246, the government left the term “affirmative action” undefined. In 1967, after Johnson’s revision of Executive Order 11246, the Department of Labor in Revised Order No. 4 wrote:

An affirmative action program is a set of specific and result-oriented procedures to which a contractor commits himself to apply every good faith effort. The objective of these procedures plus such efforts is equal employment opportunity. Procedures without effort to make them work are meaningless; and effort undirected by specific and meaningful procedure is inadequate.

An acceptable affirmative action program must include an analysis of areas within which the contractor is deficient in the utilization of minority groups and women, and further, goals and timetables to which the contractor’s good faith efforts must be directed to correct the deficiencies and thus to increase materially the utilization of minorities and women, at all levels and in all segments of his work force where deficiencies exist.<sup>15</sup>

In 1970, during the Nixon administration, the Department of Labor further revised Order No. 4, calling for an “underutilization analysis” of minorities by federal contractors.<sup>16</sup> The order required that the federal government hire contractors to complete census-like demographic surveys to determine the regional population of minority

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*Quotas: Papers from the Plenary Session* (New York: National Jewish Community Relations Advisory Council, 1972), 13.

<sup>15</sup> Naomi Levine, “Presentation by Naomi Levine,” *Affirmative Action, Preferential Treatment and Quotas: Papers from the Plenary Session* (New York: National Jewish Community Relations Advisory Council, 1972), 13–14.

<sup>16</sup> Southeastern Oklahoma State University, Affirmative Action, 2012, <http://homepages.se.edu/affirmative-action/4> (accessed February 27, 2012).



groups, defined as “Negroes, American Indians, Orientals, and Spanish Surnamed Americans.”<sup>17</sup> They were also required to find the percentage of people trained for particular types of employment. “Underutilization” according to this system meant “having fewer minorities or women in a particular job classification than would be reasonably expected by their availability” if all other circumstances were equal.<sup>18</sup> Furthermore, the order defined goals as “targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work.”<sup>19</sup> Companies subject to affirmative action laws were obligated to use this data to implement policies, including “goals” and “timetables” to help minority groups achieve equal representation in their professional fields.<sup>20</sup> Finally in 1972, the Secretary of Labor further revised Order No. 4, this time placing the Department of Health, Education, and Welfare in charge of implementing affirmative action policies with the power to hold businesses and universities accountable for not using “reasonable effort” to meet their goals.<sup>21</sup>

While many minority group leaders saw these measures as steps in the right direction, for leaders in the Jewish community, the use of statistics and these underutilization studies for the purpose of hiring and admitting students into universities felt too much like the government was trying to institute mandatory quotas.<sup>22</sup> Having

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<sup>17</sup> Rebecca Steffoff, *Supreme Court Milestones, The Bakke Case: Challenging Affirmative Action* (New York: Marshall Cavendish Benchmark, 2005), 37.

<sup>18</sup> Lawrence H. Fuchs, *The American Kaleidoscope: Race, Ethnicity, and the Civic Culture* (Hanover, NH: The University Press of New England, 1990), 432.

<sup>19</sup> Steven M. Cahn, *Affirmative Action and the University: A Philosophical Inquiry* (Philadelphia, PA: Temple University Press, 1995), 1.

<sup>20</sup> Southeastern Oklahoma State University, Affirmative Action, 2012, <http://homepages.se.edu/affirmative-action/4> (accessed February 27, 2012).

<sup>21</sup> Robert Fullinwider, “Affirmative Action,” *The Stanford Encyclopedia of Philosophy* (Winter 2011), <http://plato.stanford.edu/archives/win2011/entries/affirmative-action/> (accessed February 29, 2012).

<sup>22</sup> Naomi Levine, Affirmative Action, Preferential Treatment and Quotas, 12.

experienced firsthand the inequity and discrimination caused by the implementation of quotas, the American Jewish community almost universally opposed any policy that employed the use of quotas; thus, the Jewish community was very skeptical with respect to affirmative action.<sup>23</sup>

It is no surprise that in 1972 the American Jewish community began publicly reacting to affirmative action issues. Groups including the American Jewish Congress (AJCongress), American Jewish Committee (AJCommittee), Anti-Defamation League of B'nai B'rith (ADL), and the National Jewish Community Relations Advisory Council (NJCRAC) wrote extensively on the perceived danger of government-mandated "goals" and "timetables" and how the Jewish community saw affirmative action as nothing more than institutionalized quotas. A resolution written by the AJCongress about affirmative action in 1972 explains that:

Unfortunately, excesses have developed in the administration of affirmative action programs. Government agencies enforcing the various anti-discrimination laws have sometimes taken the position that race is an indispensable occupational qualification. There has been increasing advocacy of the concept that the percentage of minority groups in employment forces and school populations should under all circumstances bear a proportional representation to the total population.

The American Jewish Congress opposes this philosophy in principle and in practice. We are deeply troubled by the apparently growing acceptance of the idea that jobs, promotions, and college admissions should be

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<sup>23</sup> Albert D. Chernin, "Presentation by Albert D. Chernin," *Affirmative Action, Preferential Treatment and Quotas: Papers from the Plenary Session* (New York: National Jewish Community Relations Advisory Council, 1972), 18–23.

decided not on the basis of qualification but in accordance with a mathematical formula based on the proportion of various groups in the general community.<sup>24</sup>

Despite the sentiment of this and other formal statements made by Jewish organizations, the American Jewish community maintained that affirmative action was necessary to achieve equality and these organizations (AJCongress, AJCommittee, ADL, and NJCRAC) included suggestions for alternative policies that did not involve quotas. The Commission on Equal Opportunity of the NJCRAC wrote a resolution after their meeting on March 27, 1972 where they suggested the following alternative:

We recommend that special provisions be made for compensatory education, training, retraining, apprenticeship, job counseling and placement, welfare assistance and other forms of help for the deprived and disadvantaged, to enable them as speedily as possible to realize their potential capabilities for participation in the mainstream of American life.<sup>25</sup>

These groups tried each in their own way to show that their opposition to these specific affirmative action policies did not mean they were suddenly opposed to innovative civil rights programs, only the specific program of percentage hiring goals and timetables which looked too much like quotas.

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<sup>24</sup> American Jewish Congress, Resolution on Affirmative Action, Quotas, and Goals in Employment and Education, March 14, 1972, RAC Collection, Box 42, Folder 24: Memo on Civil Rights Testimony, Remarks of Proxmire and Mondale, AJA.

<sup>25</sup> Commission on Equal Opportunity, National Jewish Community Relations Advisory Council, Resolution from Agenda of March 27 Meeting, March 17, 1972, RAC Collection, Box 42, Folder 24: Memo on Civil Rights Testimony, Remarks of Proxmire and Mondale, AJA.

The institutions of Reform Judaism, considered trailblazers with respect to responding to tough political issues of the day, lagged behind these other Jewish organizations when it came to responding to the issue of affirmative action. While the AJCongress, AJCommittee, ADL, and NJCRAC were writing the aforementioned responses against using quotas as a means of taking affirmative action, the Reform Movement was still only in the preliminary stages of formulating an opinion on the relevant issues. In October 1972, Marvin Braiterman, Director of Education and Research for the RAC, wrote a memo to Rabbi Balfour Brickner and Al Vorspan, asking them to gather information, invite people, and think about all of the relevant issues relating to affirmative action. The RAC was in the process of preparing a small conference for the UAHC where participants would discuss these issues.<sup>26</sup> The formal invitation to the conference explained that “the Union of American Hebrew Congregations is struggling to define for itself... a position on Affirmative Action and the matter of quotas which is not only firmly rooted in Jewish religious values, but which is also factually defensible and ideationally realistic.”<sup>27</sup> For reasons unknown, however, the commission failed to reach this goal, as they neither adopted a resolution nor released any formal statement on the matter of affirmative action or quotas.<sup>28</sup>

Meanwhile, African American community organizations did not look kindly upon the staunch opposition to quotas by members of the Jewish community. Along with the

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<sup>26</sup> Memorandum from Marvin Braiterman to Balfour Brickner and Al Vorspan, Affirmative Action and Quotas, October 12, 1972, RAC Collection, Box 42, Folder 24: Memo on Civil Rights Testimony, Remarks of Proxmire and Mondale, AJA.

<sup>27</sup> Balfour Brickner, Union of American Hebrew Congregations In – House on Affirmative Action – Quotas, November 20, 1972, RAC Collection, Box 42, Folder 24: Memo on Civil Rights Testimony, Remarks of Proxmire and Mondale, AJA.

<sup>28</sup> Two years later, Rabbi Eugene Lipman wrote in a letter to Al Vorspan, “I do not happen to share, in general, the Jewish hang-up with the word ‘quota.’” See letter from Eugene Lipman to Albert Vorspan, February 7, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

memo Marvin Braiterman sent to Vorspan and Brickner concerning their affirmative action conference planning, he enclosed a copy of a newspaper article, which recorded a “flap between Julius Hobson and the Washington Jewish community.”<sup>29</sup> In the article, Hobson, an African American community activist, politician, and “recognized expert in government hiring practices” remarked that, “there [wasn’t] a Jew with an IQ of over 25 who seriously thinks a nigger took his job away from him.”<sup>30</sup> Like many in the African American community, Hobson claimed that “goals” and “timetables” were not enough to reverse the effect of the years of discrimination. In his defense, he cited the total government employment percentages of minorities to show that neither equal representation, nor equal hiring practices were actually taking place.<sup>31</sup> Racial quotas in his opinion would require that the government and public companies achieve a certain proportional representation of African Americans and other minorities in employment while a lack of formalized quotas guaranteed nothing. However, Hobson showed that he was not ignorant of the reasons for Jewish opposition to quotas. He explained that he sympathized with the Jews because of their history of overcoming discriminatory quotas; however, he fervently expressed the need to increase government policies including quotas that would effectively close the gap that existed in employment and educational opportunities between whites and minorities. Regardless of the position taken on quotas,

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<sup>29</sup> Memorandum from Marvin Braiterman to Balfour Brickner and Al Vorspan, Affirmative Action and Quotas, October 12, 1972, RAC Collection, Box 42, Folder 24: Memo on Civil Rights Testimony, Remarks of Proxmire and Mondale, AJA.

<sup>30</sup> Jon Katz, “Hobson Assails Opposition to Racial Job Quotas,” *The Washington Post*, October 11, 1972, RAC Collection, Box 42, Folder 24: Memo on Civil Rights Testimony, Remarks of Proxmire and Mondale, AJA.

<sup>31</sup> *Ibid.*

he declared, “somebody’s going to grab this in a racist way, either against blacks or against Jews.”<sup>32</sup>

One reason for the growing tension between the Jewish community and their longtime allies within African American civil rights groups was the perception that Jews, who were left out of the “minority” description of the new civil rights laws, had effectively become new members of the white elite. In 1971, Marco DeFunis, a Jewish honor student, helped to intensify this perception when he was rejected from the University of Washington Law School. DeFunis filed suit against the school claiming that they “favored black applicants” in their admissions process which resulted in the “exclusion of qualified whites,” a group DeFunis considered himself a part of.<sup>33</sup> As the case moved up the legal ladder, DeFunis garnered increasing support from the Jewish community but also created what was, at the time, one of the biggest rifts in the history of the relationship between the Jewish and African American communities.

The first formal response from any of the institutions of Reform Judaism to affirmative action came from the CCAR in 1973.<sup>34</sup> It is unclear whether or not the CCAR was responding to anything in particular when they decided to write this resolution or if they simply felt the need to address the tensions that were felt in the Jewish community related to this issue. Because of the overlap in Reform Jewish organizations, this resolution might also have been the delayed outcome of the UAHC’s conference on affirmative action. In the resolution, the CCAR resolved:

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<sup>32</sup> Ibid.

<sup>33</sup> Albert E. Arent, “A Civil Rights Crunch for the Jewish Groups,” *This and That* no. 61, March 19, 1974.

<sup>34</sup> Resolution Adopted by the CCAR, Affirmative Action and Equal Rights, 1973, <http://ccarnet.org/rabbis-speak/resolutions/all/affirmative-action-and-equal-rights-1973/> (accessed March 27, 2012).

We encourage the full and prompt implementation of the affirmative action program as outlined in Executive Order #11246 of September 1965.

This order calls for business and educational institutions dealing with the government to take affirmative action to increase the number of minority group members and women in their programs.

We recognize that this order with its subsequent revisions of October 1968 and October 1972 recognizes that to maintain the status quo in education and employment is to perpetuate historic injustices. At the same time, these executive guidelines prohibit so-called reverse discrimination against any individual because of race, religion, or sex.

Only by acting vigorously to expand education and employment opportunities for all, may the gap between rich and poor be narrowed and equal opportunity for all be guaranteed. The enemies of the American Jew are not other minority groups, but rather, poverty, discrimination, and economic chaos. Not to take from one group to give to another but to broaden opportunities for all should be our national objective.<sup>35</sup>

What is clear from this resolution is that leaders of the Reform Movement were well aware of affirmative action policies and their evolution. The CCAR also recognized that ideals of affirmative action when executed properly were “in keeping with the mandate of Jewish tradition.”<sup>36</sup>

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<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

## DeFunis v. Odegaard

When the Supreme Court agreed to hear the case *Marco DeFunis, et al. v. Charles Odegaard, President of the University of Washington, et al.*, there were members of the Jewish community who postulated that the ruling of the case would answer the “most important civil rights questions since the *Brown [v. Board of Education]* decision outlawed segregation” in schools.<sup>37</sup> In this case, DeFunis reasoned that the University of Washington’s affirmative action policy violated the equal protection clause of the fourteenth amendment by giving preferential treatment to minority applicants, an example of reverse discrimination.<sup>38</sup> The university, in their candor, acknowledged that they admitted 36 minority students who had lower grades and test scores.<sup>39</sup> Therefore, the State Court ruled in favor of DeFunis and ordered that the University of Washington Law School admit him immediately. The university appealed, citing the fact that they also admitted 38 white students with lower grades and test scores than DeFunis, a fact that the University of Washington claimed proved that race was not the decisive factor for admittance.<sup>40</sup> Soon thereafter, the Supreme Court of Washington reversed the state court’s judgment.<sup>41</sup> DeFunis petitioned for a writ of *certiorari*, an appeal for a Federal court to review the proceedings of the Supreme Court of Washington.<sup>42</sup> The Federal Circuit Court Judge stayed the Washington Supreme Court’s judgment pending a final

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<sup>37</sup> Albert E. Arent, “A Civil Rights Crunch for Jewish Groups,” *This and That* no. 61, March 19, 1974.

<sup>38</sup> William V. Shannon, “The End of an Era?” *The New York Times*, February 26, 1974.

<sup>39</sup> Lois Waldman, “University Admissions and Racial Preferences,” *Congress Bi-Weekly*, February 8, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA, 1.

<sup>40</sup> “Fact Sheet on UAHC position in Case of *Marco DeFunis v. University of Washington*,” *This and That* no. 61, March 19, 1974.

<sup>41</sup> *Ibid.*

<sup>42</sup> *Marco DeFunis et al. v. Charles Odegaard*, 416 US 312 (1974).



decision of the Circuit Court, which allowed DeFunis to continue his education uninterrupted.<sup>43</sup>

By the time the case reached the U.S. Supreme Court, DeFunis was in his final semester of Law School. At that point, the potential for setting groundbreaking legal precedence was placed in jeopardy; the new concern for the court was whether or not the case was moot.<sup>44</sup> DeFunis, who was suing the University of Washington for admittance into their law school, entered his terminal semester of the law school and guaranteed the completion of his studies. Therefore the court no longer had jurisdiction in the matter. Despite this circumstance, the Supreme Court chose to hear the case, which sparked immediate controversy in the American Jewish community, particularly in the Reform Movement, and placed once-strong allies within the Jewish community and the black community on opposite sides of the courtroom.

### **The Reform Movement's Response to DeFunis v. Odegaard**

Even after the Supreme Court agreed to hear the case, the Reform Movement was still hesitant to make a formal statement about the case. Not even the CCAR, which had only recently passed their affirmative action resolution, responded to the case. As the case drew nearer, the AJCongress, the ADL, and the NJCRAC all wrote *amici* briefs in support of DeFunis, claiming that the University of Washington had engaged in reverse discrimination by not accepting DeFunis over the other lesser qualified minority candidates.<sup>45</sup> In a memo written on January 8, 1974, Vorspan explained that the DeFunis case was “getting weirder and weirder” because of the cast of characters supporting

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<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Albert E. Arent, “A Civil Rights Crunch for Jewish Groups,” *This and That* no. 61, March 19, 1974.

DeFunis. First there were the three Jewish organizations that wrote briefs supporting DeFunis. Vorspan explained that each of these organizations was facing significant turmoil among their constituents over the issue of affirmative action, especially in the case of the AJCongress which had “such internal controversy about the content and tone of [their] brief that the final product [was] unsigned by any staff people.”<sup>46</sup> These Jewish organizations were joined by various ethnic organizations including Italians and Poles. On the other side of the case, Vorspan noted that organizations like the Children’s Defense Fund (CDF), United Auto Workers (UAW), United Mine Workers (UMW), and the United Farm Workers (UFW), joined together with the members of the old civil rights coalition, the National Association for the Advancement of Colored People (NAACP), and the Southern Christian Leadership Conference (SCLC).<sup>47</sup> It appears from his letter that Vorspan was hesitant to become involved in the case at all; he questioned whether there would be a place for the UAHC in the complicated “Jigsaw Puzzle.”<sup>48</sup>

About a month later, on February 7, 1974, Rabbi Eugene Lipman, Director of the CSA, wrote to Vorspan about the DeFunis case, still unprepared to voice an opinion on the matter. No matter which side a group was supporting, the prevailing understanding for all involved parties was that *DeFunis v. Odegaard* was going to be a landmark case, producing a ruling on the issue of preferential treatment of minorities in university admissions for the first time.<sup>49</sup> Yet, for some unknown reason, the institutions of Reform

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<sup>46</sup> Memo from Albert Vorspan, To Joseph L. Rauh, Jr., and Eugene Lipman, Re: DeFunis Case, January 8, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Richard Cohen, Supreme Court Urged to Bar Race but not Poverty as Factor in Admissions to Nation’s Universities, January 9, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA, 1. See also: Theodore R. Mann, Brief of the American Jewish Congress, Amicus Curiae, in Support of Petitioners: On Writ of Certiorari to the Supreme Court of Washington, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

Judaism were still debating whether they had anything to say about the matter at all. Perhaps one factor contributing to the Reform Movement's lack of urgency in this case was that Lipman did not "share... the Jewish hang-up with the word 'quota.'"<sup>50</sup> Despite the timidity of the Reform Movement, it is clear that if the CSA or UAHC were going to choose a side, it would be in opposition to the other Jewish organizations.

Then, in a sudden political move just before the deadline for filing briefs to the court, members of the CSA and the RAC came together and decided that the UAHC should add its signature to one of the brief's supporting the University of Washington and their use of affirmative action. In a letter to Rabbi Robert Kahn, President of the CCAR, Al Vorspan explained that the hesitancy in filing this brief was due to the overall ambiguity of the case.<sup>51</sup> He noted that in the original judgment of the NJCRAC, there was no evidence that this was a quotas case, nor was it a clear-cut case of discrimination.<sup>52</sup> Vorspan pondered whether all this Jewish involvement could be solely related to the fact that DeFunis was Jewish. Regardless, Vorspan, Joe Rauh, Al Arent, Kivie Kaplan, and Balfour Brickner—as the representatives of the CSA—along with the National Council of Jewish Women (NCJW), added their name to the CDF's *amicus* brief which supported the position of the University of Washington.

On February 27, the CSA wrote a statement declaring its official position—as a representative of the UAHC—on *DeFunis*. The statement began by "[asserting] that failure of Washington University to admit Marco DeFunis represented neither a case of

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<sup>50</sup> Letter from Eugene Lipman to Al Vorspan, February 7, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

<sup>51</sup> Letter from Al Vorspan to Robert I Kahn, February 26, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

<sup>52</sup> Ibid.

discrimination on the part of the university or a quota case against Jews.”<sup>53</sup> They charged that,

As Jews, we must continue to fight for all of our rights and causes.

However, our long history for social justice demands that we not turn our back on other minority groups seeking the same advantages so long withheld from them... We do not believe that Jewish groups should seek to undermine legitimate affirmative action programs by equating them with “quotas” and “reverse discrimination” where such charges are not warranted by the facts.<sup>54</sup>

The CSA officially deemed the affirmative action policy of The University of Washington “a reasonable one.” Therefore, they chose to use their political influence to defend affirmative action in general and to reunite the larger coalition of “labor, liberal, Jewish and minority groups in American life on behalf of the ideal of equal justice.”<sup>55</sup>

### **The Ensuing Controversy**

Following the official release of UAHC’s statement supporting the University of Washington Law School, in the words of Albert Vorspan, “intense controversy exploded.”<sup>56</sup> The UAHC received a variety of responses from constituent congregations and rabbis and other Jewish leaders. There were individuals who showed their support for UAHC’s position on the DeFunis case. Joseph L. Rauh, Jr., the staff attorney for the

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<sup>53</sup> From The National Council of Jewish Women and the Union of American Hebrew Congregations to Gunther Lawrence, February 27, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

<sup>54</sup> Ibid.

<sup>55</sup> “Fact Sheet DeFunis v. University of Washington,” *This and That* no. 61, March 19, 1974.

<sup>56</sup> Albert Vorspan, “DeFunis Controversy,” *This and That* no. 61, March 19, 1974.

LCCR, wrote an article stating that the “recent action by the NCJW and the UAHC Social Action Committee [was] a most heartening signpost toward a revival of Jewish leadership in the field of civil rights.”<sup>57</sup> Rauh made one of his most compelling arguments for supporting the UAHC’s statement on the case by pointing out the legal irony of the situation. Rauh noted:

Historically, using the 14<sup>th</sup> amendment to prevent states from assisting blacks stands it on its head. A constitutional amendment adopted in the wake of the Civil War to force states to protect the rights of blacks can hardly now be interpreted to prevent those very states from taking action to remedy the discrimination, which the 14<sup>th</sup> amendment outlawed.<sup>58</sup>

Rauh, like other prominent activists in the civil rights movement of ages past, had been saddened by the “Jewish community’s growing anti-civil-rights attitudes,” which had become more popular since the beginning of the implementation of affirmative action policies.<sup>59</sup>

One attack against the UAHC’s statement on affirmative action came from constituents of the UAHC who claimed that the members of the CSA had not followed proper protocol when making the decision to speak on behalf of UAHC. One such constituent group, Temple Israel of Jamaica, in Holliswood, NY, wrote a resolution in mid-April 1974 citing that the majority of its temple membership disagreed with the UAHC’s position on the DeFunis case. As a result, they requested that the UAHC

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<sup>57</sup> Joseph L. Rauh, Jr., *Jews in Support of Civil Rights*, undated, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA, 1.

<sup>58</sup> *Ibid.*, 3.

<sup>59</sup> *Ibid.*

disassociate Temple Israel's name from the CSA's position statement.<sup>60</sup> One of the main reasons for objecting to the UAHC's position was that "the Board of Trustees [objected] to the undemocratic and arbitrary procedures taken by the extremely limited number of members of the Commission on Social Action in the DeFunis case."<sup>61</sup> Other congregations also questioned whether the members of the CSA, in their haste to file the brief with the CDF, followed the proper protocol for making a statement on behalf of the UAHC.

In response to these attacks, Rabbi David A. Mersky, Associate Director of the New York Federation of Reform Synagogues, a regional office of the UAHC, wrote a statement for the CSA's periodical *This and That*, defending the Commission's actions.<sup>62</sup> Mersky explained that mechanisms had been put in place which allowed the CSA voice the opinion of the UAHC and the CCAR. He noted that at the 31st biennial, the general assembly passed a resolution granting the Executive Committee permission to establish the Committee on Social Justice.<sup>63</sup> The goal of this Committee was to "provide an instrumentality whereby the Union could affect the 'pronouncements and preservation of the traditionally sympathetic attitude of Judaism toward progressive effort in the realm of industrial, economic, and sociological aspects of human relationships.'" Later, when the UAHC and the CCAR founded the Joint Commission on Social action in 1946, this Joint Commission inherited the responsibilities of the Committee on Social Justice.<sup>64</sup> The Executive Committee of the UAHC subsequently gave the CSA and the RAC the

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<sup>60</sup> Letter from Henry H. Daniel, to the Commission on Social Action and the Union of American Hebrew Congregations, April 24, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case — Affirmative Action, AJA.

<sup>61</sup> Ibid.

<sup>62</sup> David A. Mersky, "From Where We Stand," *This and That* no. 61, March 19, 1974.

<sup>63</sup> Ibid., 1.

<sup>64</sup> Ibid., 2.

authority to make statements for the UAHC and the CCAR on political issues when there was evidence to support the position found in previous resolutions or statements.

Mersky pointed to two documents to justify his defense of the CSA: the aforementioned resolution on affirmative action and equal rights from the CCAR in 1973 and the UAHC resolution on racial justice from 1969. In the UAHC resolution the general assembly wrote:

We in the Reform Jewish community cannot allow our country to ignore the plight of America's impoverished millions. Jewish imperatives require that we be ever sensitive to the aspirations and just demands of our country's minorities.

We therefore, urge our congregations to redouble their efforts in support of those who have been exploited by our society. Synagogue programs supportive of oppressed peoples, the raising of funds for minority group use, pressure upon our government for massive action, are vehicles that we must employ to heal the deep wounds inflicted.<sup>65</sup>

In the case of the CCAR, the resolution supporting affirmative action is explicit. With the UAHC's resolution, the reference to "putting pressure [on the] government for massive action," was viewed as precedence enough for Mersky to grant that the members of the CSA had the procedural right to make this statement on behalf of the UAHC, adding UAHC's name to the *amicus* brief to the Supreme Court supporting the University of Washington and their interpretation of affirmative action.<sup>66</sup>

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<sup>65</sup> UAHC General Assembly, Racial Justice – A Jewish Reaffirmation, October 1969, [http://urj.org/about/union/governance/resol/?syspage=article&item\\_id=2225](http://urj.org/about/union/governance/resol/?syspage=article&item_id=2225) (accessed March 27, 2012).

<sup>66</sup> Mersky, "From Where We Stand," *This and That* no. 61, March 19, 1974, 5. It is important to note that neither Temple Israel's resolution on the CSA's use of proper protocol, nor Mersky's letter of defense represented the final word in this matter. At the Executive Board meeting of the UAHC on June 9, 1974, the board further discussed whether the CSA used proper protocol with regard to the DeFunis brief. The

The criticism of the Union's position, however, was not limited to procedural attacks. Many members of the CCAR and the UAHC vehemently opposed UAHC's support for the CDF's brief. One person in particular, Rabbi Jacob J. Petuchowski, professor at Hebrew Union College – Jewish Institute of Religion in Cincinnati (HUC-JIR), went out of his way to denounce the Reform Movement's position on affirmative action, as well as the entire enterprise of affirmative action. On March 19, 1974, Petuchowski submitted a letter to the editor of *The Jewish Post and Opinion* entitled, "Who to Blame if Your Children Lose Out on College Admissions."<sup>67</sup> The title in and of itself says a lot about what he thought of the UAHC's support for affirmative action. He wrote:

At stake is the legality or otherwise of quota systems at American Universities – or, as the protagonists of the system prefer to call it, "affirmative action."

What your readers may be surprised to learn, since there has been an absence of publicity about it, is that two Jewish organizations have actually joined... in filing a "Friend of the Court," brief in support of quota systems!

The two Jewish organizations are the Union of American Hebrew Congregations and the National Council of Jewish Women.<sup>68</sup>

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Executive Board ultimately granted the members of the CSA a vote of confidence. See UAHC, Transcripts of Executive Board Meetings, February 7, 1974 – June 1, 1975.

<sup>67</sup> Jacob J. Petuchowski, "Who to Blame if Your Children Lose Out on College Admission," *The Jewish Post and Opinion*, March 19, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

<sup>68</sup> Ibid.



Petuchowski was convinced that affirmative action meant establishing mandatory proportional quotas. Whereas in the 1970s approximately 80 percent of Jewish high school graduates went on to college, only 25 percent of non-Jewish high school graduates did the same.<sup>69</sup> This meant that statistically, Jews were a grossly over-represented minority on college campuses, and there was a large contingent of American Jews, Petuchowski among them, who believed that affirmative action would lead to reverse discrimination and a substantial decrease in Jewish admittance into top universities. These people assumed that if the Supreme Court, in its ruling on DeFunis, allowed for the continuation of affirmative action in universities then it was a “mathematical certainty” that Jewish applicants would suffer the consequences.<sup>70</sup> Petuchowski concluded his letter by questioning whether constituents of the UAHC actually knew that the UAHC had signed the brief against DeFunis, and if so, he wondered how they might respond.

It did not take long for Petuchowski’s letter to receive attention after its publication. Outraged by the letter, Al Vorspan penned a response the very next day. He called Petuchowski’s letter a “piece of sheer demagoguery and irresponsibility.”<sup>71</sup> At the time, Vorspan explained that he had four children in college, and asserted that Petuchowski’s claims were nothing but fear mongering. Vorspan refuted the idea that affirmative action meant establishing quotas, explaining that “every major Jewish organization is for affirmative action. Affirmative action is not—and need not be—a quota system.” According to Vorspan, there were “real concerns” in the DeFunis case,

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<sup>69</sup> “Paper Challenges Reform, Council in DeFunis Case,” *The Jewish Post and Opinion*, April 5, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

<sup>70</sup> Ibid.

<sup>71</sup> Letter From Al Vorspan, To The Editor of *The Jewish Post and Opinion*, March 20, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA

“good men and women [were] on both sides of this agonizing issue” and to make such a statement while lacking factual evidence was unnecessary.<sup>72</sup>

But Vorspan did not stop there. In his response, he also questioned whether Petuchowski could be a reliable spokesperson on the issue of affirmative action. Vorspan explained that:

Petuchowski’s sense of balance on the issue of racial justice is doubtful.

He once sent me a lurid clipping about the murder of a white woman in a black ghetto in Boston; with his own notation that he hoped I was satisfied. The implications are about as disgusting and irresponsible as his latest contribution to your pages.<sup>73</sup>

This letter not only challenged the validity of Petuchowski’s position on affirmative action, it was also clearly a personal attack on Petuchowski’s moral character and personal motivations, and ultimately only served to bring the conflict to a roiling boil. With this effort to defend the position of his CSA and the UAHC, Vorspan instead initiated a wave of assaults against himself, the UAHC, and affirmative action by leaders in the Jewish Community published in *The Jewish Post and Opinion*.

Another issue of concern of the Jewish community regarding affirmative action was given voice by *The Intermountain Jewish News*. This group of Jews was concerned that the UAHC and the NCJW, when they defended the University of Washington and affirmative action, were not properly advocating for their constituents. On April 5, the staff of *The Intermountain Jewish News* wrote forwarded their opinion to *The Jewish Post and Opinion* that the UAHC and NCJW had a responsibility to uphold the notion

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<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

“that their constituents’ Jewish self-interest comes first” and that placing “vague, debatable legal principles above the interest of the Jewish community” could lead to dramatic consequences for the Jewish people, particularly in the realm of university admissions.<sup>74</sup> One of the most significant factors that played a role in the newspaper stating this opinion was the fact that DeFunis was a Reform Jew and his family belonged to a Reform synagogue.<sup>75</sup>

The following week, on April 12, Rabbi Wayne D. Dosick wrote a letter to the paper regarding Vorspan’s attack on the position of Dr. Petuchowski, calling it “both disturbing and irresponsible.”<sup>76</sup> In the letter, Dosick snidely agreed with Vorspan that there were good men and women on both sides of the argument: “Vorspan and his cronies at the Union” were on one side, and Petuchowski, “a great teacher and advocate of Reform Judaism” was on the other.<sup>77</sup> He noted that:

We “good men” who see the university’s position as the worst and most dangerous kind of discrimination hear Vorspan’s arguments, but we disagree with his conclusions. We see nothing “affirmative” about the imposition of a quota system – only semantic games can call it anything else – which is central to the DeFunis case.<sup>78</sup>

Dosick viewed Vorspan’s support of affirmative action as giving up on all of the hard work Jews did in the previous decades to overcome quotas while fighting for merit-based standards and achievement as the criteria for acceptance into universities and in hiring

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<sup>74</sup> “Paper Challenges Reform, Council in DeFunis Case,” *The Jewish Post and Opinion*, April 5, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

<sup>75</sup> Ibid.

<sup>76</sup> Wayne D. Dosick, “Rabbi Believes Most Reform Jews Side with DeFunis, Not Vorspan,” *The Jewish Post and Observer*, April 12, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

practices. He attributed Vorspan's willingness to give up on all that hard work, to support a system that called for quotas and used race, sex and religion as categories for qualification, to a "bleeding-heart liberalism at best and... self hatred at worst."<sup>79</sup> In concluding, Dosick suggested that rather than calling Petuchowski names, Vorspan should do his due diligence to find out exactly how many American Reform Jews were actually on both sides of the issue; he supposed that Vorspan would find far more Reform Jews who favored Petuchowski's position over the Commission's.<sup>80</sup>

The following week, *The Jewish Post and Opinion* published Petuchowski's response. Petuchowski began his letter cynically sympathizing with Vorspan; "it must have been terrible for the prospective vice president of the UAHC, [Vorspan], to discover that many members of his constituency do not approve of his and his organization's stand on the DeFunis case."<sup>81</sup> Petuchowski then attempted to defend his good name against Vorspan's charges relating to the article mentioned above on the Boston murder of a white woman in a black neighborhood:

When I sent [Vorspan] the newspaper clipping about the incident of a white woman's being burned to death in a black neighborhood, I did **not** [emphasis in the original] express the hope that he would be satisfied. Why should that have satisfied him? What I did say in my letter to him was that I was interested to know whether his Social Action Commission would work up the same "prophetic" fervor condemning a wrong done to

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<sup>79</sup> Ibid.

<sup>80</sup> Ibid.

<sup>81</sup> Jacob J. Petuchowski, "Vorspan Resorts to Name-Calling Instead of Replying to Letter," *The Jewish Post and Opinion*, April 19, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

white people as it is in the habit of manifesting when wrongs are purportedly done to blacks.<sup>82</sup>

Petuchowski noted that in both the fire case and in this instance reacting to his letter on affirmative action, Vorspan wrote a letter of response but only resorted to meaningless banter and evaded the central issues. Petuchowski's main goal of the letter was to question the sincerity of Vorspan's pursuit of justice and he wondered why members of the SAC were not as committed to confronting examples of injustice when they happened to white people, or for that matter Jewish people, the group of people Vorspan was actually responsible for representing.

By the end of April, just before the Supreme Court ruled on the DeFunis case, the New York Federation of Reform Synagogues, the group Mersky represented when he wrote the article defending the CSA's use of proper procedure, turned its back on the UAHC, citing that "the Commission acted precipitously and with questionable procedure."<sup>83</sup> What made this act more significant was that Rabbi Balfour Brickner, who was a part of the committee of the CSA that worked to formulate the UAHC's opinion on affirmative action, served as the author of the bill. He told *The Jewish Post and Opinion* that he participated in this because ultimately he thought the New York Federation of Reform Synagogue's resolution was constructive, and it allowed the Federation's members to "blow off some steam."<sup>84</sup> He noted, however, that he did eventually want to persuade them to re-join with the UAHC and CSA's position on affirmative action, but

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<sup>82</sup> Ibid.

<sup>83</sup> Jean Herschaft, "New York Reform Wants DeFunis Stand Reviewed," *The Jewish Post and Opinion*, April 26, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

<sup>84</sup> Ibid.

“their minds [were] frozen” on the notion that affirmative action policies were not in the best interest of American Jews.

### **The Supreme Court’s Decision on DeFunis and UAHC’s Response**

On April 23, 1974, the Supreme Court ruled that the case *DeFunis v. Odegaard*, was moot:

Since [DeFunis] has now registered for his final term, it is evident that he will be given an opportunity to complete all academic and other requirements for graduation, and, if he does so, will receive his diploma regardless of any decision this Court might reach on the merits of this case. In short, all parties agree that DeFunis is now entitled to complete his legal studies at the University of Washington and to receive his degree from that institution. A determination by this Court of the legal issues tendered by the parties is no longer necessary to compel that result, and could not serve to prevent it. DeFunis did not cast his suit as a class action, and the only remedy he requested was an injunction commanding his admission to the Law School. He was not only accorded that remedy, but he now has also been irrevocably admitted to the final term of the final year of the Law School course. The controversy between the parties has thus clearly ceased to be 'definite and concrete' and no longer 'touch[es] the legal relations of parties having adverse legal interests.'<sup>85</sup>

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<sup>85</sup> Marco DeFunis et al. v. Charles Odegaard, 416 US 312 (1974).

Members of the court of public opinion, however, thought that the Supreme Court was “merely running away from [this] emotion laden issue.”<sup>86</sup> However, the court affirmed that it was not skirting around the issue, rather it noted that “under the Constitution, the federal courts ‘are without power to decide questions that cannot affect the rights of the litigants before them.’”<sup>87</sup> In other words, the Court cannot answer abstract questions that are not squarely presented in the case.

While five judges ruled that the case was moot, four justices ruled that it was not yet a guarantee that DeFunis would be awarded his degree; there were unforeseen circumstances that could have prevented him from graduating – sickness, a failed class, etc. – any circumstance disqualifying DeFunis from graduating at the conclusion of the semester would have enabled the court to address the substantive issues before it. It appears, however, that only one Judge, William O. Douglas, attempted to “tackle the thorny issue of reverse discrimination.”<sup>88</sup> He wrote in his opinion that the States

may not proceed by racial classification to force strict population equivalencies for every group in every occupation, overriding individual preferences. The Equal Protection Clause commands the elimination of racial barriers, not their creation in order to satisfy our theory as to how society ought to be organized. The purpose of the University of Washington cannot be to produce Black lawyers for Blacks, Polish lawyers for Poles, Jewish lawyers for Jews, Irish Lawyers for the Irish. It

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<sup>86</sup> “DeFunis Non-Decision,” *The New York Times*, April 24, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Acton, AJA.

<sup>87</sup> “The DeFunis Ruling,” *The Washington Post*, April 26, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Acton, AJA.

<sup>88</sup> *Ibid.*

should be to produce good lawyers for Americans and not to have First Amendment barriers against anyone.<sup>89</sup>

According to Judge Douglass, universities were free to use a variety of factors when screening candidates for admission. It is possible, he noted, for a school to give a special allowance “for the black applicant who pulls himself out of the ghetto.”<sup>90</sup> Douglass hypothesized that it is possible that this student would have a better chance to succeed than “the son of a rich alumnus who achieved better grades at Harvard.”<sup>91</sup> He emphatically stated that the universities involved were free to give special weight to whatever categories they desired, so long as they were neutral when it came to the issue of race; and “any policy not administered in a racially neutral way is in violation of the equal protection clause, no matter how socially well-intended.”<sup>92</sup> He was ultimately confident that the Supreme Court would agree to hear a similar case in the near future, and therefore it was necessary to write a dissenting opinion that dealt with the real issues.

Immediately following the Supreme Court’s ruling on *DeFunis*, the RAC and CSA released a statement, authored by Albert Arent, that they were “neither surprised nor disappointed by the Supreme Court’s action in mootng the *DeFunis* case.”<sup>93</sup> Arent reaffirmed the UAHC’s position that *DeFunis* was not “a case of quotas,” and if it had been, the UAHC and the CSA would have joined with the other Jewish organizations in their support of *DeFunis*.<sup>94</sup> Arent also explained that one reason the UAHC took the stand it did was to show that “there was not a monolithic view in the Jewish community” in

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<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

<sup>92</sup> “*DeFunis* Non-Decision,” *The New York Times*, April 24, 1974, RAC Collection, Box 43, Folder 1: *DeFunis* Case – Affirmative Acton, AJA.

<sup>93</sup> Albert E. Arent, Statement on the *DeFunis* Case, Undated, 1974, RAC Collection, Box 43, Folder 1: *DeFunis* Case – Affirmative Action, AJA.

<sup>94</sup> Ibid.



relation to the case and with respect to affirmative action in general. Because the DeFunis case was so ambiguous, Arent believed that it was wise for the court to moot the case, echoing Justice Douglas's understanding that there would most certainly be another case, more clearly defined, dealing with the same issues to come along in the near future.<sup>95</sup>

The Supreme Court ruling did not signal an end to the controversy. Rabbis and congregational representatives continued sending letters to the editor of the *Jewish Post and Opinion*. On May 3, Rabbi I. B. Koller sent in a hyperbolic letter that further criticized the UAHC for its support of preferential treatment for minorities. In the first half of Koller's letter he explained:

To my knowledge, no team ever practiced "affirmative action" by declaring that a certain percentage of its players would be black regardless of talent, ability to draw crowds or make contributions to the sport in question. Teams sought out talented blacks, not just blacks. They failed to recruit incompetent whites, not just whites. Jackie Robinson and Henry Aaron were not recruited because they were black but because they played great baseball. My next-door neighbor failed to join the Los Angeles Dodgers' farm team not because he is white but because the scouts considered him a poor investment as a baseball player.<sup>96</sup>

Using this sports analogy, he argued that giving preferential treatment to blacks because of past discrimination was counter-intuitive to creating equality. He asked why Jews should be responsible for "[paying] the price of past and present black disadvantages?" and he attempted to minimize the role Jews played in the American slave trade and Jim

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<sup>95</sup> Ibid.

<sup>96</sup> I. B. Koller, "Reform Movement Should Reverse Position on the DeFunis Case," *The Jewish Post and Opinion*, May 3, 1974, RAC Collection, Box 43, Folder 1 DeFunis Case – Affirmative Action, AJA.

Crow laws, two very sensitive topics within the African American community.<sup>97</sup>

Furthermore, Koller threatened the UAHC, exclaiming, “the UAHC should quickly and with wise resoluteness take some affirmative action of its own,” reverse their position on affirmative action, “before the justified wrath of the Reform constituency descends upon [the UAHC’s] head with a rightful and deserved vengeance.”<sup>98</sup>

While *The Jewish Post and Opinion* claimed that they were proud of the coverage they were giving affirmative action, and the controversy between UAHC and members of the Reform community, their efforts also publicized remarks that were openly racist. They also broadcast to the world letters that affirmed the fears held by some leaders in the Reform Jewish community that the Reform Movement was in the midst of a departure from their universalistic positions on humanity, and moving toward the classical particularistic ethnocentrism of Judaism.

### **The Effect of the DeFunis Case on Black-Jewish Relations**

In his dissenting opinion in *Plessy v. Ferguson* of 1896, Justice Harlan declared that the “Constitution is color-blind, and neither knows nor tolerates classes among citizens.”<sup>99</sup> Justice Harlan thought that it was only possible to give equal treatment under the law if employers did not consider race or other arbitrary guidelines. Thus, from the start of the civil rights movement in the 1950s and 1960s, there was a focus on the need to ban discriminatory practices. However, in the late 1960s and early 1970s, the U.S. government prescribed policies of affirmative action to aid those disadvantaged by

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<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> Anthony Lewis, “The Legality of Racial Quotas,” *The New York Times*, March 3, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

history.<sup>100</sup> Supporters of affirmative action, including President Johnson, often compared the racial situation in America to two people running a race. The first runner, unencumbered by his surroundings had a clear advantage over the second runner who had been shackled for two hundred years by slavery, segregation, and discrimination. According to Johnson, this second runner needed special assistance in order for the race to be fair and competitive. Someone needed to provide the second runner with special assistance to place both runners on a level playing field until he was capable of competing on his own merit.<sup>101</sup> The government called the advantage given to the minority populations in the U.S. after 1965 affirmative action. The DeFunis case was supposed to serve as a landmark case in establishing appropriate methods for enacting affirmative action policies outside of the use of racial quotas or preferential treatment based on race. Instead, the Supreme Court ruled that the case was moot, and avoided answering the controversial questions about what role race should play in the admissions process of universities, and what other actions could be taken to ensure a more equal playing field for minority candidates.

Joe Rauh, a member of the CSA and an attorney for the LCCR, wrote a statement for the CSA's periodical, *This and That*, outlining what he saw as some of the biggest problems with Black-Jewish relations in 1973:

Jews, who only a generation ago were barred by restrictive covenants and other discriminatory practices from desirable residential areas, now seek to block housing projects which would afford blacks the opportunity to leave

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<sup>100</sup> Ibid.

<sup>101</sup> Nina Totenberg, "Discriminating to End Discrimination: The Painful DeFunis Case Raises the Specters of Racism and Anti-semitism," *The New York Times*, April 14, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

the ghetto... Jews, who once saw their children barred from schools that offered the best educational opportunities, now join the taunting of black children bussed to schools for a better education. Jews who once complained about discrimination in employment – and some who still do – now oppose the only effective method by which blacks can be assured jobs from which they have been so long excluded... the use of goals and timetables to measure the effectiveness of government and private employers in overcoming past discriminations.<sup>102</sup>

Rauh, like many other Jewish civil rights activists who clearly remembered the strong bonds of the Black-Jewish civil rights coalition, as well as the lead role taken by Jews in fighting for the equal civil rights of African Americans, were troubled by growing hostility in the Jewish community towards blacks.<sup>103</sup>

During this period there were several factors contributing to the divide between the Jewish community and the African American community. In November 1974, Rabbi Irwin Blank, President of the Synagogue Council of America, summarized one Jewish view of African Americans: “As long as Jews persist in seeing in black people the symbol of threats to economic security, community stability, [and] third world hostility to Israel,” then tensions between the two groups will remain high.”<sup>104</sup> Both communities had within them sub-groups that were shifting towards factionalism. In 1972, at a Black American political convention, there was a recognizably sharp split “between those

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<sup>102</sup> Joseph Rauh, Jr. “Are Jews on the Wrong Side of the Racial Issue,” *This and That* no. 59, August 31, 1973.

<sup>103</sup> Alvin F. Poussaint, “On Splitting the Jewish and Black Communities,” *The New York Times*, April 11, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

<sup>104</sup> William E. Farrell, “Black-Jewish Coalition Is Sought by Religious Leaders at Parley,” *The New York Times*, November 13, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

committed to separatism and nationalism and those committed to integration.”<sup>105</sup> Black power groups, or separatist groups like the Black United Front of Washington, D. C., the Black Panthers, and the Nation of Islam, were becoming prominent during this period from the late 1960s through the early 1970s. Growing numbers of African American young people and leaders were joining these groups, which many Jews felt were becoming increasingly anti-Semitic and anti-Israel. At the 1972, National Black Political Convention in Gary, Indiana, these organizations came together and “snuck through” a resolution denigrating Israel, calling it a nation of fascist occupiers, murderers, and usurpers of land.<sup>106</sup> They called for the United States Government to “immediately end its economic and military support of the Israeli regime.”<sup>107</sup>

Leaders in the African American community tried to show that statements like this one were only coming from members of the aforementioned “fringe organizations.” After the National Black Political Conference in Gary, Indiana passed their anti-Israel resolution, the Congressional Black Caucus, made up of thirteen members of the House of Representatives wrote a press release condemning the resolution, and trying to ease the rising tensions:

As the black-elected representatives to the United States Congress, we reaffirm our position that we fully respect the right of the Jewish people to have their own state in their historic national homeland. We vigorously

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<sup>105</sup> Arnold Aaronson, “Memo RE: Resolution on Israel of the National Black Political Convention,” *This and That* no. 57, April 11, 1972.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

oppose the efforts of any group that would seek to weaken or undermine Israel's right to exist.<sup>108</sup>

However, these efforts by the Congressional Black Caucus were not enough to assuage the fears held by some in the Jewish community who believed that they were under attack by African Americans. This perception, that the black community was attacking the Jewish community, was another reason some Jews argued in favor of increased Jewish separatism: the Jewish community, according to these people, should be more focused on defending their own Jewish self-interest.

In May of 1974, Brenda Tanger, member of the Hillel Board of Directors for Brooklyn College and prominent Jewish philanthropist, wrote to Kivie Kaplan, President of the NAACP, explaining her perception of the situation. She claimed that “well meaning Jews, remembering so clearly horrors perpetuated against black people, [were] so absorbed by the past that they simply [refused] to see the new reality – hostility toward Jews by blacks.”<sup>109</sup> Tanger claimed that most of the old guard of the black community no longer held political influence over the younger generation, and therefore were not effective allies in the struggle to strengthen Black-Jewish relations.

From the other side, Rabbi Blank, postulated that “as long as black people see Jews as the symbol of white oppression, the super-slumlord, the super-small-storekeeper exploiter, the super-employee discriminator, then it will be that much more difficult for the black community to come to a realistic appraisal of the source of its problems.”<sup>110</sup>

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<sup>108</sup> William Clay, “Statement of Congressional Black Caucus,” March 20, 1972, *This and That* no. 57, April 11, 1972.

<sup>109</sup> Letter from Brenda R. Tanger, to Kivie Kaplan, May 15, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

<sup>110</sup> William E. Farrell, “Black-Jewish Coalition Is Sought by Religious Leaders at Parley,” *The New York Times*, November 13, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

Jews, in the eyes of many African Americans, had risen above the years of discrimination, and now because of their skin color were able to assimilate almost seamlessly into ranks of the white elite. Furthermore, there was a perception that any assistance given to the African American community by the Jewish community was done out of a sense of “paternalism.”<sup>111</sup> There was also a perception within the African American community that Israel, like the United States, was a self-proclaimed (not actual) democracy ruled by a fair skinned elite majority – the Jews – who subjected a darker skinned minority – the Arabs – to unjust discrimination.<sup>112</sup>

The greatest symbol of Jews taking advantage of their new “elite” status was Marco DeFunis, the Jew who filed a reverse discrimination lawsuit and discouraged the continuation of policies designed to combat circumstantial disadvantages caused by years of discrimination. The fact that DeFunis was backed by at least three major Jewish organizations only made things worse. The tension in the courtroom was thick. Nina Totenberg, reporter for *The New York Times*, after observing the arguments of the case, noted that there was something about the “whole affirmative action question [that] seem[ed] to bring out the worst in Jews and blacks.”<sup>113</sup> Totenberg was surprised at how poorly each side thought of the other and how open they were to making racist or slanderous statements. One of the briefs filed by DeFunis’ lawyers said the “predominance of whites in the university law school may well be explained by a lack of inclination or aptitude on the part of blacks for such studies,” implying that black

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<sup>111</sup> Letter from Brenda R. Tanger, to Kivie Kaplan, May 15, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

<sup>112</sup> “National Black Political Convention: Resolution on Israel,” *This and That* no. 57, April 11, 1972. There were many other factors contributing to the rising tensions in relations between the African American and Jewish communities. Specifically, the islamization of some factions within the African American community contributed a great deal to this new dynamic, especially when discussing Israel. However, in the documents reviewed, little was mentioned about this particular dynamic.

<sup>113</sup> Totenberg, “Discriminating to End Discrimination”

students simply were not smart enough, or mentally astute enough to qualify for admissions on their own merit.<sup>114</sup> On the other hand, Defunis's attorney used another sports argument to justify his reverse discrimination case. He explained that blacks dominated the heavyweight boxing division and professional basketball teams, and that "special treatment should be given to whites to achieve racial balance in athletics."<sup>115</sup> In the worlds of heavyweight boxing and basketball, whites were considered the minority. DeFunis's lawyer claimed that by giving whites more opportunities in these sports for no other reason save that they were white, would be an example of showing racial preference for an unqualified minority.

Members of the African American community said inappropriate and inaccurate things as well. William Raspberry, a black columnist for the *Washington Post*, claimed that Jews were leading the fight against affirmative action in an effort to maintain their disproportionately high numbers on America's college campuses.<sup>116</sup> Totenberg, in her report, singled out one observer, a Jew and a supporter of affirmative action, Arthur Goldberg, a former Supreme Court Judge. Goldberg, a civil rights activist for most of his life, conceded that it was "tragic that the two most persecuted minorities should fall apart on this issue."<sup>117</sup>

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<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

<sup>116</sup> William Raspberry, "Fighting Campus Discrimination," *The Washington Post*, March 15, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

<sup>117</sup> Nina Totenberg, "Discriminating to end Discrimination: The Painful DeFunis Case Raises the Specters of Racism and anti-Semitism," *The New York Times*, April 14, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.



## **When Cooler Heads Prevail: Trying to Find Common Ground**

It did not take long for responsible parties from both communities to recognize that both groups needed to do something to start mending wounds. These two powerful minority communities and former political allies came together several months after the conclusion of the case, writing a letter to Casper W. Weinberger, Secretary of Health, Education, and Welfare to show that they were working on “non-discriminatory guidelines” for recruitment of minorities at universities and other places of higher education.<sup>118</sup>

Early in May, Clarence Mitchell, chief lobbyist for the NAACP, wrote a letter to the editor of the *Washington Post* explaining what he saw as the fundamental problem in the DeFunis case and the real reason behind the split between the African American and Jewish communities.<sup>119</sup> He explained that the Jews and the blacks were using the same word, defined differently, to describe diametrically opposite ideas: quotas. The Jews were concerned because in the past, the government had used quotas to exclude the Jewish community from higher education and employment opportunities. Meanwhile, African Americans, in their struggle for equal rights, saw quotas as a means to guarantee at least a mandatory minimum in professional schools, like law schools and medical schools and in places of employment.<sup>120</sup> Once dialogue began and these groups realized the misjudgment made, the Jewish community discovered that affirmative action was not the

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<sup>118</sup> William Raspberry, “Finding a Substitute for Quotas,” *The Washington Post*, June 10, 1974, RAC Collection, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA. The following people served as the representatives for their organizations in the initial meetings: Benjamin R. Epstein, the National Director of the Anti-Defamation League; Naomi Levine, executive director of the American Jewish Congress; Bertram H. Gold, Executive Vice President of the American Jewish Committee; Roy Willkins, Executive Director of the NAACP; Vernon Jordan, Executive Director of the Urban League; and Cesar Perales, Executive Director of the Puerto Rican Legal Defense and Education Fund.

<sup>119</sup> Clarence Mitchell, “The DeFunis Ruling,” *The Washington Post*, April 24, 1974, RAC Collection, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

<sup>120</sup> Ibid.

enemy, and the African American community regained a strong political ally in their continued struggle for civil rights. Vernon Jordan of the Urban League explained that the “intensity with which [Jews fought] affirmative action” caught the black community off guard, mostly because there was no “comparable intensity in seeking an effective substitute for it.”<sup>121</sup> It appeared to African-American groups that these Jewish groups were trying to suppress efforts to eliminate discrimination. Jordan explained further that the African American community as a whole was never advocating for “rigid numerical quotas.”<sup>122</sup> He and others in the African American community recognized that “unqualified persons should [not] be made doctors, lawyers, or teachers” simply because there was racial “underrepresentation” in a particular field. He asserted, however, that people in positions of authority and power needed to take steps, beyond passing ineffectual legislation, to ensure that “equal access becomes a fact.”<sup>123</sup>

This new coalition, which less than a month before would have seemed impossible, was now assembled under the guidance of Eleanor Holmes Norton, chairman of the City of New York’s Commission on Human Rights, and Weinberger, charged with the task of issuing “non-discriminatory guidelines clarifying how educational institutions can best develop appropriate tools for special efforts to recruit persons from previously excluded groups.”<sup>124</sup> By working through the issues together, they discovered that they could accomplish the goals of both groups.

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<sup>121</sup> William Raspberry, “Finding a Substitute for Quotas,” *The Washington Post*, June 10, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

<sup>124</sup> William Raspberry, “The Future of a Civil Rights Coalition,” *The Washington Post*, June 3, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action, AJA.

There was, however, one major irony in this situation. The coalition left the one major national Jewish organization that supported affirmative action in the DeFunis case, the UAHC, out of this reconciliation conference. It appears that Vorspan initially learned of the conference from the *JTA Daily News Bulletin* from July 11, 1974.<sup>125</sup> He sent letters to both Weinberger and Norton, requesting that “the Commission on Social Action be represented in these consultations so that the diversity which exists within the Jewish community on this issue is fully reflected in these discussions.”<sup>126</sup> Initially this request was denied; Vorspan received a letter from Norton on August 5, 1974 explaining that she was “aware of course, that advice from a range of other organizations would be extremely valuable in assembling the best thinking this question can produce, but to have moved beyond the six to the dozens of other concerned organizations was beyond my capacity to do in a fair amount of time.”<sup>127</sup> While initially denying Vorspan and the CSA a formal place at the table, Norton sincerely thanked Vorspan for the materials he had already forwarded her about the UAHC’s position on affirmative action, and professed that she would be grateful for any additional information he could provide.<sup>128</sup>

By the end of August, however, Vorspan received a different response from one of Weinberger’s representatives:

Because of your organization’s continuing interest in this vital question,  
we anticipate that you can make a significant contribution to any such

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<sup>125</sup> Joseph Polakoff, “Government to Consult with Jewish Black, Spanish Groups on Issues Raised in the DeFunis Case,” *JTA Daily News Bulletin*, July 11, 1974, RAC Collection, Box 43, Folder 1: The DeFunis Case, AJA. On this copy of the newspaper article in the archives, you can see Vorspan’s handwriting above the article reminding him to contact Weinberger and Holmes.

<sup>126</sup> Letter from Albert Vorspan to Caspar W. Weinberger, July 18, RAC Collection, Box 43, Folder 1: DeFunis Case – Affirmative Action.

<sup>127</sup> Letter from Eleanor Holmes Norton to Al Vorspan, August 5, 1974, RAC Collection, Box 43, Folder 1: DeFunis Case, AJA.

<sup>128</sup> Ibid.

discussions. Therefore, I am pleased to extend an invitation for you or a representative to join with us at a meeting to be convened in Washington on September 20, 1974.<sup>129</sup>

While this particular meeting was postponed,<sup>130</sup> the groups remained intent on meeting with each other to discuss affirmative action issues. Leaders of the Jewish and African American communities met a number of times from September 1974 to April 1975.<sup>131</sup> In an interview for the *New York Times* in April 1975, Norton explained her perception of how the relationship between blacks and Jews descended “in the late nineteen-sixties and descended a little more around some volatile issues like hiring quotas, the teacher’s strike and the DeFunis case,” not to mention the negative views by certain African American groups towards Israel. However, she also noted that there was no doubt in her my mind that notable improvements had been made in the year following the DeFunis case.<sup>132</sup> Norton described one “landmark” meeting called by the Synagogue Council of America where “black and Jewish leaders from a variety of organizations...drafted a statement urging businesses hit by the recession to use cost-cutting measures instead of layoffs, because layoffs would fall most severely on low-seniority employees hired under recent affirmative action plans.”<sup>133</sup>

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<sup>129</sup> Letter from Peter Holmes to Al Vorspan, August 28, 1974, RAC Files, Box 43, Folder 1: DeFunis Case, AJA.

<sup>130</sup> Ibid. In Vorspan’s handwriting at the bottom of the letter, he wrote that the meeting was postponed, and there does not appear to be any record that this particular meeting occurred.

<sup>131</sup> Paul Selaney, “Minority Parley Planned for ’75,” *The New York Times*, September 29, 1974; Walter Morrison, “Jewish, Black Clergy Join Forces,” *Chicago Daily News*, November 13, 1974; Paul L. Montgomery, “Blacks and Jews Viewed As Drawing Closer Again,” *The New York Times*, April 15, 1975.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid. In addition to the progress made with respect to Jews giving support to affirmative action programs during this year following DeFunis, leaders in the African American community made statements expressing their support for Israel and the civil rights of Soviet Jews.

## **Bakke and the Resolution**

Despite the year of good relations between the Jewish and African American community leaders following the DeFunis case, the institutions of Reform Judaism still failed to formally express their support for affirmative action. Then in 1977, tensions rose again when the U.S. Supreme court agreed to hear a new affirmative action case, *Regents of the University of California v. Bakke*. Many of the details of this case were identical to the details of the DeFunis case. It was an example of a white student who was denied admission into a professional school at a public university. In both cases the plaintiffs claimed that the university policy of preferential treatment for minority applicants represented a violation of their fourteenth amendment rights. The biggest difference between the two cases was with respect to the issue of quotas. While all reasonable parties agreed that the DeFunis case was not a case involving quotas, in the Bakke case the University of California at Davis specifically set aside fifteen spots out of one hundred possible admittances for minority or economically disadvantaged applicants.<sup>134</sup> Mr. Reynold H. Colvin, Bakke's lawyer, maintained that Bakke was a victim of an unconstitutional quota "where the number [was] chosen first and then the number [was] filled regardless of the standard."<sup>135</sup>

Another important similarity between the two cases is that the Bakke case again divided the Jewish community, and reopened the wounds in the relationship between the leaders of the Jewish and African American communities. Again Jewish organizations found themselves on the opposite side of the courtroom from their formal civil rights

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<sup>134</sup> *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978).

<sup>135</sup> Warren Weaver, Jr., "Justices Hear Bakke Arguments But Give Little Hint on Decision," *The New York Times*, October 13, 1977.

allies, the NAACP.<sup>136</sup> In total, 58 *amici* briefs were filed, including one from President Carter's administration. However, organizations like the LCCR and the American Federation of Labor, which contributed to the filing of briefs in the DeFunis case, refrained from submitting briefs in the Bakke case because "their ranks were so divided."<sup>137</sup>

Two other groups that also noticeably refrained from submitting briefs in the Bakke case were the UAHC and the NCJW, the two Jewish organizations who sided with the University of Washington in the DeFunis case. Both organizations maintained their positions that "the DeFunis case was only one of goals and timetables, and therefore proper; the Bakke case [was] clearly one of quotas."<sup>138</sup> Instead of filing a brief, the UAHC passed a formal resolution finally giving full institutional credibility to their position on affirmative action:

As Jews who are deeply committed to the prophetic imperatives of our tradition, we are dedicated to those deeds that will create justice for all the people of our country. Affirmative action aimed at correcting historic injustice in our society is a significant and successful vehicle for achieving such a goal.

We must be particularly sensitive to the dangers that we face in a society where inequity is allowed to persist. The long-range interests of our people, as well as of all Americans, are best served by the creation of a society that is truly just.

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<sup>136</sup> Steven B. Roberts, "Longtime Allies on Rights Split by Bakke Case," *The New York Times*, September 25, 1977.

<sup>137</sup> Ibid.

<sup>138</sup> Nina Cardin, "Bakke, the Jews, and Affirmative Action," *Sh'ma* 8/147 (February 3, 1978): 53–57.

BE IT, THEREFORE, RESOLVED THAT we, the members of the UAHC, feel that the continued denial of equal opportunity makes it morally obligatory that universities, labor unions, employers, and governmental institutions utilize goals and timetables (rather than quotas) in an effort to provide economic and educational opportunities for qualified Blacks, Chicanos, women, and economically disadvantaged persons and minorities.<sup>139</sup>

While the UAHC was previously adamant about denouncing quotas, even while supporting goals and timetables, in this resolution they only parenthetically denounced the use of quotas.

In the time that passed between the DeFunis case and the Bakke case, there were those in the Jewish community, including Joseph Rauh, a member of the committee of the CSA responsible for the UAHC's signing of the CDF's brief in the DeFunis case, who changed their view on quotas. In an interview about the Bakke case, Rauh said:

I'm for whatever has to be done to give preference to qualified blacks...

Many white people will suffer, and I don't think anyone is not compassionate toward Mr. Bakke. But the problem is comparing his right against those who have been so long discriminated against.<sup>140</sup>

These sentiments showed that some members of the UAHC felt that any "temporary disadvantage" created by the implementation of quotas was worth the trouble in order to

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<sup>139</sup> Union of American Hebrew Congregations 45<sup>th</sup> General Assembly, Affirmative Action, November 1977, [http://urj.org/about/union/governance/reso//?syspage=article&item\\_id=2153](http://urj.org/about/union/governance/reso//?syspage=article&item_id=2153) (accessed, March 27, 2012).

<sup>140</sup> Steven B. Roberts, "Longtime Allies on Rights Split by Bakke Case," *The New York Times*, September 25, 1977.

“eradicate the scars of past injustices and open the way for individuals to be judged on their own achievements.”<sup>141</sup>

While representatives of the UAHC might have been wavering on the issue of quotas, the NCJW remained firmly opposed to quotas.<sup>142</sup> Because of this, some expected that the NCJW would file a brief in favor of Bakke, who was clearly a victim of an established quota. However, representatives of the group felt that a pro-Bakke ruling would ultimately be “misinterpreted as a blow against all affirmative action programs” which would not accurately reflect the NCJW’s overall positive view of affirmative action policies that utilized goals and timetables.<sup>143</sup>

## **Conclusion**

Affirmative action has been a painful and divisive issue for American Jews. The memories of past discrimination related to restrictive quotas, the division of once-strong civil rights allies and the fear of losing the social gains achieved in the 1950s and 1960s all contributed to the controversy over affirmative action. While the Reform Movement was initially hesitant to involve itself in the issue of affirmative action, once it became a player, it never conceded its position that affirmative action has a vital role to play in providing minority groups with opportunities in education and employment that otherwise might not be available.

While other Jewish organizations became concerned with the government’s prescription of affirmative action programs once it called for “underutilization” studies — which looked eerily similar to the establishment of mandatory quotas, the Reform

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<sup>141</sup> Cardin, “Bakke, the Jews, and Affirmative Action,” *Sh’ma* 8/147 (February 3, 1978): 55.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid.



Movement waited until the case of *DeFunis v. Odegaard* reached the Supreme Court to get formally involved in the issue. Though the reason is downplayed in the primary documents from the Reform Movement related to the DeFunis case, one aspect that played a significant role in the Reform Movement's engagement with this case was the fact that DeFunis was a Reform Jew and his family belonged to a Reform Synagogue in Seattle.<sup>144</sup>

Despite this fact, the UAHC chose to support the University of Washington's affirmative action program rather than supporting DeFunis. The institutions of Reform Judaism have felt that affirmative action has been the "great equalizer" ensuring that "women and minorities [have] a level playing field in education and employment opportunities."<sup>145</sup> The UAHC deemed the affirmative action program a reasonable one and decided that in this case it could advocate for the University even against one of its own constituents, even at the cost of significant criticism from prominent Jewish leaders.

Looking at the DeFunis case not only provides insight for how the institutions of Reform Judaism responded to controversial political issues of the past, it also may serve to inform the Reform Movement's response to the issue of affirmative action as it is being addressed in the courts today. Over forty years after the idea of affirmative action was introduced by executive order, it still plays a vital role in American political life. In fact, the U.S. Supreme Court recently agreed to hear the affirmative action case *Fisher v.*

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<sup>144</sup> Albert Vorspan and David Saperstein, *Jewish Dimensions of Social Justice: Tough Moral Choices of Our Time* (New York: UAHC Press, 1998), 218.

<sup>145</sup> Molly Benoit, "Focus on the Court: The Great Equalizer Under Attack," Religious Action Center of Reform Judaism Blog, February 22, 2012, <http://blogs.rj.org/rac/2012/02/22/thegreatequalizerunderattack/> (accessed, March 27, 2012).

*University of Texas at Austin*,<sup>146</sup> which will determine whether the Equal Protection Clause of the Fourteenth Amendment, including the ruling of *Grutter v. Bollinger*, permits the University of Texas at Austin's use of race in undergraduate admissions decisions. By agreeing to hear *Fisher v. University of Texas at Austin*, the Supreme Court will officially revisit the same questions posed to the court by *DeFunis v. Odegaard* and *Regents of the University of California v. Bakke*. Also like in the case of *DeFunis*, there is a danger that the Supreme Court might declare the case to be moot due to lack of jurisdiction – after being rejected from the University of Texas, Fisher enrolled at Louisiana State University.<sup>147</sup> As the hearing date approaches, Reform institutions like the RAC claim that they will be monitoring the case, proving that this issue remains important for Reform Judaism.

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<sup>146</sup> Bill Powers, Statement Regarding U.S. Supreme Court Decision to Hear *Fisher v. The University of Texas*, February 21, 2012, [http://www.utexas.edu/news/2012/02/21/supreme\\_court\\_decision/](http://www.utexas.edu/news/2012/02/21/supreme_court_decision/) (accessed, March 27, 2012).

<sup>147</sup> Benoit, "Focus on the Court: The Great Equalizer Under Attack," Religious Action Center of Reform Judaism Blog, February 22, 2012, <http://blogs.rj.org/rac/2012/02/22/thegreatequalizerunderattack/> (accessed, March 27, 2012).

### **Chapter III: The First Lebanon War: American Reform Zionism and the Search for**

#### **Israel's Jewish Soul**

On December 6, 1981, Al Vorspan, Vice President of the Union of American Hebrew Congregations, gave the keynote speech to the General Assembly of the UAHC Biennial in which he addressed the American Jewish community's unanimous support for Israel with respect to issues related to American foreign policy. For Reform Jews living in America, the Six Day War produced and the Yom Kippur War reinforced "a contagious wave of heightened Jewish identity coupled with a new consciousness of the role of Israel" in their lives and of the role that American Jews should play in showing support for Israel.<sup>1</sup> Vorspan's speech responded to the Reagan Administration's agreement with Saudi Arabia in 1981 to sell the E-3 airborne warning and control system (AWACS),<sup>2</sup> a sophisticated device used "to carry out airborne surveillance, and command, control, and communications functions for both tactical and air defense forces"<sup>3</sup> to Saudi Arabia. Vorspan explained that to American Jews this move by the Reagan administration fully demonstrated that the interests of Israel and the American Jewish community were subordinate to the "furious lobbying of the Saudis" and "the superior claim of Saudi oil, investment, trade, and influence" when it came to implementing foreign policy.<sup>4</sup> The good news, in Vorspan's opinion, was that American Jews were so united in opposition to the sale of sophisticated U.S. weaponry to Saudi Arabia, and in support for Israel that they "joined this battle before the Israelis even

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<sup>1</sup> Garson Herzfeld, "Changing Attitudes of American Reform Judaism with Respect to the Zionist Idea" rabbinic Thesis (HUC-JIR, 1979), 101.

<sup>2</sup> Albert Vorspan, "Keynote Speech," 56<sup>th</sup> General Assembly, December 6, 1981, RAC Files, Box 11, Folder 2: Judaism and Arms Control: Sermons, Speeches, AJA, 4.

<sup>3</sup> Airforce-technology.com, "E-3 AWACS, United States of America," <http://www.airforce-technology.com/projects/e3awacs/> (accessed March 25, 2012).

<sup>4</sup> Vorspan, "Keynote Speech," RAC Files 11:2, AJA, 4-5.

decided to go all out” against it.<sup>5</sup> However, after praising this unity in the American Jewish community on the issue of Israel, Vorspan, in an apparent moment of premonition, posed a series of questions to the UAHC’s Biennial General Assembly:

What if, in the future, the Israelis have to go to the wall on an issue – such as the rights of the Palestinians, military actions in Lebanon or collective punishment on the West Bank or whatever – in which American Jews are divided not only in terms of public relations but perhaps even in principle and conscience? Do we go along anyway out of an automatic sense of Jewish loyalty? Do we have a right to disagree with Jerusalem as we do so frequently with Washington?<sup>6</sup>

This chapter is dedicated to showing how the American Reform Movement responded these questions, specifically in the context of Israel’s invasion of Lebanon in June 1982, the controversial siege of Beirut, and ultimately the tragedy of the massacres at the Sabra and Shatila Refugee camps.

This chapter is divided into three sections, Reform Zionism before 1982, Phase One of the War – *M’vatzeh Shalom HaGalil* – Operation Peace for Galilee, and Phase Two of the War – When Israel Crossed the Line and Marched on Beirut – identified by Abba Eban<sup>7</sup> as the Beirut War.

The pre-1982 section explains what it meant for the Reform Movement to be a part of the unanimous American Jewish voice of support for the state of Israel. This section looks at how the institutions of Reform Judaism responded to the Six Day War of

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<sup>5</sup> Ibid., 5.

<sup>6</sup> Ibid.

<sup>7</sup> Abba Eban, “The Beirut Trauma,” *The Jerusalem Post International Edition*, August 8–14, 1982. See also, Balfour Brickner, *How I Spent My Summer: Discussion on the Middle East Situation*, September 12, 1982 (with subsequent revision date unknown), Mss. Coll. 776, Box 8, Folder 10, AJA, 2.

1967 and the Yom Kippur War of 1973. Additionally, this initial section describes the efforts of the Reform institutions to encourage American Reform Jews to embrace Israel fully and ultimately to “[link] American Reform Jewry with the World Zionist Organization.”<sup>8</sup> The latter portion of this first section explores how the Reform Movement responded to the developments in Israeli politics immediately preceding Israel’s 1982 invasion of Lebanon, including the AWACS controversy, Operation Opera,<sup>9</sup> and Israel’s response to the PLO’s 1981 stockpiling of arms on the Israel-Lebanon border.

The second section of this chapter explains how American Jews and the Reform Movement responded favorably towards Operation Peace for Galilee. American Jews generally supported Israel’s desire to push back the PLO, which had established their position along Israel’s border, to create a buffer zone, which would ensure that PLO artillery posed no threat to Israeli citizens. The biggest problem for Israel was that the PLO had established posts in residential buildings in populated areas. The unfortunate consequence of this positioning meant that there were more civilian casualties than Israel expected. The Reform Movement’s response in this early stage of the war was to organize and send medical supplies and personnel to Israel and Lebanon to help treat the wounded.

The second phase of the war, the siege of Beirut, represented a betrayal of trust for many American Jews. When Israel outlined their plan for the invasion of Lebanon, they assigned a self-imposed limit; they claimed that they would not advance farther than 40 kilometers, or 25 miles. However, with Israel further advancing towards Beirut, the

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<sup>8</sup> Herzfeld, “Changing Attitudes,” 102.

<sup>9</sup> The name of the Operation in June 1981, when Israel bombed Iraq’s nuclear reactor outside of Baghdad.

world no longer saw them participating in a pre-emptive defensive maneuver; they were for the first time in their brief history seen as the aggressor. With reportedly skewed media coverage informing most American homes during this period, many American Reform Jews began to question whether Israel was using excessive force. Leaders of the Reform Movement began openly criticizing Israeli Prime Minister Menachem Begin's policies and Defense Minister Ariel Sharon's leadership of the war effort.

The most unfortunate result of Israel's Beirut war, however, did not directly involve Israeli soldiers. In September 1982, Israeli forces granted Phalangist militia men entry into the Palestinian refugee camps of Sabra and Shatila, where over three days an estimated 600 civilians were slaughtered. It has been greatly debated exactly how much Sharon and the IDF knew of the occurrences in the refugee camps as they were happening; however, these events garnered moral outrage from American Reform leaders and caused most American Jews to do some intense soul-searching with respect to their relationship to Israel.

The difficulty with this chapter in regard to reconstructing an institutional opinion is that when it came to American Jews questioning Israeli policies, there was a great attempt to keep the criticism "in the family." In a 1983 opinion poll conducted by the Institute on American Jewish-Israeli Relations and the American Jewish Committee shortly after the Lebanon War, Steven Cohen asked Jewish Americans whether American Jewish organizations should feel free to publicly criticize the Israeli government and its policies.<sup>10</sup> 60 percent of the general Jewish population said that it was okay for organizations to make public statements of criticism, but only 42 percent of Jewish

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<sup>10</sup> Steven M. Cohen, *Attitudes of American Jews Towards Israel and Israelis: The 1983 National Survey of American Jews and Jewish Communal Leaders*, RAC Files, Box 68, Folder 1: Opinion Polls, AJA, 25.

organizational leaders felt the same way.<sup>11</sup> But when the same two groups were asked whether American Jews (as individuals) should not criticize the government of Israel's public policy, 57 percent of both the Jewish public and Jewish leaders disagreed.<sup>12</sup> This made finding institutional perspectives on the Lebanon War more difficult, but the opinion of the leadership of the institutions of Reform Judaism are well documented, even if they are not representative of the group they lead.

### Reform Zionism Pre-1982

Dr. Michael Livni,<sup>13</sup> prominent Zionist educator and former *shaliach*, emissary to the Reform Movement in America, suggests that the American Reform Movement began seriously thinking about its impact on the Jewish State during the years between the Six Day War and the Yom Kippur War.<sup>14</sup> Seventy years earlier, in 1897, in response to the First Zionist Congress, the CCAR declared its "total disapproval of any attempt for the establishment of a Jewish state" and reaffirmed that the object of Judaism was spiritual, not national or political.<sup>15</sup> By the time Israel became a political reality in 1948, however, American Reform Jews had to reassess their relationship to the Jewish state.

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<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Born in Vienna, Austria in 1935, Michael Livni, also known as Michael Langer, grew up in Vancouver, Canada, where he received his Ph.D in social psychiatry from University of British Columbia. His doctoral thesis was: "An Adolescent Subculture – A Study of the *Habonim* Youth Movement in Vancouver." Livni made *Aliya* to *Kibbutz Gesher Haziv* in the Western Galilee in 1963. He worked as a teacher, educational coordinator, treasurer and agriculturist. From 1975–1977, he served as the first *shaliach*, emissary, to the Reform Movement in America. From 1979–1983 Livni served as coordinator for the Israeli Reform Youth Movement, *Tzofei Telem*. From 1989–1992 he served as Director General of the World Zionist Organization's Department of Jewish Education and Culture. Since 1986, he has lived on *Kibbutz Lotan*, where he helped establish educational tourism and eco-tourism.

<sup>14</sup> Michael M. Langer, *Perspectives for an Action Program: Zionism and Reform Judaism as Response to the Modern Age* (New York: UAHC Reprint, 1976), 10.

<sup>15</sup> Thomas A. Kolsky, *Jews Against Zionism: The American Council for Judaism, 1942–1948* (Philadelphia, PA: Temple University Press, 1992), 29.

While the initial reaction was favorable and the movement encouraged its constituents and the government to support Israel, leaders of the movement also voiced their remaining reservations about the fledgling state. CCAR President Abraham J. Feldman gave voice to one of the most significant concerns for American Reform Jews in an address at the 1949 CCAR convention. He was concerned about the restrictions imposed upon liberal congregations in Israel because the Orthodox Rabbinic establishment did not recognize them.<sup>16</sup> Nevertheless, by 1964, Rabbi Arthur Lelyveld noted his understanding that American Reform Jews had moved to a place where they considered themselves “Pro-Israel.”<sup>17</sup>

On the eve of the Six Day War, lining up against forces from Egypt, Syria, Jordan, Morocco, Libya, Saudi Arabia, Tunisia, Iraq, and others, Israel’s army faced a collective army more than five times the size of its own military.<sup>18</sup> Moreover, these oil-rich Arab countries threatened to boycott any nation who would assist Israel.<sup>19</sup> Even though Israel struck first, it was obvious that this was a pre-emptive act of self-defense in a situation where Israel was clearly the underdog. After Israel’s miraculous victory, Rabbi Jacob J. Weinstein, in his presidential address at the 1967 Central Conference of the American Rabbis convention, praised Israel as a modern David overcoming Goliath.<sup>20</sup> He explained:

We recognize the justice of Israel’s declaration that she will never again  
be the scapegoat of an act of appeasement, that she will insist on the kind

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<sup>16</sup> Herzfeld, “Changing Attitudes,” 86.

<sup>17</sup> Arthur Lelyveld, *CCAR Yearbook* 74 (1964): 170.

<sup>18</sup> Michael B. Oren, *Six Days of War: June 1967 and the Making of the Modern Middle East* (Oxford University Press, 2002), 164.

<sup>19</sup> *Ibid.*

<sup>20</sup> Jacob J. Weinstein, “Presidential Address,” *CCAR Yearbook* 77 (1967): 8–14.



of peace that will guarantee her borders, give access to her ports, and enable her to live peacefully as a good neighbor in the little land which a repentant world finally and grudgingly vouchsafed to her. And we must be strong as lions, swift as eagles, cunning as serpents not to permit that which Israel has gained by so much precious blood and sweat to be nibbled away through the devious diplomacy of big-power plays.

Weinstein's speech came at a time when American Jewish integrity in relation to positions on war and peace was being called into question. As the Vietnam War raged on, and the Reform Movement consistently voiced its dissenting opinion against President Johnson's war policies, American Reform Jews were overjoyed because Israel had fended off its destruction with a decisive military victory.

The next fifteen years were filled with attempts by the institutions of American Reform Judaism to strengthen their ties to Israel. The first significant event was that in 1970, the Hebrew Union College became the first Diaspora rabbinic seminary to require all students spend at least one year living in Jerusalem, Israel.<sup>21</sup> That same year, the CCAR held their first Israeli convention where Rabbi Roland B. Gittelsohn expressed that American Reform Jews and Israel were "irrevocably linked" and that Israel's presence in the world served to enhance the vitality of American Judaism.<sup>22</sup>

American Reform support for Israel continued to increase after the Yom Kippur War. Rabbi Richard G. Hirsch recalled that after the Yom Kippur War, "the Holocaust-

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<sup>21</sup> Herzfeld, "Changing Attitudes," 106.

<sup>22</sup> Roland B. Gittelsohn, "President's Message," *CCAR Yearbook* 80 (1970): 16-17.

induced psyche was a strong force for unity among American Jews.”<sup>23</sup> The UAHC passed three resolutions related to Israel at the 1973 Biennial convention.<sup>24</sup> The CCAR held its 1974 Convention in Jerusalem to show solidarity with Israel and with respect to Israel’s capital city, Jerusalem.<sup>25</sup> Between 1972 and 1974, the CCAR and the UAHC joined the World Zionist Congress.<sup>26</sup> However, even these increased levels of support from American Reform Jews did not give Israel a blank check. Rabbi Alexander Schindler, in his paper *Israel and the Diaspora – Our Responsibilities*, wrote that “Israel and the Diaspora must speak the truth to each other as each sees it. Both sides must be frank and straightforward.”<sup>27</sup>

In 1975, President of the CCAR Rabbi Robert I. Kahn encouraged American Reform Jews to make *aliya*.<sup>28</sup> In 1976, the first Reform Kibbutz, Kibbutz Yahel, was announced at the fiftieth anniversary of the World Union for Progressive Judaism.<sup>29</sup> However, perhaps the pinnacle of all signs of the Reform Movement’s full-fledged support for Israel came with the creation of the Association of Reform Zionists of America, ARZA, which sent its first delegation to the World Zionist Organization in 1978.<sup>30</sup>

By 1981, it is clear that the American Reform Jewish community fully bought into supporting the Jewish homeland. But advocating for Israel’s best interests in

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<sup>23</sup> Richard G. Hirsch, *For the Sake of Zion: Reform Zionism, A Personal Mission* (New York: URJ Press, 2011), 49.

<sup>24</sup> Commission on Social Action of Reform Judaism, *Where We Stand: Social Action Resolutions Adopted by the Union of American Hebrew Congregations* (New York: Commission on Social Action for Reform Judaism, 1976), 108–113.

<sup>25</sup> “Jerusalem,” *Resolutions of the Central Conference*, ed. by Elliot Stevens and Simeon Glaser (New York: Central Conference of American Rabbis, 1975), 41.

<sup>26</sup> Herzfeld, “Changing Attitudes,” 110.

<sup>27</sup> *Ibid.*, 112.

<sup>28</sup> Robert I. Kahn, “Presidential Message,” *CCAR Yearbook* 86 (1976): 174–176.

<sup>29</sup> Herzfeld, “Changing Attitudes,” 116.

<sup>30</sup> *Ibid.*, 118.

American foreign policy did not come easy for the Reform Movement. There were government officials who identified Israel as a “prickly and unpredictable ally,” which had a tendency to endanger American interests in the Middle East.<sup>31</sup> One of the most important interests of the U.S. in the Middle East during the early 1980s was containing Soviet influence in the region. Saudi Arabia in 1981 was one of the United States’ top allies in the region. In an effort to maintain Saudi Arabia’s friendship, the U.S. government proposed the sale of AWACS, an Airborne Warning and Control System in April 1981.<sup>32</sup> Israel and American Jews did their best to prevent the sale, citing that the delivery of sophisticated weapon systems to Saudi Arabia “would alter the balance of power in the region and pose a direct danger to [Israel’s] territory” and represented an “existential threat” to Israel’s existence.<sup>33</sup>

### **The Gathering Clouds in Lebanon**

The Saudi weapons acquisition, however, was not the only issue of vital importance facing Israel in 1981. On June 7, 1981, with Iraq working to acquire a nuclear bomb, Israel launched “Operation Opera,” which sent Israeli F-16s to bomb Iraq’s Osirak nuclear reactor near Baghdad,<sup>34</sup> triggering an “orgy of condemnation and criticism from world leaders” against Israel.<sup>35</sup> On June 13, 1981, Congressman Edward J. Markey, of the 7<sup>th</sup> District of Massachusetts, addressed the UAHC at a special meeting. Markey

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<sup>31</sup> Ofira Seliktar, *Divided We Stand: American Jews, Israel, and the Peace Process* (Westport, Connecticut: Praeger, 2002), 67.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*

<sup>34</sup> Uri Bar-Joseph, “Lessons of Operation Opera,” *The Jewish Daily Forward*, June 1, 2011, <http://forward.com/articles/138286/lessons-of-operation-opera/> (accessed March 25, 2012).

<sup>35</sup> Edward J. Markey, Remarks Before the Union of American Hebrew Congregations at the Hyatt Regency Hotel, June 13, 1981, RAC Files, Box 11, Folder 2: Judaism and Arms Control: Sermons, Speeches, AJA, 1.

suggested that these world leaders who turned on Israel “[were indulging] in a torrent of self righteous and narrow anger” because this was a pre-emptive strike; Iraq, according to many, posed no immediate threat.

Among those international leaders criticizing Israel for these actions was President Reagan, who withheld a shipment of F-16 military planes, even though “the raid was an inevitable response to the danger of nuclear terrorism.”<sup>36</sup> Markey noted to the UAHC that the real situation of Israel in June 1981 was that it “faced another holocaust,” this time of the nuclear variety, and he suggested that in the same situation, the United States would have acted the same way against a “terrorist leader like Saddam Hussein.”<sup>37</sup> Several months later, Kenneth Jacobson, leader of the Anti-Defamation League, explained that the Reagan administration “criticized Israel for not having consulted sufficiently with Washington.”<sup>38</sup> While this incident did not garner as much attention as it could have because of the concurrent escalation between Israel and the PLO combatants who had overrun areas of Lebanon along Israel’s border, according to Jacobson, this criticism from the American government affected how Israel engaged Lebanon in the initial stages of escalating conflict.

In 1971, the Palestinian Liberation Organization arrived in Lebanon after being forced out of Jordan by King Hussein. There were immediate tensions between the weak Lebanese government and the PLO, setting the stage for the civil war in Lebanon which began in 1976.<sup>39</sup> The fighting in this war was essentially between the Lebanese Muslims

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<sup>36</sup> Ibid.

<sup>37</sup> Ibid., 2.

<sup>38</sup> Kenneth Jacobson, Lebanon, March 1982, MSS. COL. 630, Box 9 Folder 2: National Jewish Relations Advisory Council, AJA, 1.

<sup>39</sup> Steven T. Rosenthal, *Irreconcilable Differences? The Waning of the American Jewish Love Affair with Israel* (Hanover, MA: University Press of New England, 2001), 62.

joined by the PLO fighting against Lebanese Christian militiamen. The balance was skewed because, for at least the first part of the war, the PLO and Muslim forces received arms from Syria.<sup>40</sup> But when the PLO was close to victory, the Syrian government, rather than allowing for a PLO-run Lebanon, chose to send in “peacekeeping troops” and exercise its own power over Lebanon. These Syrian peacekeeping soldiers protected the Lebanese Christians by relegating the PLO to the south of Lebanon, where they would begin planning and executing terrorist attacks against Northern Israel.<sup>41</sup>

Israel responded to the PLO by allying with the Lebanese Christian militiamen, particularly the groups under the command of “renegade” Colonel Saad Haddad. Israel relied on Haddad and his Christian Phalangist group to police northern Lebanon and in exchange, Israel provided these militiamen with weapons, military training and political support.<sup>42</sup>

In July 1981, the Israeli Embassy in Washington, D.C. released its formal position on the situation in Lebanon. This report explained that the “PLO terrorists have resorted to massive artillery and rocket attacks against the civilian population of the Galilee panhandle and the Western Galilee.”<sup>43</sup> To complicate matters, the PLO was also using Lebanese civilians as human shields to protect them from Israeli retaliation:

Since the beginning of its operations against Israel, the PLO has cynically used heavily populated areas – such as refugee camps or inhabited areas in Beirut and other towns in Lebanon – as bases of operation. Aware of the

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<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Information Department of the Embassy of Israel, Washington, D.C., Israel’s Position on Lebanon, July 23, 1981, RAC Files, Box 68, Folder 8: Israel and Arab Neighbors, AJA.

Israeli reluctance to harm civilians, it has thus often used the latter as human shields.<sup>44</sup>

By this time, it was no secret that Israel wanted to enter Lebanon to confront PLO forces directly and prevent any further terrorist attacks in the Galilee. NBC News anchor John Chancellor gave a precise description of Israel's war plans well in advance of when the invasion actually occurred.<sup>45</sup> He explained that it was Ariel Sharon's expressed goal to crush the PLO to the point that their lack of "military power would free the Palestinians of the West Bank and Gaza from PLO intimidation, enabling them to accept the Israeli interpretation of autonomy in the territories."<sup>46</sup> However, beginning in August of 1981 there was a cease-fire between Israel and the PLO. But Jacobson explained that "the cease-fire has worked to the benefit of the PLO alone."<sup>47</sup> While the PLO was "safe from Israeli attacks," the PLO and Syria had rearmed and strengthened their hold over Lebanon. The only reason Israel refrained from following through with its plan to invade Lebanon, according to Jacobson, was Israel's sensitivity to American concerns.<sup>48</sup> This notion baffled Jacobson, who concluded that an Israeli intervention in Lebanon would fully support American interests. He wrote:

The PLO has reaffirmed its three essential characteristics

- a) Its unending determination to destroy Israel reflected in a new official PLO document circulated in London calling for the expulsion of all

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<sup>44</sup> Ibid.

<sup>45</sup> Rosenthal, *Irreconcilable Differences?*, 63.

<sup>46</sup> Ibid.

<sup>47</sup> Jacobson, Lebanon, March 1982, MSS. COL. 630, Box 9 Folder 2: National Jewish Relations Advisory Council, AJA, 1.

<sup>48</sup> Ibid.

Jews from Israel and the making of a Palestine free of Jews and Judaism.

- b) Its leadership in international terrorism as revealed by a key PLO role in a conference of terrorist groups from all over the world in Lausanne, Switzerland during which the kidnapping of General James Dozier was planned.
- c) Its inherent pro-Soviet, anti-American posture, manifested in the massive Soviet arms shipments, and in PLO support for a host of ideologically anti-American forces around the world.

Jacobson's ideas about Israel's plan before the war were not universally accepted among American Jews. David Polish, one of the founding Rabbis of the Association of Reform Zionists of America, at a meeting of the Labor Zionist Organization of America, hinted that:

There is a changing move in the American-Jewish community...Jews are not yet openly critical, but in contrast to their former undeviating assent, they are strongly dissenting in private...There is no proper forum for the discussion of controversial issues in our communities and on a national level. The argument that diaspora Jews have no right to be critical of Israeli's international affairs no longer holds, if it ever did.<sup>49</sup>

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<sup>49</sup> Balfour Brickner, Israel's Opportunities and Challenges, Speech delivered at the New York Humanist Society, May 16, 1982, MSS. COL. 776, Box 8, Folder 10: Lebanon 1982, AJA, 3.

### **Phase One: *M'vatzeh Shalom HaGalil* – Operation Peace for Galilee**

On June 3, Israeli ambassador to Britain Shlomo Argov was shot in the head while leaving a diplomatic event. Three men were involved in the shooting, all linked to Palestinian extremist Abu Nidal.<sup>50</sup> This assassination attempt signified the end of the cease-fire agreement for Israel, and on June 4-5, Israel launched an aerial assault on PLO headquarters in Beirut.<sup>51</sup> The PLO responded with rounds of rocket attacks on Northern Israel.

Finally, on June 6, Prime Minister Begin and Defense Minister Sharon initiated the invasion of Lebanon called “Operation Peace for Galilee.” On June 6, the Israeli Cabinet issued a statement explaining the operation:

- 1) To instruct the IDF to place all the civilian population of the Galilee beyond the range of the terrorists’ fire from Lebanon where they, their bases, and their headquarters are concentrated.
- 2) The name of the operation is Peace for Galilee.
- 3) During the operation the Syrian army will not be attacked unless it attacks our forces.
- 4) Israel continues to aspire to the signing of a peace treaty with independent Lebanon, its territorial integrity preserved.<sup>52</sup>

In order to accomplish these goals, Israel articulated the explicit goal of establishing a 25-mile-wide buffer zone, free of the PLO, so that no residents of Northern Israel would be

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<sup>50</sup> BBC, “1982: Israeli Ambassador Shot,” *On This Day*, [http://news.bbc.co.uk/player/nol/newsid\\_6570000/newsid\\_6571300/6571383.stm?bw=nb&mp=wm&news=1&ms3=2&ms\\_javascript=true&bbcws=2](http://news.bbc.co.uk/player/nol/newsid_6570000/newsid_6571300/6571383.stm?bw=nb&mp=wm&news=1&ms3=2&ms_javascript=true&bbcws=2) (accessed March 25, 2012). Ironically, Abu Nidal was a rival of the PLO.

<sup>51</sup> Mitchell G. Bard, *Myths and Facts: a Guide to the Arab-Israeli Conflict* (Chevy Chase, MD: American Israeli Cooperative Enterprises, Inc., 2006), 85.

<sup>52</sup> Itamar Rabinovich, *The War for Lebanon, 1970–1985* (New York: Cornell University Press, 1985), 121.



in immediate danger of PLO rocket or terrorist attacks. They sent approximately 90,000 soldiers along with 500 tanks and armed personnel into Lebanon, in addition to the substantial air attacks and naval support.<sup>53</sup> Again, on June 8, Prime Minister Begin reassured the Israeli Knesset that when the IDF reached the 40 kilometer mark, the fighting would stop.<sup>54</sup> And upon reaching that marker on June 13, Sharon declared: "Our mission is completed."<sup>55</sup> The Israeli army was able to accomplish an extraordinary amount in only a few short days.

The Galilee had been removed from the range of PLO weaponry; the Syrian missiles in the Bekka Valley had been destroyed; nearly a hundred Syrian Aircraft had been shot down; what Mr. Sharon called "a mortal blow" on the PLO; and the IDF's performance, together with these tangible achievement, had greatly augmented Israel's deterrent capacity, which is the main element of [Israel's] long term security. Moreover, these objectives had been attained in an atmosphere of domestic consensus and international understanding.<sup>56</sup>

Perhaps the most important of these accomplishments was that there was international support for Israel's efforts in this stage of the Lebanon War. It is also important to note is that the Lebanese people responded favorably when Israel entered Lebanon to confront the PLO and Syria.<sup>57</sup> Reagan initially asked for Begin to reconsider the invasion on June 6; however, in his correspondence with Begin, he also noted that

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<sup>53</sup> Rosenthal, *Irreconcilable Differences?*, 63.

<sup>54</sup> Eban, "The Beirut Trauma," *The Jerusalem Post International Edition*, August 8–14, 1982.

<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

<sup>57</sup> Roger Morris, "Beirut – and the Press- Under Siege," *Columbia Journalism Review*, November/December 1982, 26.

work needed to be done to stamp out the “scourge of terrorism that in the Middle East makes war an ever-present threat.”<sup>58</sup>

Yet, even in this early period, when there appears to have been overwhelming support, there were still Reform Jewish leaders who were outspoken against Israel’s invasion of Lebanon. Rabbi Balfour Brickner was well-known for his opinion that the policies of the Begin-led Israeli government were counter-productive to peace because he, unlike many of his colleagues, was willing to express his opinion fully and publicly.

In a speech presented to the New York Humanist Society on May 16, 1982, Brickner expressed his opinion that Israel’s real concern with the situation in Lebanon was not stability for the Lebanese government, nor was it solely driving back the PLO. Brickner professed that he agreed with Henry Siegman, Executive Director of the American Jewish Congress, concluding that “it is within the power of the PLO – and only the PLO – to change the situation of the West Bank.”<sup>59</sup> Brickner theorized that any attempt to eliminate the PLO’s presence in Lebanon by Sharon and Begin would really be because they desired to “annex the West Bank and Gaza.” He “[believed] that war in Lebanon was entered into to facilitate that annexation.”<sup>60</sup> Brickner hypothesized that Sharon and Begin’s perception of Zionism was akin to a kind of Israeli Manifest Destiny.

But then, in another speech several months later, Brickner seems to have changed his story slightly. On September 12, 1982 Brickner wrote in an address to his congregation that “had the IDF halted at its penetration of Lebanon at that point – [the 40 kilometer line] – few, if any, in the world would have whispered the smallest complaint,

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<sup>58</sup> Seliktar, *Divided We Stand*, 68.

<sup>59</sup> Balfour Brickner, *Israel’s Opportunities and Challenges*, May 16, 1982, MSS. COL. 776, Box 8, Folder 10: Lebanon 1982, AJA, 2.

<sup>60</sup> *Ibid.*

such an incursion could be justified.”<sup>61</sup> In this speech, Brickner exclaimed that the “present government in Jerusalem lied...when they said it intended to invade Lebanon only to the fortieth kilometer.” He continued stating that “it quickly became apparent that not only was the government of Israel lying to the world when it invaded Lebanon, but also Operation Peace for Galilee was, in fact, a mask for a Beirut War, the real intent of which was to penetrate Lebanon to Beirut, there to root out and destroy the PLO in order to facilitate the annexation of the West Bank.”<sup>62</sup> While Brickner was not the only Jewish community leader to speak out against Israel, his position was a bit extreme and incredibly unusual.

Another leader in the American Reform community who expressed his opinion on this first phase of the Lebanon war was Dr. Ezra Spicehandler, professor at Hebrew Union College in Cincinnati. His perception of this phase of the war was more generally accepted. In a response to *Sh'ma, A Journal of Jewish Responsibility*, he wrote:

Israel is a state and, like all states, acts in terms of self-interest, rather than out of moral considerations. Obviously most Jews (including most Israelis) would prefer that Israel's political acts coincided with the rules of morality, but there are times when the law of survival must be given preference.

In a sense the law of survival is in itself an act of morality. Certainly Jewish tradition has taught: *Haba Lehorgekha Hashkem Vehorgo* (If one comes to kill you, kill him first). The very survival of Jews is in itself a religious imperative.

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<sup>61</sup> Balfour Brickner, *How I Spent My Summer: A Discussion of the Middle East Situation*, September 12, 1982, MSS. COL. 776, Box 8 Folder 10, AJA, 2.

<sup>62</sup> *Ibid.*

The dilemma we face in Lebanon therefore should be judged in terms of the pragmatics of Israel's survival in the face of the PLO threat.<sup>63</sup>

In other words, Spicehandler, like most American Jews, felt like this first phase of the War was justified because of the threat posed by the PLO and Syrian forces in Lebanon to the safety of Israeli citizens in the Galilee.

Likewise, Rabbi Alexander Schindler, when addressing the Board of Trustees of the UAHC on December 3, 1982 explained that he believed that

Israel's incursion of Lebanon [was justified] by those events that preceded it – the shelling of her settlements, the massive military build-up by the PLO, the emplacement of sophisticated anti-aircraft systems by the Syrians, and the like. No sovereign state can long suffer such a concentration of military might along its borders, especially when shellings and terrorist raids come with it.<sup>64</sup>

Schindler, like Spicehandler, expressed a more mainstream reaction to the initial elements of the Lebanon War.<sup>65</sup> Yet almost as soon as the IDF and Sharon marched past the 40-kilometer marker, the American Jewish community began to question and disagree with Israeli tactics, especially when it came to Beirut.

## **Phase Two: The Beirut War**

Almost as soon as the IDF had completed their initial objectives, Sharon moved the troops far beyond the Israeli government's self-imposed line and continued the assault

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<sup>63</sup> Ezra Spicehandler, *Sh'ma*, 12/236 (September 3, 1982): 128.

<sup>64</sup> Alexander Schindler, Report of Rabbi Alexander M. Schindler, President of the Union of American Hebrew Congregations: To the Board of Trustees, December 3, 1982, MSS. COL. 630, Box 24 Folder 4: Speeches 1981–1983, AJA, 2.

<sup>65</sup> Rosenthal, *Irreconcilable Differences?*, 64.

against PLO and Syrian forces. There appeared to be genuine shock among the people of the world who could not understand why Israel, having finished what they supposedly were in Lebanon to do, would not go home. Despite the Knesset's lack of enthusiasm for the Lebanon War, they tacitly allowed Sharon to maneuver the IDF through Lebanon to strike PLO strongholds like Sidon, the third largest city in Lebanon, on the way to Beirut.<sup>66</sup>

As the IDF made their way north, they left a trail of destruction, not only of property but also a quickly rising civilian death toll. There were two reasons for the accrual of such devastating destruction by the IDF:

- 1) Much of the devastation was due to the PLO's deliberate policy of settling in populated areas and refugee camps.<sup>67</sup>
- 2) Israel was using American-made cluster bombs designed for use against enemy troops in a concentrated area. Cluster bombs exploded just above the ground and sprayed shrapnel in all directions.<sup>68</sup>

Because of the hectic nature of reporting under the severe war conditions, the number of reported civilian death total on the road to Beirut ranged anywhere from 9,500 to 18,000; there were also an estimated 250,000 people left homeless. American Jews generally expected that casualty rates would be higher than in previous Israeli wars because of the PLO's policies of hiding in residential areas. However, when the reports surfaced about the number of casualties piling up once Israel reached Beirut, the American and American Jewish public responded in a variety of ways.

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<sup>66</sup> Ibid., 63.

<sup>67</sup> Ibid., 64.

<sup>68</sup> Ibid., 63.

Immediately following Sharon's orders to go past the 40-kilometer mark, the media saw and reported a new understanding of Israel's motivations and intentions. The goals Israel set initially were clear: to create a buffer zone and to neutralize the PLO and Syrian forces from harming Israeli citizens. The media hypothesized many reasons for Israel's continued presence in Lebanon. Some speculated that Israel's new goals were to "destroy the PLO and bring a restructuring of chaotic Lebanon," while others suggested that Israel was looking to capture the remainder of the Palestinian weapons stashed in the warehouses and schools.<sup>69</sup> The media also reported on a change in perception of Israel in the context of Middle Eastern politics. On June 16, *NBC News* anchor John Chancellor commented on "the growing feeling that Israel was turning into a warrior-like state...using far more force than is necessary."<sup>70</sup> For these reasons, Chancellor noted that this military effort, regardless of its goals, could damage Israel's future credibility. Chancellor also acknowledged that people understood that casualties were going to be high, and that Israel's presence in Lebanon was, at least initially, legitimate.

The attention to casualties is important to note because the initial reaction of the American Reform Movement to the Lebanon war was not to criticize for moving past the buffer zone line, but was an effort to mobilize aid to the Lebanese people affected by the war.

On June 29, 1982, the AmeriCares Foundation Disaster Relief and Humanitarian Aid Organization President Robert C. MacCauley hosted a meeting of leaders of the American Reform Movement: Rabbi Alex Schindler, Rabbi David Saperstein, Rabbi Stephen B. Jacobs, and Albert Vorspan, who were also joined by Robert Hohler, a

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<sup>69</sup> Morris, "Beirut-Under Siege," *Columbia Journalism Review*, November/December 1982, 25.

<sup>70</sup> Ibid.

longtime Christian social justice advocate and director of the Boston-based Melville Charitable Trust. The goal, unanimously decided by these leaders, was to provide monetary and medical assistance to people who needed it as a result of the Israeli incursion.<sup>71</sup> The desire of this group was to have an interfaith effort to raise money and collect supplies, and perhaps join an envoy to deliver these supplies to Lebanon directly. During this meeting they defined the specific role that the UAHC might play in this effort:

- a) UAHC will help obtain medicines, both directly and through contacts that might be explored with Jewish members of pharmaceutical companies;
- b) UAHC will help with funds. Mr. Hohler suggested an amount of \$250,000;
- c) UAHC will get out a letter to the various congregations, as soon as possible, to assist in raising funds;
- d) UAHC will endeavor to put together the inter-faith group as mentioned above;
- e) UAHC, in the person of Rabbi Schindler, will speak with Prime Minister Menachem Begin, with whom he has a close personal friendship, in an effort to expedite matters in Israel with regard to this proposed airlift;
- f) At the annual meeting of the Rabbis, which is to take place in New York on June 29<sup>th</sup> and 30<sup>th</sup>, the UAHC participants will make the other members of the rabbinate aware of this effort, specifically an address by Rabbi Schindler.<sup>72</sup>

In July 1982, in order to raise funds for the AmeriCares group, the CSA and the Association of Reform Zionists of America (ARZA)<sup>73</sup> established the UAHC-ARZA

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<sup>71</sup> Robert C. MacCauley, Notes on Meeting, June 30, 1982, RAC Files, Box 68, Folder 17: RAC involvement in Mideast Peace Process, AJA, 1.

<sup>72</sup> Ibid., 2.

Emergency Relief fund.<sup>74</sup> On behalf of the Reform Movement, these two institutions distributed letters to rabbis, the chairs of social action committees, and others to collect money for the relief effort. Fred Cohen, a member of the UAHC executive board, sent a copy of this letter along with a cover letter to Al Vorspan, instructing him to create a checking account for UAHC/ARZA EMERGENCY RELIEF. Though this cover letter is only several lines long, it is still possible to see just how much Cohen is struggling with Israel's war in Lebanon. He writes to Vorspan:

Please set up separate account and keep it inviolate, because nothing could possibly be more embarrassing than not only to have destroyed Lebanon, but even to destroy the Lebanon relief fund.<sup>75</sup>

Whereas before Israel moved beyond their self-imposed barrier, the American Reform Jewish community largely supported Israel's efforts in Lebanon, afterwards, upon seeing the IDF wreak havoc on the cities where the PLO were staking out, at least some American Reform Jews, like Fred Cohen, were left feeling embarrassed.

When it came time to actually deliver the aid and supplies, leaders of the Reform Movement followed through with their pledge to see to the deliveries. In fact, when Operation California, a relief agency specializing in airlifting medical supplies, was having trouble gaining entry into Lebanon with nearly forty tons and almost one million dollars worth of supplies, Kathleen Hendrix of *The Los Angeles Times* reported that

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<sup>73</sup> ARZA works in partnership with the Union for Reform Judaism (URJ) and the Israel Movement for Progressive Judaism (IMPJ), and their affiliates. ARZA represents United States Reform Jews in national and international Zionist organizations. <http://www.arza.org/aboutus/mission/> (accessed May 5, 2012).

<sup>74</sup> Memo from the Commission on Social Action and the Association of Reform Zionists of America, to Rabbis; Social Action Chairmen; Commission on Social Action; ARZA, UAHC-ARZA Emergency Relief, July, 1982, RAC Files, Box 68, Folder 17: RAC Involvement in Mideast Peace Process, AJA.

<sup>75</sup> Fred Cohen, Memorandum to Al Vorspan, July 12, 1982, RAC Files, Box 68, Folder 17: RAC Involvement in Mideast Peace Process, AJA.



Rabbi David Saperstein, director of the Religious Action Center, flew to Tel Aviv, “where he contacted Israeli authorities there about any problems that might arise in dispersing the shipment...[and] offered to meet Operation California and the shipment with Israeli authorities in Beirut if that would help.”<sup>76</sup>

Other leaders of the American Reform Movement expressed their opinions about Israel’s presence in Beirut in the September 3 issue of *Sh’ma: a Journal of Jewish Responsibility*. Rabbi Arnold Jacob Wolf, “a nationally prominent Reform rabbi known for his progressive, sometimes provocative public stances,”<sup>77</sup> wrote that he was “[shocked,] ...most...deeply grieved, at Israel’s relentless punishment of the innocent along with the guilty, of Christian and Muslims, of Lebanese and Palestinians, of the large-scale killing of all kinds of men, women, and children.”<sup>78</sup> Wolf maintained that American Jews were not pacifists and that perhaps invasion of Lebanon was perhaps inevitable, but that in this case the cost of Israel’s victory seemed too high.<sup>79</sup>

Rabbi Eugene Borowitz, editor of *Sh’ma* and professor at Hebrew Union College – Jewish Institute of Religion in New York, also contributed to the discussion about Israel’s siege of Beirut. Borowitz opened his statement by explaining his view that “the abuse of power [was] the most compelling moral problem of [his] time.”<sup>80</sup> He expounded

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<sup>76</sup> Kathleen Hendrix, “Airlift to Beirut: Relief and Red Tape,” *The Los Angeles Times*, September 12, 1982.

<sup>77</sup> Margolit Fox, “Arnold Jacob Wolf, a Leading Reform Rabbi, Is Dead at 84,” *The New York Times*, December 29, 2008.

<sup>78</sup> Arnold Jacob Wolf, *Sh’ma*, 12/236 (September 3, 1982): 122.

<sup>79</sup> Ibid.

<sup>80</sup> Eugene Borowitz, *Sh’ma*, 12/236 (September 3, 1982): 123. One particularly interesting piece of Borowitz’s statement is that while other contributors to *Sh’ma* would associate themselves with an organization they represented, Borowitz expressly stated, “Eugene Borowitz *speaks only for himself*.” (emphasis in the original.)

that he thought the Israeli government's invasion of Lebanon beyond the 40-kilometer marker was an incredible misuse of power.<sup>81</sup>

Rabbi Roland B. Gittelsohn, the President of ARZA, in his statement about the Beirut invasion, represented the other end of the political spectrum. Gittelsohn prefaced his statement by assuring the *Sh'ma* reader that he had in fact criticized Israeli policies before and would do so again if he felt it was necessary. But Gittelsohn did not believe that Israel's incursion into Beirut warranted the kind of public dissent expressed by other Reform leaders. Gittelsohn explained that when he served as a chaplain during World War II that he did not criticize the war while in the foxhole even as shells flew "frighteningly close by."<sup>82</sup> Gittelsohn considered WWII, as horrible as the fighting was, a just war and found no reason to voice public criticism. Likewise, Gittelsohn mentioned that he was in the Galilee at a kibbutz when the PLO fired towards the kibbutz, killing a child. He had seen the evidence of the caches of weapons amassed by the PLO, enough to arm over a million fighters. These factors led Gittelsohn to his position that Israel's invasion of Beirut was justified.<sup>83</sup>

Gittelsohn also described the situation in Israel as a "burning house." In this analogy, he represented the American Jew as standing outside of the burning house, while his siblings, the Israelis, were inside. Therefore, American Jews could not feel the real sense of urgency of the situation. When there are multiple fires that need to be put out, the biggest fires need to be addressed first. The person or people who started the fire could be dealt with or criticized once the fire has been extinguished. According to Gittelsohn the PLO was Israel's biggest fire, the biggest threat to Israel's security. Once

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<sup>81</sup> Ibid.

<sup>82</sup> Ibid.

<sup>83</sup> Ibid.

the situation with the PLO was taken care of and Israel's security restored, the Israeli people and American Jews could evaluate and perhaps criticize the manner in which Israel behaved during the war. Gittlesohn concluded his statement by articulating that he hoped to have the opportunity to criticize Israel in the future, but in his mind, it was best to keep any criticism of Israel related to the Lebanon War to himself because of the nature of the threat that the PLO in Lebanon posed for Israel.

Up to this point in the Lebanon War, the only organizational responses from the Reform Movement were in relation to supplying aid to Lebanon. Otherwise, leaders of the Reform Jewish community felt free to speak for themselves on the issues and as has been shown, there were a variety of responses. However, nothing in Israeli history, either from before the Lebanon War until today, caused more widespread criticism of Israel than the massacres that were allowed to take place at the Sabra and Shatila refugee camps.

After ten weeks of full-blown war in Beirut, Lebanon was no longer willing to suffer for the sake of the PLO. The Lebanese leader Bashir Gemayel invited U.S. Special Envoy Philip Habib "to mediate an agreement providing the PLO guerillas with safe passage out of Lebanon to any Arab country that would take them."<sup>84</sup> This should have been a great victory for Israel. An agreement would stop the mounting casualty figures, prevent the total destruction of Beirut and would separate the PLO from the military bases it had worked so hard to establish during its time in Lebanon.

On September 7, 1982, PLO and Syrian forces withdrew from West Beirut. The unforeseen problem, however, was that the withdrawal left Palestinian civilians in

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<sup>84</sup> Rosenthal, *Irreconcilable Differences?*, 69.

Lebanese refugee camps unprotected by the PLO militia forces for the first time since the beginning of the seven bitter years of civil war.<sup>85</sup>

While PLO and Syrian forces were being evacuated, Lebanon held elections in which Bashir Gemayel, leader of Israel's ally Christian Phalange group, was elected president. On September 15, a Syrian agent named Habib Tanious Shartouni detonated a bomb planted in his sister's vacant apartment, located directly above Phalange headquarters. The explosion killed Bashir and a dozen others and rocked Lebanon's political infrastructure.<sup>86</sup>

At the same time, Sharon and Israeli intelligence suspected that there were PLO holdouts hiding in the refugee camps, waiting for Israel to leave Lebanon before they would re-emerge.<sup>87</sup> The combination of these circumstances influenced Sharon and the IDF to hold their position in West Beirut to try to prevent large scale Phalange retaliation, even though "Sharon's aides were later to stress the contrary: that Phalange leadership [after the assassination] appeared 'quiet, calm, and in control...were not 'emotional' – and therefore unlikely to react to the assassination by massacring their enemies," a judgment call that would prove to be devastating for the Palestinian refugees of the Sabra and Shatila Camps.<sup>88</sup>

On the night of September 16, Phalange forces entered the Sabra and Shatila camps, for what they were calling clean up efforts.<sup>89</sup> From that evening until the morning of September 18, the Phalangist troops "engaged in wholesale slaughter of defenseless

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<sup>85</sup> Ibid.

<sup>86</sup> Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881–1999* (New York: Random House, Inc., 2001), 541.

<sup>87</sup> Ibid., 242.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid., 540–542.

civilians,”<sup>90</sup> which in the four days following Rosh Hashanah ignited a massive wave of American Jewish response, both from individuals, as was the case from before, but also now from Jewish organizations.

One of the first reports of American Jewish response was in a September 21 *Washington Post* article titled “U.S. Jewish Leaders Express Horror at Killings in W. Beirut.”<sup>91</sup> In this article Murphy explained that “Jewish leaders unanimously expressed horror and revulsion at...the ‘cold blooded murder’ of Palestinians in refugee camps,” noting that some key leaders said that Israel should bear some of the responsibility, and that others, like Rabbi Schindler, President of UAHC, called for the Israeli government to support an independent investigation of the issue. Schindler, a previously noted “personal friend” of Menachem Begin, backed the opinion of Henry Siegman, the national executive director of the American Jewish Congress, who said, “If Israel’s abhorrence of the Palestinian Liberation Organization is to continue to have moral credibility then it must treat those responsible for this atrocity with the same abhorrence.”

In contrast, Rabbi Joseph B. Glaser, the Executive Vice President of the CCAR felt that Israel should not be held accountable for the massacre. He wrote:

It is a cruel, horrible, and ironic thing that Israel should be weighed down with any kind of responsibility for this...I don’t think that you can say that because Israel failed to close all the gaps and keep these people out, that they can be held responsible.<sup>92</sup>

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<sup>90</sup> Rosenthal, *Irreconcilable Differences?*, 70.

<sup>91</sup> Caryle Murphy, “U.S. Jewish Leaders Express Horror at Killings in W. Beirut,” *The Washington Post*, September 21, 1982. All material in this paragraph is derived from this article.

<sup>92</sup> Ibid.

Another person, who demonstrated by speaking anonymously that it was still difficult for some to speak publicly about issues related to Israel, called for the resignation of Prime Minister Begin.<sup>93</sup> These statements clearly demonstrate that there was not a consensus among Reform Jewish leaders of the UAHC and CCAR.

The *New York Times* also gathered and printed short opinion pieces from a number of prominent American Jews on the following day.<sup>94</sup> The initial editorial summary of the comments explains generally that American Jewish support for Israel remained strong, though there was a divide in how the American Jewish community should respond to such an incident, ranging from outright condemnation of Begin and Sharon, to outright denial that Israel could be held responsible for such an attack, while some declined to pass judgment until more information became available. There were three representatives from American Reform Judaism among the respondents: Rabbi Arnold Wolf, Rabbi Lawrence Hoffman, and Rabbi Balfour Brickner.

Hoffman, a Professor of Liturgy at Hebrew Union College in New York, said that he had “too little information to make an informed judgment” on the matter of the camp massacres. He noted that the media, as during the Vietnam War, were looking to find a reaction to “the latest horror,” and that “it is dangerous for intellectuals sitting in armchairs to make real life decisions with regard to war somewhere off in the distance” based only on hyperbolic media reports.<sup>95</sup>

Wolf, Rabbi at KAM Isaiah Israel Congregation in Chicago, wrote that he was “crushed and terrified by the massacre,” and insisted that all Jews were guilty and “had

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<sup>93</sup> Ibid.

<sup>94</sup> “Prominent U.S. Jews Support Israel, But Some Criticize Begin and Sharon,” *The New York Times*, September 22, 1982, MSS. COL. 776, Box 8, Folder 9: Lebanon 1982. All material from this and the following paragraph was drawn from this article.

<sup>95</sup> Ibid.

blood on their hands.”<sup>96</sup> He was most notably upset with Prime Minister Begin and his administration, including Sharon, arguing that they were “collaborators with terrorists.”<sup>97</sup> Ultimately, Wolf advocated for the U.S. to send troops to Lebanon to ensure that all foreign troops, including the IDF, leave Lebanon immediately.<sup>98</sup>

Brickner’s comments were absolutely the sharpest of the three. He began with the acknowledgment that the extent of Israel’s involvement in the massacre was unknown, but claimed that the massacres could have only happened as an “inevitable bitter fruit of Begin and Sharon’s expansionist policies, which go far beyond achieving physical security for Israel’s northern border.”<sup>99</sup> Brickner called for both Begin and Sharon to resign immediately because they were “inimicable to interests of Jewish unity both in Israel and elsewhere in the Diaspora.”<sup>100</sup> He concludes his tirade against the Israeli government saying:

Lebanon has become for Israel what Vietnam was for the United States. Anything the United States can do to save the face of Israel to enable it to get out of Lebanon is very much desired.<sup>101</sup>

Not only these individual Reform Jewish leaders were divided on the issue of Israeli accountability, Reform Jewish organizations such as the Synagogue Council of America, the CCAR, and the UAHC responded in a variety of ways as well.

On September 20, the SCA sent a memo to SCA officers and members of the plenum to report on an emergency meeting of the Conference of Presidents of Major

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<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

Jewish Organizations where the constituent members worked to forge an acceptable “unified response to recent developments in Lebanon.”<sup>102</sup> The memo was intended to be confidential and was released to serve as “guidance” in responding to questions related to the situation in Lebanon, but was “not necessarily for public distribution.”<sup>103</sup>

The memo contained three basic points. First, the SCA, like President Reagan and Prime Minister Begin, explained that it was shocked and repulsed by the news of the massacre of civilians in the camps. They decried the slaughtering of innocent civilians, which they said was never justifiable. Second, the SCA rejected outright the idea that Israel, with the Jewish people’s history of massacres and pogroms, would have participated in, permitted, or could have possibly been aware of this massacre without having responded sooner. Finally, the SCA condemned the Vatican for inviting and then giving a standing ovation to Yassir Arafat, “the author of some of the bloodiest terrorist attacks of the post-war period.”<sup>104</sup>

While the SCA’s memorandum was intended for private consumption and to use for talking points, Rabbi Herman E. Schaalman and Rabbi Joseph B. Glaser, representing the CCAR, took a more public approach. They sent to Rabbi David Saperstein of the RAC for release to the public a statement condemning what happened in Lebanon and imploring the Israeli government to initiate an independent inquiry into the events surrounding the Phalangist massacre of the Palestinians. They wrote:

We express our profound disappointment with the most recent action of  
the Israeli government and Knesset in rejecting a speedy and independent

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<sup>102</sup> Walter S. Wurzbarger, Memorandum to SCA Officers and Members of the Plenum, September 20, 1982, RAC Files, Box 68, Folder 17: RAC Involvement in Mideast Peace Process, AJA. The information in this paragraph is all derived from this memo.

<sup>103</sup> Ibid.

<sup>104</sup> Ibid.



inquiry into the events surrounding the Phalangist massacre in the Palestinian camps in Beirut. Our commitment to the highest standards of morality and human rights, and unshakable belief in the worth of every human being compels us to demand that these values be respected through the convening of an independent body capable of examining all aspects of this most shocking massacre. On the eve of Yom Kippur, as we turn to God in repentance we need to reaffirm the highest values of our tradition. We the rabbinic leaders of a significant section of American Jewry, need to assert our moral responsibilities and leadership to make meaningful that partnership with Israel which is indispensable for the future of both.<sup>105</sup>

Despite the open criticism of the Begin administration for not seeking to hold an independent investigation into the massacre, this is a relatively mild proclamation that says very little politically other than that the CCAR, followers of the Jewish notion of prophetic ideals, expects Israel to hold itself accountable, even if they were only indirectly involved.

In the case of the UAHC, President Alexander Schindler served as a spokesperson and was also directly involved in conversations with Prime Minister Begin, especially concerning the issue of holding an independent inquiry. Immediately following Rosh Hashanah, Schindler left for Israel “to speak to the Prime Minister and to help Israel generally to understand the mood and needs of our community,” meaning the American Jewish community.<sup>106</sup> When he returned to the U.S., he met with his colleagues on the

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<sup>105</sup> Herman E. Schaalman and Joseph B. Glaser, Western Union Mailgram to David Saperstein, September 23, 1982, RAC Files, Box 68, Folder 17, AJA.

<sup>106</sup> Alexander M. Schindler, Address to Fellow Board Members, September 28, 1982. All references in this paragraph were derived from material in this speech.

UAHC Board to relay his experience. He told the Board that while he was in Israel, he spoke only for himself, though he “was sure that [he] was giving voice to the feelings of most American Jews.”<sup>107</sup> He expressed his remorse over the fact that his confrontation with Begin was not fruitful, though he remained hopeful because “[his] voice was heard loud and clear in Israel itself.”<sup>108</sup>

Schindler was particularly touched by the fact that Israeli people seemed to be in a moral state of anguish over what their leaders had allowed to happen. Schindler told the UAHC Board a story he heard from Israel Avidor, a leader of the kibbutz movement, who was driving him from Jerusalem to Tel-Aviv.

[Avidor] reminisced how he had come to Israel from France forty years ago, captured and enraptured by the dream to build a new land, to create a new society reflective of Jewish ideals. And then, with tears in his eyes he turned to me and said: “This past week-end, I looked at my two sons and wondered whether I had not wasted my life.”<sup>109</sup>

This was only one of several examples Schindler left Israel with, which proved that “what happened was not the fault of the entire nation.”<sup>110</sup> Schindler denounced Begin’s unwillingness to call for a judicial review of the facts, explaining that by not showing diligence to discover facts, he was ultimately implicating all of Israel for what only a small few were responsible.

On December 3, 1982, after a little more than two months of reflection on these events, Schindler addressed the UAHC Board of Trustees, this time in an effort to initiate

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<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

a serious conversation about the relationship between American Reform Jews and the state of Israel.

These issues flow directly from those dramatic events to which we were witness last summer: the war in Lebanon, the bombing of Beirut, the Phalangist massacre in the camps. These events stirred me deeply, evoking discordant, sharply contending emotions. And because many other American Jews shared my anguish, I also believe that these events mark a watershed, a turning point in the evolution of our community.<sup>111</sup>

Schindler explained that there were a lot of firsts that occurred in this war: this was the first time Israel initiated a war; the first time the Israeli government was less than clear in their statement of policy; the first time they fought the majority of a war in residential parts of cities against an enemy who was hiding among civilians; and this was the first time such a terrible atrocity was committed in an area occupied by the Israeli government.<sup>112</sup> Yet Schindler's presentation seemed to suggest that this war was a right of passage, a necessary part of the maturation process for the State and an occasion that would allow Diaspora Jews to relate to Israel in a more mature way as well.

Schindler explained that while the Lebanon War might have been the greatest example of Israeli military supremacy to date, "there [could be] no rejoicing, no victory celebrations in Jerusalem's streets, no triumphant stirrings of the spirit" because of the terrible tragedies and loss of innocent lives.<sup>113</sup> He reminded the Board of the quality that distinguished the IDF from any other military, the superior moral code derived from the

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<sup>111</sup> Alexander M. Schindler, Report of Rabbi Alexander M. Schindler, President of the Union for American Hebrew Congregations to the Board of Trustees, December 3, 1982, MSS. COL. 630, Speeches 1981–1983.

<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

deep traditions and values of Judaism. Without this aspect, he pondered whether Israel could truly maintain its Jewish identity.<sup>114</sup>

According to Schindler, part of the maturation of the relationship between American Jews and Israel meant that there needed to be a better understanding among both parties about what it meant to have American Jews dissent from Israeli policies. Schindler noted that “over the years, the Jewish community has reached a consensus on the score of full and free debate of any and all issues within the community.”<sup>115</sup> For Israel, public dissent of American Jews was seen only as supplying fuel to the fire of anti-Israel lobbyists and limiting the effectiveness of American Jews in Washington. Some saw public dissent was some as disloyalty or treasonous. Schindler called on American Jews to do away with this faulty notion. Instead, he advocated for an understanding of American Jewish-Israeli relations that was first expressed by Golda Meir after the Yom Kippur War in 1973:

We want to hear nice things about ourselves, but we must also hear the truth. The Arabs, the United Nations, the anti-Semites – their criticism we ignore. But American Jews are *mishpacha*, they are family, and from them we expect not only praise, but criticism as well. They should not only support us, that is understood; it is equally important that they help us see what is wrong and how it can be corrected.<sup>116</sup>

By participating in dissent, by bringing a Jewish moral and ethical voice to the international discussion, American Jews could help Israel regain its Jewish soul.

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<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

<sup>116</sup> Ibid.

This speech from Schindler, however, was just the beginning of the discussion. The Board of Trustees adopted two resolutions on Israel. The Commission on Social Action of Reform Judaism published these resolutions, which briefly explained the Reform Movement's institutional frame of mind regarding Israel, in the December edition of their periodical newsletter, *Social Action Briefings*.<sup>117</sup> The commission reported:

Virtually every arm of Reform Judaism – the UAHC Board, the CCAR, ARZA, and the Commission on Social Action – is engaged in a serious and searching dialogue on the implications of recent events in the Middle East as they impinge on the changing relationship between Israel and the Diaspora, the place of dissent, the significance of various West Bank options for the Jewish democratic character of Israel. Study materials are being prepared to assist congregations to assess these issues in the hope of strengthening and deepening our solidarity with our brothers and sisters in Israel through intelligent and reciprocal dialogue.<sup>118</sup>

The resolutions adopted by the Board of Trustees of UAHC address many of these issues.

Resolution on Israel #1 begins by affirming the Reform Jewish obligation to engage in Israeli issues and to speak out lovingly and with concern “when there are differences of opinion in matters of substance.”<sup>119</sup> This position is in contrast with other organizations, such as the Synagogue Council of America, which discouraged public dissent. The UAHC's resolution acknowledges that publicly expressed disagreements,

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<sup>117</sup> Commission on Social Action of Reform Judaism, *Social Action Briefings*, December 1982.

<sup>118</sup> Ibid.

<sup>119</sup> UAHC Board of Trustees, Resolution on Israel - #1, December 5, 1982.

when taken out of context by Israel's enemies, could be used against Israel. In response to these concerns, the UAHC encouraged caution but not silence.

Within this resolution, UAHC, together with the reform movement's Zionist affiliates ARZA and KEDEMA, articulated five suggestions to maintain and strengthen the relationship between American Reform Jews and Israel. The first suggestion was to defend the right of Israel to defend itself.<sup>120</sup> Next, UAHC encouraged the Reform Movement to support Israel's material needs by sending donations. UAHC also expressly rejected the opinion that Israel was the primary stumbling block to peace negotiations, articulating the belief that it was the PLO and other Arab governments' refusal to recognize the State of Israel that was the root source of the tensions.<sup>121</sup> Next, UAHC stated that the Reform Movement rejected the United States' position of threatening to withdraw aid to Israel in order to force Israel to engage in unwanted peace negotiations. Finally, the UAHC stood strong in their belief that the Camp David negotiations offered the best chance for achieving a lasting peace, but only if the negotiations were pursued with equal vigor by all parties.<sup>122</sup>

While this first resolution articulates the Reform Movement's official policy position for responding to Israel issues, the goal of Resolution on Israel #2 was to "urge all reform congregations in the United States and Canada to enter into study, dialogue and debate on all such issues including Israel's settlement policy, the future of Judea and Samaria, the development of more effective instrumentalities through which to express our views and the nature of our commitment to the strengthening of *aliyah*."<sup>123</sup> With

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<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

<sup>122</sup> Ibid.

<sup>123</sup> UAHC Board of Trustees, Resolution on Israel - #2, December 5, 1982.

these two resolutions, the movement was not only outlining the contours of its positions on Israel, it was encouraging individual member congregations to wrestle with the tough issues related to Israel themselves.

These two resolutions were the result of two months of intensive study and discussion. The board of trustees of UAHC took its time formulating these opinions in order to ensure that they were well researched.

In March 1983, the Committee on Social Action (“CSA”) officially announced that the theme for the June 1983 Consultation on Conscience, the CSA’s annual issues-based conference, was going to be examining the relationship between American Jews and Israel.<sup>124</sup> The CSA hoped the combination of the December 1982 resolutions and the early announcement of the theme would enable social action committees and ARZA chapters to address several key questions:

(1) Do you agree with the UAHC Board Resolution on the question of the right of dissent? If not, where do you disagree?, (2) Do you think that UAHC General Assembly should register its voice on the West Bank and settlement issues?, (3) If yes, in support or opposition to current Israeli policies?, and (4) The Reform Movement has spoken out publicly and repeatedly on the question of Reform rights in Israel and the need for religious pluralism. Should we also register our opinion on such questions of women’s rights, civil liberties and human rights in Israel affecting the quality of life there?<sup>125</sup>

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<sup>124</sup> Commission on Social Action of Reform Judaism, “Consultation on Conscience,” *Social Action Briefing*, March 1983.

<sup>125</sup> Ibid.

By soliciting feedback prior to the Conference, the CSA created an opportunity for the Reform Movement to develop a fully-mature opinion with respect to the state of Israel. At the time of the writing of this thesis, no documents have been discovered related to the June 1983 conference, so it is impossible to tell what effect this solicitation of information had on the convention.

## **Conclusion**

Since 1967, the Reform Movement's discourse about Israel has fit into the overall American Jewish position of unanimous, unwavering support for Israel, especially with respect with Israel's right to defend itself against outside aggressors. In Israel's first four wars, Israel was attacked first and fought defensive battles. The initial perception of the first Lebanon war was that Israel was going to follow this pattern, engaging only in defensive maneuvers. Specifically, most of the broader international community viewed Israel's goal of establishing a buffer zone in Lebanon in order prevent the PLO from attacking Israelis in the Galilee as a legitimate defensive effort.

Yet despite the trend of unanimous, unwavering support, fault lines began to appear in the American Reform Jewish community. Some American Reform Jews viewed the initial invasion of southern Lebanon as an act of aggression. These feelings were exacerbated when Ariel Sharon led the IDF farther north, beyond the 40-km marker despite his previous declaration that the operation had been a complete success. This decision by Sharon led to a heated public discussion among prominent American Jewish leaders about the providence of his actions. Yet to this point, there was no cohesive institutional response to Israel's actions.



This changed following the devastating attacks at the Sabra and Shatila refugee camps. After the Phalangists massacred nearly 700 people in the camps with the tacit (or even overt) support of the Israeli government, the American institutions of Reform Judaism could no longer remain silent. While many in the American Jewish community debated whether Israel should be held accountable at all for any part of the massacre, the Reform Movement demanded that the Israeli government appoint an independent fact-finding commission to investigate the incident and to hold all participants accountable, whether Israeli or Phalangist.

Not only were the institutions of Reform Judaism concerned; many Reform Jews saw Israel's newly-aggressive tactics as counter to the teachings of Judaism and seriously questioned what it meant for Israel to be called a "Jewish State." The Reform Movement's institutional response was an attempt to educate and foster a sense of obligatory engagement in Israeli political issues where American Reform Jews could, if necessary, serve as a Jewish conscience for the Jewish State.

This questioning and probing position represented a marked departure from the movement's previous, virtually unilateral support for all Israeli actions. This shift is directly attributable a change in Israeli government policies, as evidenced by the selection of Menachem Begin as prime minister. What did not change, however, was the movement's support for the right of Israel to exist as a state – support that continues unabashedly to this day.

## **Conclusion**

While the institutions of Reform Judaism – the UAHC, the CCAR, the RAC, the CSA and HUC, were consistently involved in controversial political issues, a review of the documented responses reveals that the Reform Movement utilized a variety of mechanisms when engaging in these issues.

One method of response often utilized by the institutions to address these controversial issues was to convene conferences. One of the goals of the leaders of the Reform Movement, expressed most clearly by former CCAR president Rabbi Leon Feuer, was to develop experts who could speak capably about relevant political and social justice issues. These conventions in each case brought in experts from applicable fields to provide information on the issues. In most cases, multiple people were brought in to speak about the same issue to provide multiple layers of perspective. It was also important to the leaders of the movement to examine these issues in a non-partisan way. These conferences also served as a forum for the constituents of the movement to debate the issues publicly. The leaders of the Reform Movement utilized the results of the discourses from these conferences to write draft resolutions, which were eventually presented at formal gatherings such as the annual CCAR conventions and UAHC biennial conventions.

During the Vietnam War, the institutions convened numerous conferences to examine particular issues in depth. With respect to the issue of conscientious objection, the CCAR and the CSA held a conference to educate their constituents about the draft and to discuss the moral issues regarding war and conscience. There was also a

conference on dissent led by the UAHC and CSA in an effort to respond to questions about the ethical limits of dissent raised by the Spock-Coffin trial.

In 1972, there is evidence to show that the RAC planned a conference to explore the issue of affirmative action. However, at the moment of this thesis's completion there were no primary documents available in the American Jewish Archives files where the results of this conference were recorded. It is also unclear whether or not the CCAR's 1973 resolution on affirmative action was derived from this conference.

In the case of the first Lebanon War, the UAHC utilized a slightly different approach. Because of the sensitivity of the issue, and the fear in the American Jewish community about making public statements about Israel, the UAHC Board of Trustees came together twice over a two-month period following the massacre at the Sabra and Shatila refugee camps to research and draft two resolutions about Israel. These draft resolutions were distributed to members of the UAHC. The union asked congregational leaders to study the relevant issues and the draft resolutions prior to the conference on Israel so they would come to the conference with a more mature understanding of the issues.

The drafting of resolutions was in and of itself another way the institutions of Reform Judaism responded to controversial political issues; and conferences were not the only means used for drafting resolutions. Committees like the CCAR's Committee on Justice and Peace were responsible for drafting resolutions passed by the CCAR related to political issues. There were also several examples of congregations sending their own resolutions to the UAHC expressing their position about a particular issue.

The institutions of the Reform Movement were also engaged in various forms of more direct involvement. One manner of direct involvement by the institutions was the filing of *amicus curie* briefs with various state and federal courts. With respect to the issue of dissent in the Vietnam War, the UAHC filed a brief to the court supporting the four defendants in the Spock-Coffin case. For affirmative action, the UAHC signed their name to a brief in support of the University of Washington. The biggest difference between these two examples, however, was that the participants at the conference on dissent recommended that the UAHC file a brief in the Spock-Coffin case, while the brief signed by the UAHC in the DeFunis case was signed without any official endorsement from the constituency of the UAHC.

Another way the Reform Movement became involved in political issues was the writing of letters by leaders of the institutions, some of whom also met directly with government officials and other political leaders. During the Vietnam War, many reform leaders sent letters directly to President Johnson criticizing his war policy in Vietnam. In the case of affirmative action, the CSA was invited to join a group of concerned organizations after the DeFunis trial to set a standard for non-discriminatory affirmative action policy. With the Lebanon War, Rabbi Schindler went personally to meet with Prime Minister Begin in Israel to discuss the feelings of the American Jews towards Israel's incursion into Lebanon.

In several cases, the controversy related to these issues was intensified by the way a particular leader of the movement responded to a particular issue. The most controversial example was when Rabbi Eisendrath chose to write his imaginary letter to President Johnson related to the issue of dissent.

Another example of direct involvement occurred during the Vietnam War when the RAC provided food, shelter, and medical aid to protestors in Washington D.C.

One of the most fascinating aspects of this thesis is the examination of responses to “official” positions adopted by the institutions; when constituents of the Reform Movement chose to confront the institutions because of some disagreement on the issues. It is amazing to see that the RAC maintained so many letters or newspaper articles that expressed disagreement with statements made by the institutions of Reform Judaism. There were a couple of observable trends with respect to constituent responses to the Reform institutions, including the question of the rights of a religious organization to participate in politics, and more specifically, the question of whether these institutions, or their representatives had the right to speak for all Reform Jews. The answer most commonly given to both of these questions is that Reform Judaism is guided by a prophetic imperative to make the world a better place, which includes engaging in secular politics as a means for achieving that goal. Additionally, the institutions of Reform Judaism acknowledged that when they make political statements, that they were not necessarily representative of all Reform Jews.

One of the initial goals of this thesis was to see how (or if) Jewish tradition was used to interpret or respond to these political issues. One of the many reasons that these three issues became controversial was the opinion that religious organizations should stay out of secular politics. As stated before, the Reform Movement always responded that there is a prophetic imperative in Judaism that requires all Jews to engage in politics. It was therefore surprising to see how limited a role Jewish tradition played in the process of writing these resolutions by the CCAR and UAHC.

In the 1965 UAHC resolution “A World at Peace,” it is possible to see the commitment to Jewish values in the opening and closing paragraphs of the resolution. In the introduction the UAHC affirms that Reform Jews are “heirs to a great Jewish tradition...co-partners with God, to fashion a better world.”<sup>1</sup> Additionally, in the concluding paragraph there is a reaffirmation of the “belief in the sovereignty of God over all humanity” and a “pledge to join with all men of good will in achieving man’s final opportunity for redemption: A World at Peace.”<sup>2</sup> Meanwhile, at the same biennial, the general assembly passed a resolution about the right to dissent, where not one reference to Judaism or Jewish tradition was made.<sup>3</sup>

Similarly, in the case of affirmative action, there is an introductory sentiment that links the idea of affirmative action to Jewish tradition, albeit in vague terms:

As Jews who are deeply committed to the prophetic imperatives of our tradition, we are dedicated to those deeds that will create justice for all the people of our country. Affirmative action aimed at correcting historic injustice in our society is a significant and successful vehicle for achieving such a goal.<sup>4</sup>

Furthermore, the UAHC references the prophetic imperative for the pursuit of justice and peace in relation to the issue of the Lebanon War in their first resolution about Israel as well.<sup>5</sup> While these short snippets might remind the reader that these resolutions come

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<sup>1</sup> 48<sup>th</sup> UAHC General Assembly, A World at Peace, November 1965, [http://urj.org/about/union/governance/reso//?syspage=article&item\\_id=2255](http://urj.org/about/union/governance/reso//?syspage=article&item_id=2255) (accessed April 17, 2012).

<sup>2</sup> Ibid.

<sup>3</sup> 48<sup>th</sup> UAHC General Assembly, Right to Dissent, November 1965, [http://urj.org/about/union/governance/reso//?syspage=article&item\\_id=2253](http://urj.org/about/union/governance/reso//?syspage=article&item_id=2253) (accessed April 15, 2012).

<sup>4</sup> 45<sup>th</sup> UAHC General Assembly, Affirmative Action, November 1977, [http://urj.org/about/union/governance/reso//?syspage=article&item\\_id=2153](http://urj.org/about/union/governance/reso//?syspage=article&item_id=2153) (accessed April 15, 2012).

<sup>5</sup> UAHC Board of Trustees, Israel #1, December 1982, [http://urj.org/about/union/governance/reso//?syspage=article&item\\_id=2117](http://urj.org/about/union/governance/reso//?syspage=article&item_id=2117) (accessed April, 15, 2012).

from a Jewish organization, the remaining text could just as easily come from a secular (liberal) political lobbying organization.

For some, this sort of political engagement was seen as a purely secular activity, and the fact that these resolutions, with the exception of these brief religiously-grounded statements, could be attributed to secular organizations only strengthens that perception. Other people take issue with the fact that the position expressed by the institutions of Reform Judaism most often reflects a liberal bias, which ultimately means that it does not accurately reflect the opinion of all Reform Jews.

Judaism has always responded to the social concerns of the time. Rabbi Emil Hirsch's message to American Reform Jews in 1885 was to engage in modern social justice issues "in full accordance with the spirit of the Mosaic legislation,"<sup>6</sup> not with the intent of achieving personal political gains, nor for the sake of achieving a secular utopia. The issues of dissenting from power, morality in war, helping the downtrodden, not taking inappropriate advantage of power, and issues related to *k'lal yisrael*, have always been relevant political issues for Jews. The institutions of Reform Judaism, though they do not claim to speak for all Reform Jews, play an important role in taking up the prophetic mantle as prescribed by Hirsch to "solve, on the basis of justice and righteousness, the problems presented by the present organization of society,"<sup>7</sup> and whether or not we always agree with them politically, they serve an important role in the American political scene, bringing a Jewish voice to the chorus of voices in American politics.

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<sup>6</sup> <http://ccarnet.org/rabbis-speak/platforms/declaration-principles/> (accessed April 15, 2012).

<sup>7</sup> Ibid.

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