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10.09.19 - - News Placed in Oct 9 spot – Tuesday

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Turkey attacks Kurds in Syria as Trump withdraws from endless Middle East wars.

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US halt Kurdish Syrian forces, leaving Islamic State ISIS operations unopposed

10.08.19 - - News Placed in Oct 5 spot – Saturday

Oct 8, Gideon Saar, aide & senior minister challenges Netanyahu within the Likud party

10.07.19 - - News Placed in Oct 11 spot – Friday

Oct 7, PA eliminates all reference to Israel, the Jewish people & peace from textbooks

10.07.19

Cabinet ends ambiguity & shifts notification responsibility to IDF chief

10.06.19

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10.07.19

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Turkey attacks Kurds in Syria as Trump withdraws from endless Middle East wars.

Turkey launches offensive against Kurdish fighters in Syria

In its call for a general mobilization, the local civilian Kurdish authority known as the Autonomous Administration of North and East Syria asked the global community to live up to its responsibilities as 'a humanitarian catastrophe might befall our people'

Associated Press|Published: 10.09.19 , 19:55

Turkey launched airstrikes and fired artillery aimed at crushing Kurdish fighters in northern Syria on Wednesday after U.S. troops pulled back from the area, paving the way for an assault on forces that have long been allied with the United States.

Turkish President Recep Tayyip Erdogan announced the start of the campaign, which followed an abrupt decision Sunday by U.S. President Donald Trump that American troops would step aside to allow for the operation.

Trump's move, which has drawn harsh bipartisan opposition at home, represented a shift in U.S. policy that essentially abandoned the Syrian Kurdish fighters who have been America's only allies inside Syria in the fight against the Islamic State group.

After Turkey's offensive began, there was sign of panic in the streets of Ras al-Ayn-- one of the towns under attack with residential areas close to the borders. Cars raced to safety, although it was not clear if they were leaving the town or heading away from border areas.

Near the town of Qamishli, plumes of smoke were seen rising from an area close to the border after activists reported sounds of explosion nearby.

At least one member of the Kurdish-led force known as the Syrian Democratic Forces was killed in the Turkish bombardment, Kurdish activists and a Syria war monitor said.

Turkey's campaign -- in which a NATO member is raining down bombs on an area where hundreds of U.S. troops are stationed -- drew immediate criticism and calls for restraint from Europe.

"Coalition forces are not near the places Turkey has struck so far," an official with the U.S.-led coalition told The Associated Press.

The Kurdish forces have warned of a "humanitarian catastrophe" that could potentially unfold because of the Turkish military operation.

"Our mission is to prevent the creation of a terror corridor across our southern border, and to bring peace to the area," Erdogan said in a tweet.

He added that Turkish Armed Forces, together with Turkish-backed Syrian fighters known as the Syrian National Army, had begun what they called "Operation Peace Spring" against Kurdish fighters to eradicate what Erdogan said was "the threat of terror" against Turkey.

Minutes before Erdogan's announcement, Turkish jets began pounding suspected positions of Syrian Kurdish forces in the town of Ras al Ayn, according to Turkish media and Syrian activists. The sound of explosions could be heard in Turkey.

A photograph released to Turkish media showed Erdogan at his desk, reportedly giving orders for the start of the operation.

It was difficult to know what was hit in the first hours of the operation.

Mustafa Bali, a spokesman for the U.S.-backed Syrian Democratic Forces, said Turkish warplanes were targeting "civilian areas" in northern Syria, causing "a huge panic" in the region.

Before Turkey's attack, Syrian Kurdish forces that are allied with the United States issued a general mobilization call, warning of a "humanitarian catastrophe."

The Turkish operation meant to create a so-called "safe zone" carries potential gains and risk for Turkey by getting even more deeply involved in the Syria war. It also would ignite new fighting in Syria's 8-year-old war, potentially displacing hundreds of thousands.

Turkey has long threatened to attack the Kurdish fighters whom Ankara considers terrorists allied with a Kurdish insurgency in Turkey. AP journalists on the Turkish side of the border overlooking Tal Abyad saw Turkish forces crossing into Syria in military vehicles.

Expectations of an invasion increased after Trump's announcement, although he also threatened to "totally destroy and obliterate" Turkey's economy if the Turkish push into Syria went too far.

In the U.S., Republican critics and others said he was sacrificing an ally, the Syrian Kurdish forces, and undermining Washington's credibility. Trump tweeted that he is focused on the "BIG PICTURE" that does not include American involvement in "stupid endless wars" in the Middle East.

Turkey "has legitimate security concerns" after suffering "horrendous terrorist attacks" and hosting thousands of refugees, said NATO Secretary-General Jens Stoltenberg.

But he also said in Rome that Turkey should not "further destabilize the region" with its military action in Syria.

German Foreign Minister Heiko Maas condemned the offensive, saying it will "further destabilize the region and strengthen IS." The operation also was criticized by European Commission President Jean-Claude Juncker.

The EU is paying Turkey 6 billion euros (\$6.6 billion) to help the country cope with almost 4 million Syrian refugees on its territory in exchange for stopping migrants leaving for Europe.

But Ankara seeks more money amid concerns that thousands of Syrians could soon cross its border.

Fahrettin Altun, the Turkish presidency's communications director, called on the international community to rally behind Ankara, which he said would also take over the fight against the Islamic State group.

Turkey aimed to "neutralize" Syrian Kurdish militants in northeastern Syria and to "liberate the local population from the yoke of the armed thugs," Altun wrote in a Washington Post column published Wednesday.

Erdogan discussed plans for the incursion by phone with Russian President Vladimir Putin. Erdogan's office said he told Putin the military action in the region east of the Euphrates River "will contribute to the peace and stability" and also "pave the way for a political process" in Syria.

In its call for a general mobilization, the local civilian Kurdish authority known as the Autonomous Administration of North and East Syria asked the global community to live up to its responsibilities as "a humanitarian catastrophe might befall our people."

The Kurds also said **they want the U.S.**-led coalition **to set up a no-fly zone** in northeastern Syria to protect the civilian population from Turkish airstrikes.

The U.S.-backed Syrian Kurdish group urged Moscow to broker and guarantee talks with the Syrian government in Damascus in light of the military operation. The Syrian Kurdish-led administration said it is responding positively to calls from **Moscow encouraging the Kurds and the Syrian government to settle their difference** through talks.

Syria's Foreign Ministry condemned Turkey's plans, calling it a "blatant violation" of international law and vowing to repel an incursion. He said some Kurdish groups were being used as a tool to help an alleged "American project," but added Syria is ready to welcome back its "stray sons if they return to their senses," referring to the pro-U.S. Kurdish fighters.

Russian Foreign Minister Sergey Lavrov accused Washington of playing "very dangerous games" with the Syrian Kurds, saying that the U.S. first propped up the Syrian Kurdish "quasi state" in Syria and now is withdrawing its support.

"Such reckless attitude to this highly sensitive subject can set fire to the entire region, and we have to avoid it at any cost," he said in Kazakhstan. Russian news media said Moscow communicated that position to Washington.

Earlier Wednesday, IS militants targeted a post of the Kurdish-led Syrian Democratic Forces in the northern Syrian city of Raqqa, which was once the de facto IS capital at the height of the militants' power in the region.

The SDF, which holds thousands of IS fighters in detention facilities in northeastern Syria, has warned that a Turkish incursion might lead to the resurgence of the extremists.

The U.S.-allied Kurdish-led force captured the last IS area controlled by the militants in eastern Syria in March.

In the IS attack, three suicide bombers struck Kurdish positions in Raqqa. There was no immediate word on casualties. An activist collective known as Raqqa is being Silently Slaughtered reported an exchange of fire and an explosion.

The Observatory said the attack involved two IS fighters who engaged in a shootout before blowing themselves up.

IS claimed responsibility, saying one of its members killed or wounded 13 SDF members.

10.09.19

US halt Kurdish Syrian forces, leaving Islamic State ISIS operations unopposed

US-backed Syrian forces halt counter-Islamic State operations -sources

It was unclear whether the pause affected every aspect of U.S.-partnered operations against Islamic State or whether there might be exceptions while U.S. military was not immediately available for comment

Reuters|Published: 10.09.19, 20:21

U.S.-backed Kurdish fighters have halted operations for now against Islamic State in Syria as Turkey launches a military offensive in Syria's northeast, two U.S. officials and a Kurdish military source said on Wednesday.

"The SDF stopped the anti-ISIS operations because it's impossible to carry out any operation while you are being threatened by a large army right on the northern border," the Kurdish military source said.

One of the U.S. officials, who spoke on condition of anonymity, said the suspension also impacted U.S. training of stabilization forces in Syria.

It was unclear whether the pause affected every aspect of U.S.-partnered operations against Islamic State or whether there might be exceptions.

The U.S. military was not immediately available for comment.

But any suspension in such activities would represent a direct setback to the central U.S. goal of helping the Kurdish-led Syrian Democratic Forces (SDF) secure territory seized from Islamic State.

It would also show how the Kurdish-led SDF are rapidly shifting their focus to the fight against Turkey -- at the cost of preparations to prevent Islamic State's resurgence.

Turkish warplanes and artillery struck Kurdish militia positions in several towns on Wednesday after the United States this week pulled back its troops from the Turkey-Syria frontier following a decision by U.S. President Donald Trump.

Trump's critics say his move cleared the way for the Turkish operation and amounted to a betrayal of America's allies, the Kurds. U.S. officials say the president felt U.S. troops should not be caught in the middle of that fight, and Trump says he is fulfilling promises to withdraw the United States from "endless" Middle East wars.

The Kurdish fighters, considered terrorists by Turkey, have described the U.S. decision as "a stab in the back". Spearheaded by the Kurdish YPG militia, the SDF has been the backbone of the U.S.-led campaign against Islamic State.

The U.S. military had hoped to train SDF and other groups to create a stabilization force of 50,000-60,000 fighters to help prevent a resurgence of Islamic State.

As of last month, the U.S. military estimated it was perhaps about halfway toward that goal.

A third official told Reuters that the SDF was still guarding prisons holding some 11,000 captured Islamic State fighters, but noted that a small number of SDF forces had relocated ahead of the expected Turkish offensive.

U.S. officials have long feared that the SDF would be unable to continue guarding the facilities in the event of a major Turkish incursion into Syria.

Still, Islamic State remnants could force the SDF to battle it as well.

Jennifer Cafarella, research director at the Institute for the Study of War think-tank in Washington, said the SDF faced the likely prospect of having to fight on two fronts: against Turkish forces and remnants of Islamic State simultaneously.

"ISIS leader (Abu Bakr al-)Baghdadi is undoubtedly prepared for this moment," Cafarella said, using an acronym for Islamic State.

At the height of its power Islamic State ruled over millions of people in territory running from northern Syria through cities and towns along the Tigris and Euphrates valleys to the outskirts of Baghdad in neighbouring Iraq.

But the fall in 2017 of Mosul and Raqqa, its strongholds in Iraq and Syria respectively, stripped Baghdadi of the trappings of a caliph and turned him into a fugitive thought to be moving along the desert border between Iraq and Syria.

U.S. officials have been warning for months against losing focus on Islamic State, which they believe could again become a potent insurgency.

10.08.19

Gideon Saar, aide and senior minister challenges Netanyahu within the Likud party

Gideon Saar challenges lengthy Netanyahu Likud rule

Former PM aide and senior cabinet minister appears to be one of the few members of the ruling faction that no longer blindly follows Israel's leader and says he is 'ready' to run if there is a race for the party's leadership

Associated Press | Published: 10.08.19 , 13:36

With a simple tweet, Gideon Saar did what no Israeli politician from the ruling conservative party has done in more than a decade - openly challenge its chief, Prime Minister Benjamin Netanyahu.

The brazen move against the long-serving Israeli leader has solidly positioned the 52-year-old Saar as the Likud party's leading candidate to replace Netanyahu, who is fighting for his survival amid a pending corruption indictment and post-election political paralysis.

A former aide and senior cabinet minister under Netanyahu, Saar has long been considered a rising star in Likud and one of the lone independent voices in a party that has, in general, blindly followed its leader.

But that has begun to change. Netanyahu failed in two elections this year to capture a parliamentary majority, and the possibility of a criminal indictment in the coming weeks has hindered his efforts to head a coalition government. Seeking to solidify his status, the premier last week floated the prospect of a snap internal leadership primary in which he expected Likud to endorse him. But he quickly backed down after a two-word Twitter response from Saar: "I'm ready."

It was a risky maneuver in a party that fiercely values loyalty and has had only had four leaders in its 70-plus-year history. Saar followed it up with a more detailed tweet clarifying that he was not out to topple the prime minister, as Netanyahu has long claimed. Still, Saar left no doubt about his ultimate objective.

"No one is denying the prime minister's role as chairman of the Likud," Saar wrote on Twitter. "When there is a race for leadership of the party - as the prime minister himself initiated a few days ago - I will run."

For Saar, it was a move long in the making. A former lawyer and journalist, he was first brought into politics 20 years ago by Netanyahu, who made him his cabinet secretary during his first term in office.

Saar then established himself as a staunch nationalist who opposed Israel's 2005 withdrawal from the Gaza Strip and resisted the prospect of a Palestinian state. He quickly rose in the Likud ranks, twice finishing first in internal elections for its parliamentary list and enjoying successful stints as education minister and interior minister after Netanyahu returned to power in 2009.

But as with others in Likud who saw their popularity rise, he too began to be perceived by Netanyahu as a threat. Their falling out was capped by Saar's active role in getting Netanyahu's nemesis Reuven Rivlin elected president, over the prime minister's objections.

With his advancement stunted, Saar abruptly quit politics in 2014 to spend more time with his new wife, Israeli TV anchor Geula Even, and their young children.

He made his comeback this year, chosen by Likud members for a senior position on the party's list of candidates in parliamentary elections. While campaigning hard for Likud, Saar has been its only top official to occasionally flaunt Netanyahu - resisting calls to legislate immunity for the prime minister and attending a media conference Netanyahu had called to boycott.

"Gideon has no fear and he's straight as an arrow," said Shimshon Shoshani, Saar's former director general in the Education Ministry.

Though he didn't share Saar's right-wing ideology, Shoshani said they worked in tandem on bold education initiatives and he saw a public servant fit to lead the country.

"He's a man who has a vision, and he knows how to translate that vision into concrete plans," said Shoshani, an 82-year-old veteran of the Israeli bureaucracy.

Despite his hard-line positions, Saar enjoys good relations across the political spectrum and is perceived as a potentially more comfortable partner for a unity government with the rival Blue and White party, which emerged as the largest party in last month's election.

But neither it nor the Likud control a parliamentary majority. A coalition government between the two parties appears to be the best way out of the deadlock, but Blue and White's leader, former military chief Benny Gantz, refuses to sit with Netanyahu because of his expected indictment on corruption charges.

Saar's independent streak has drawn frequent fire from Netanyahu's lackeys, and Netanyahu himself last year accused Saar of orchestrating a "putsch" with Rivlin to unseat him.

Under Israeli law, if neither Netanyahu nor Gantz can form a coalition, a majority of lawmakers could theoretically choose an alternative as prime minister. Saar is widely seen as the politician most capable of winning such support.

With a primary election seemingly off the table for now, Netanyahu is talking about convening a Likud functionary body to stipulate he's the party's sole candidate for prime minister.

Netanyahu's office has refused to comment about his plans. However, Limor Livnat, a former Likud cabinet minister and Netanyahu ally, decried the conduct against Saar as a show of weakness.

"Instead of cultivating potential successors, Netanyahu has neutralized every Likud member who has shown any independence and has surrounded himself with yes-men," she wrote in the Yediot Ahronot daily. "Since when is announcing one's candidacy in a party primary construed as a plot against the incumbent party chairman?"

Eran Davidi, a long-time confidante of Saar's, said Saar and Netanyahu have not met in five years and the enmity was likely to cost Saar a Cabinet post if Netanyahu succeeds in forming another government. But if he fails again, and the country heads to an unprecedented third election within a year, Davidi said he expected the long-hidden cracks to finally emerge within Likud.

While others have expressed interest in heading the party after Netanyahu voluntarily steps aside, Saar remains the only one who doesn't intend to wait till that happens.

"He has ambitions and he has said that he came back to politics to lead the country," Davidi said. "Eventually, the Likud members will appreciate that he had the courage to run. That's the qualities of a leader."

10.07.19

PA eliminates all reference to Israel, the Jewish people & peace from textbooks

PA removes mention of agreements with Israel from textbooks

NGO says elimination in new Palestinian textbooks of any reference to Israel, the Jewish people and peace dashed hopes for reformation of Palestinian curriculum

Ynet|Published: 10.07.19 , 12:10

Advertisement

The Palestinian Authority has removed all trace of agreements signed with Israel from its textbooks, according to an organization tracking educational material in the Middle East.

According to IMPACT-se (the Institute for Monitoring Peace and Cultural Tolerance in School Education), the only signed agreement still mentioned in schoolbooks for West Bank and Gaza students from first grade through to high school is the 1993 Oslo Accords, but even those are mentioned less favorably and in less detail than in earlier versions of the textbooks.

Some of the examples of agreements signed by the PA with Israel were removed, with the new curriculum representing a quantum leap backward toward radicalizing the textbooks, IMPACT-se claims.

The 2019 textbooks no longer include the PLO statement calling for coexistence, peace and non-violence with Israel, which appeared in the old version of the curriculum

The sentence that previously appeared - "The PLO considers that the signing of the Declaration of Principles constitutes a historic event, inaugurating a new epoch of peaceful coexistence free from violence and all other acts which endanger peace and stability" - has been changed to:

"Forcing the Zionist Occupation (Israel) to recognize the PLO after the first Intifada in 1987 contributed to the return of PLO cadres and institutions in 1994 to the West Bank and Gaza Strip."

Deleted from the new curriculum was the relatively substantial amount of information taught to Palestinian students about ancient Jewish history in "Palestine." and Jewish presence and connection to Jerusalem. There is no longer mentioned as the Jews' capital in the ancient period.

Another example of material now missing from textbooks is the use of the term Jewish State, which appeared in an atlas showing boundaries in the 1937 Partition Plan, the 1947 Partition Resolution, and the 1949 armistice lines.

According to IMPACT-se, there are far fewer references to Israel by name in the curriculum, instead there are references to "Zionist Occupation"; "The Occupation"; "Israeli Occupation"; "The Zionists"; and "The Zionist Entity."

The **elimination of any reference to Israel, the Jewish people and peace**, has dashed any reasonable hope for a reformation of the Palestinian curriculum was dashed, the authors of the IMPACT-se study conclude.

Blue and White leader Benny Gantz told Ynet the new curriculum harms hopes for a better future for new generations.

10.07.19

Cabinet ends ambiguity & shifts notification responsibility to IDF chief

Katz says IDF chief ended policy of ambiguity in Syria by going public with Iran drone plot

Foreign minister claims Aviv Kochavi admitted to have approved publication of a foiled Iranian drone attack by Israeli military in August; Katz attacked Blue and White NK Yair Lapid for suggesting earlier ambiguity was ended due to Netanyahu's personal interests
Moran Azulay|Published: 10.07.19 , 10:53

Israeli military chief admitted during a cabinet meeting to have approved the publication of a foiled Iranian drone attack on Israel, the foreign minister said Monday.

Israel Katz says that IDF Chief of Staff Lt.-Gen. Aviv Kochavi said during Sunday's security cabinet meeting that it was his decision to publicize the thwarting of an Iranian attack last August. According to the IDF, the attack was to be carried out by unmanned aerial vehicles sent from Syria to hit Israeli targets.

Israel had a long-standing policy of ambiguity about aerial assaults on Syrian territory, which was first broken back in January when Prime Minister Benjamin Netanyahu confirmed that the Israel Air Force struck Iranian targets in Syria following Syrian reports of successful interceptions over Damascus.

Prime Minister Benjamin Netanyahu at the time called the thwarting of the attack a "major operational effort," adding that "Iran has no immunity anywhere." Netanyahu's response prompted his political rivals, primarily Blue and White co-founder MK Yair Lapid, to criticize the prime minister for ending the policy of ambiguity (with regards to military activity in Syria) in lieu of personal interests.

"Remember the debate about the ambiguity over the IDF's foiling of Iranian drone attack from Syria?" Katz said on Twitter.

"Lapid attacked the government, claiming it was the reason Nasrallah responded?" he said referring to Hezbollah leader Hassan Nasrallah who ordered an anti-tank missile attack on military vehicles near the border in response to three men - belonging to the Lebanese terror group - being killed in IDF strike that thwarted the attack.

"Well, now that the elections are over the chief of staff made it clear that he was the one who initiated the publication out of professional considerations."

“You’re not only leaking the information from cabinet meetings but also shift the responsibility onto the chief of staff,” tweeted Lapid in response. “We both know that canceling the policy of ambiguity was not about the drone attack, it happened much earlier.”

10.06.19

Showers, thundestroms hit Israel despite hot weather predictions

Showers, thundestroms hit Israel despite hot weather predictions

The southernmost resort city of Eilat experiences unexpected thunderstorms a day after light rain rocked central Israel and Jerusalem in stark contrast to forecast that promised clear skies and above average temperatures

Ynet|Published: 10.06.19 , 10:36

Israelis living in the southernmost resort city of Eilat woke up Sunday to an unexpected and unusual for this time of year thunderstorm.

The wet weather comes in stark contrast to the weekend weather forecast that promised the above average high temperatures.

According to Tzahi Wachsman from the Meteo-Tech meteorological organization, light drizzle was predicted in some parts of southern Israel in the late hours of Saturday evening. “The surprise is the location - the center of the country - and the timing - the afternoon hours,” he said.

In the northern city of Haifa, the temperatures on Sunday will range from 28 degrees celsius during the day to 22 degrees at night. In Tel Aviv, the weather will be similar with a range of 28 degrees during the day and 23 degrees at night. In the southern city of Be’er Sheva, temperatures will range from 30 degrees throughout the day to 19 degrees at night. In Jerusalem, the temperatures will be cooler, reaching 28 degrees celsius during the day and falling to 16 degrees overnight.

According to the Meteo-Tech, winds in the southwestern Mediterranean Sea will reach speeds of up to 40 kph (17 mph), while the waves could reach heights of up to 90 cm (3 feet).

Monday will see a mix of sun and clouds with the temperatures staying at their seasonal average.

10.07.19

Fourth and final day of PM's pre-indictment hearings to highlight Case 2000

Fourth and final day of PM's pre-indictment hearings to highlight Case 2000

Netanyahu's pre-trial hearings are set to wrap up with a case which alleges that Israel's leader and Yedioth Ahronoth publisher had a quid pro quo of positive coverage for prime minister and his wife in exchange for weakening of rival newspaper

Ynet |Published: 10.07.19, 08:42

The fourth and final day of Prime Minister Benjamin Netanyahu's pre-indictment hearings are set to begin on Monday with the third corruption case involving an alleged quid pro quo media scheme set to take the limelight. Netanyahu's attorneys are expected to arrive to the Justice Ministry in Jerusalem to fend off the allegations.

Netanyahu faces possible indictment in three criminal corruption investigations known as Cases 4000, 1000 and 2000. Attorney General Avichai Mandelblit already has recommended that Netanyahu be indicted on fraud, breach of trust and bribery charges.

Case 2000 concerns alleged discussions Netanyahu and Yedioth Ahronoth publisher Arnon Mozes had over a quid pro quo of positive media for the prime minister in return for Netanyahu weakening Yedioth's main rival newspaper Israel Hayom.

The hearing on Sunday focused on Case 1000 which alleges Netanyahu has received expensive gifts worth up to one million shekels from billionaire Arnon Milchan and Australian billionaire James Packer.

The defense lawyers in Case 1000, Amit Hadad and Yossi Askenazi said shortly before the hearing was due to begin that once the attorney general hears their arguments "there will be no choice but to close the cases."

The first two hearings focused solely on Case 4000, which involves an alleged plan to ease regulations for telecommunications mogul and Bezeq chief Shaul Elovitch in return for positive coverage on his Walla! news website.

Netanyahu has called the allegations part of a witch hunt, lashing out against the media, police, prosecutors and the justice system.

10.08.19

350 free-to-the-public Yom Kippur prayer services accessible across Israel

Tzohar makes Yom Kippur accessible across Israel

The Tzohar rabbinical organization partners with Yachad Ohr Torah Stone to provide accessible and meaningful free-to-the-public Yom Kippur services in 350 locations. Ohr Torah Stone President Rabbi Kenneth Brander: "Yom Kippur belongs to everyone." by Israel Hayom Staff Published on 2019-10-08 10:42 Last modified: 2019-10-08 11:08

Tzohar makes Yom Kippur accessible across Israel
Israelis from across the religious spectrum pray together at Yom Kippur services sponsored by Tzohar in 350 locations | Photo: Tzohar

From the north to the south, 350 free-to-the-public Yom Kippur prayer services are scheduled to take place all across Israel over the holiday. The traditional services organized by Tzohar, in partnership with Yachad Ohr Torah Stone, are expecting a crowd of 68,000 at locations all across the country, including no less than 18 different events in Tel Aviv alone.

The participants, religious and secular, will be provided with prayer books specifically designed for those less familiar with the service – including directions on when to stand, when to sit, when the cantor chants out loud, and when he is joined by the congregation. The service will include explanations, discussion and the shofar blowing at the conclusion of the holiday.

"Yom Kippur is a wonderful opportunity to take a break and disconnect from all the noise around us. Like every year, the community is invited to take part in one of the hundreds of prayer services around the country," said Rabbi David Stav, founder of Tzohar Rabbinical Organization.

Rabbi Kenneth Brander, the president and rosh yeshiva of Ohr Torah Stone Institutions, said: "Yom Kippur is a special and holy day among the people of Israel, but there are Israelis who feel less comfortable in observing it in the synagogue for various reasons. On the other hand, research indicates that most Israelis seek to connect with their heritage and dedicate a place for tradition in their daily lives. Therefore, we offer the public the opportunity to pray in beautiful and comfortable locations with songs, experience, and meaning. Judaism is considered the treasure of the nation of Israel; so too, Yom Kippur and the rest of the holidays belong to everyone."

10.09.19

Constitutional impeachment crisis needs senators to develop a backbone

Are we in a constitutional crisis yet?

Thirteen legal experts respond to the Trump administration's refusal to comply with the House's impeachment inquiry.

By Sean Illing@seanillingsean.illing@vox.com Oct 9, 2019, 12:20pm EDT

The Trump White House's letter on Tuesday informing House Democrats that it will not cooperate in any way with their impeachment inquiry is a serious escalation in the fight between the two branches of government.

Tensions between Congress and the White House have been high since Trump took office. It's not unusual for a White House to work at cross-purposes with a hostile Congress, as we saw most recently in the Mueller probe, but to flatly ignore its requests in this way seems, well, different.

The Constitution is pretty clear that we have three separate but equal branches of government. The White House, in ignoring what is by any measure a lawful congressional inquiry, is challenging this principle head-on.

The big question now: Is it actually legal for the White House to ignore Congress in this way? And if the administration persists, does this leave us in a legitimate constitutional crisis?

Tom Brenner for The Washington Post via Getty Images

To get some answers, I reached out to 13 legal experts. Their full responses, lightly edited for clarity and length, are below.

There's **no real consensus** on the big question of whether we're facing a genuine constitutional crisis. Some experts think we've already crossed that threshold; others say we'll get there when and if the administration ignores a court order.

Nearly everyone agrees about one thing: We're entering dangerous territory.

Yes, the crisis is here

Lisa Kern Griffin, law professor, Duke University

The letter from the White House is a political stunt that misinterprets the Constitution, ignores relevant precedents, and defies common sense. The Constitution does not say much about impeachment, but what it does state is clear, simple, and right there in Article I. The House "shall have the sole Power of Impeachment" and the Senate "shall have the sole Power to try all Impeachments."

No particular process is specified or required. In other words, the House determines the procedures it will use to, in effect, issue an indictment of the president, and the Senate then conducts a trial. Even were this a criminal rather than a political mechanism, bringing an indictment does not require open proceedings and the cross-examination of witnesses. There is zero legal support for the White House's demands, and the president has also made it clear that there is no procedure at all with which he will cooperate.

"AN IMPEACHMENT INQUIRY IS NOT A DINNER INVITATION"

Yes, the long-feared constitutional crisis is here. For the White House and the entire administration to reject this constitutional process means open contempt for a coequal

branch of the government. The president claims he cannot be indicted by prosecutors unless he has been impeached by Congress, and then he insists he will defy all congressional investigations as well.

The House subpoenas are of course legally valid, but seeking redress in the courts will cause delay, and the passage of time brings the 2020 election closer.

Jessica Levinson, law professor, Loyola Law School

What do you get when you mix a valid congressional impeachment inquiry with a recalcitrant president? A constitutional crisis. We have bandied about the term “constitutional crisis” for almost three years now. But here we are, watching a president flout Congress’ constitutional authority to initiate and proceed with an impeachment inquiry.

An impeachment inquiry is not a dinner invitation. It is not something one can decide whether or not to accept. The president, like other American citizens, is subject to Congress’ subpoena power. Let’s not confuse the president’s refusal to comply with a right to refusal.

The president’s recalcitrance will likely leave Congress adding one more thing to the impeachment inquiry: obstruction of justice.

The real crisis will come if the White House ignores the courts, too

Diane Marie Amann, law professor, University of Georgia

The eight-page letter of the White House counsel may be described as legal-ish. At times it resembles a legal document, and it even cites a few Supreme Court cases. Overall, however, its arguments sound political. The White House has taken a political position that assumes almost unlimited executive power and pays little heed to the checks and balances upon which the US Constitution is founded.

The Constitution gives the House of Representatives “the sole power” to vote on articles of impeachment, following a process to be set by the House itself. There is no doubt that the House can subpoena testimony and documents from employees of the executive branch, and those employees must comply unless there exists a legally recognized privilege. Determining the presence or absence of such a privilege is not a decision solely within the power of the president.

So, no, the White House cannot just refuse across the board to cooperate with subpoenas. Persistence may result in a finding of contempt of Congress, a federal crime punishable by up to a year in prison. If that occurs and that punishment is met with further resistance, surely then there will be an actual constitutional crisis.

Victoria Nourse, law professor, Georgetown University

Conventional wisdom holds that refusing to provide information means that you have something to hide. Congress has the authority to subpoena anyone in the private sphere or the administration for a legislative purpose. This is established law, reaching to 1927. If

the president has a claim of executive privilege, that can be asserted, but the courts are its final arbitrators. What the president's lawyers are, in the end, saying, is, "Take me to court."

Now, are we in a constitutional crisis? In my own view, the problem has to do with a failure of a neutral mediator. The rules are clear, but the president is refusing to comply with the established rules. Pressure will grow for the judiciary to act, and to act quickly. The law is clear: The president should lose; his agents are subject to a legal subpoena. The true constitutional crisis would occur if the president refuses to follow a court order.

Jens David Ohlin, law professor, Cornell University

Refusing to cooperate represents a change in strategy for the White House. Initially, the White House cooperated (by releasing the transcript of the phone call, for example) in order to take the obstruction argument off the table and not give Democrats another argument in favor of impeachment. The White House has apparently abandoned that strategy.

“[T]HE HOUSE MAY SIMPLY DECIDE TO USE THE WHITE HOUSE REFUSAL AS ANOTHER JUSTIFICATION FOR IMPEACHMENT”

I wouldn't describe this as a constitutional crisis because I usually reserve that term for when one branch of government ignores a judicial order and refuses to submit to the rule of law. That being said, the Trump administration is required to submit to requests for congressional oversight and their refusal to cooperate with the congressional investigation brings us one step closer to impeachment.

Although Congress can go to federal court to ask a judge to enforce a subpoena that is being ignored, that move takes time, and in the end, the House may simply decide to use the White House refusal as another justification for impeachment. In this case, impeachment is the ultimate constitutional tool — a blunt tool but a tool nonetheless — for pushing back against a non-compliant executive branch. That's where we are headed.

Michael Kang, law professor, Northwestern University

It is hard for the White House to convincingly maintain that its complete refusal to cooperate with the House impeachment inquiry is "legal" in the usual sense, but the White House is operating with politics, rather than law, in mind.

Obviously the president isn't authorized to judge for himself the legitimacy of the House's impeachment inquiry over himself and then refuse to cooperate on that basis. However, I don't think it's quite yet what we should call a constitutional crisis. There's still the matter of court involvement, which is a likely next step.

Courts are likely to side with the House on its subpoenas and access to grand jury evidence, at least over the arguments the White House has offered so far. If the White House continues its refusals in flat defiance of court rulings, then calling it a constitutional crisis starts to make sense.

Douglas Spencer, law professor, University of Connecticut

The Constitution is not clear about a lot of things. When it comes to impeachment, however, the language is clear: The House of Representatives “shall have the sole power of impeachment.” The Constitution is also clear that “each House may determine the Rules of its Proceedings.”

The Constitution is clear that the House can follow whatever rules it wants. Congress is engaged in an investigation, not a trial. If the president is impeached (a.k.a. indicted) then he would have the right to present evidence and cross-examine witnesses as part of his trial in the Senate. It is wrong to conflate an impeachment with a trial.

Finally, is there a legitimate basis for the current inquiry? The Supreme Court has held that congressional oversight is not unlimited. In *Watkins v. United States* (1957) the Court held that Congressional inquiries “must be related to, and in furtherance of, a legitimate task of the Congress.” As a result, the Court in 1957 threw out a conviction against union organizer John Watkins who had been held in contempt of Congress for refusing to answer questions by members of the House Committee on Un-American Activities.

The Constitution doesn’t explicitly grant the House of Representatives the sole power of rooting out Communism. On the other hand, the Constitution gives the House the sole power of impeachment. It’s hard to see how *Watkins* would apply in this case.

Because there is still a constitutionally prescribed path forward, I don’t think we are yet in a constitutional crisis, though yesterday’s events inched us closer. If the courts fail to enforce congressional subpoenas or if the courts enforce the subpoenas and the White House ignores the courts (something it has not done), then we’ll have a true constitutional crisis on our hands.

Trump’s refusal might be a crisis, but the bigger issue is the collapse of norms

Melissa Murray, law professor, New York University

It seems like we’ve been careening from constitutional crisis to constitutional crisis as this administration has repeatedly refused Congress’ oversight requests. The fact that this involves an impeachment inquiry — Congress’ ultimate check on the Executive — amplifies the sense that this is different from what preceded it.

“THE LETTER FROM THE WHITE HOUSE IS A POLITICAL STUNT THAT MISINTERPRETS THE CONSTITUTION, IGNORES RELEVANT PRECEDENTS, AND DEFIES COMMON SENSE”

So does this leave us in a constitutional crisis? Maybe. But to my mind, the thing that is most concerning about all of the administration’s frequent clashes with Congress is that they make clear how much we rely on norms, rather than rules (whether constitutional or not), for the government to operate effectively and efficiently.

In the past, when the administration and Congress disagreed over oversight requests, they negotiated a mutually agreeable outcome, and failing that, resorted to the courts to

resolve the dispute. The norm of interbranch negotiation and resolution has fallen by the wayside with this administration. It's unclear whether it can be resurrected going forward. The abrogation of the norms on which the exercise of constitutional powers depend might be the real constitutional crisis here.

Aziz Huq, law professor, University of Chicago

Under no theory of the Constitution does the White House have authority to block any and all (or even most) impeachment-related inquiries. I anticipate that the president's defenders will generate 'theories' purporting to justify his move anon. Those theories (and the confusion they intentionally generate) merely constitute the collateral damage of this presidency on constitutional norms.

Congress has the legal tools to make the White House cooperate

Keith Whittington, politics professor, Princeton University

The letter signals that the White House will do its best to try to delegitimize the entire impeachment process. The House has no obligation to allow the subject of an impeachment inquiry to present a defense, though the House might find it useful to hear what defense might be offered.

The president, like any other impeached officer, would have an opportunity to present a defense, cross-examine witnesses, and the like at the Senate trial. In effect, the White House is declaring that it is unwilling to provide the House of Representatives with any **substantial grounds to refrain from impeaching the president** and that the White House will choose to present whatever defense it has to offer in the Senate, and perhaps in the 2020 presidential campaign.

“IF THE PRESIDENT REFUSES TO ALLOW CONGRESS TO EXERCISE EITHER ITS IMPEACHMENT POWER OR ITS OVERSIGHT POWER, THEN THAT IS A CONSTITUTIONAL CRISIS”

Whether the president has appropriately or inappropriately refused to cooperate with a congressional investigation, if the subject matter of the investigation is serious enough and Congress thinks its stakes in pursuing the investigation are high enough, the legislature has the constitutional tools available to it to put pressure on the White House to cooperate.

Those tools ultimately include the power to impeach the president, or other executive officers, for abuse of office by refusing to comply with appropriate and valid congressional inquiries. It would then be up to the Senate to determine whether the position of the House or that of the president ought to be vindicated.

Ciara Torres-Spelliscy, law professor, Stetson University

Forget the Watergate scandal for a minute. If the Trump administration persists in defying Congressional requests for testimony and documents, then we're really back at the Teapot Dome Scandal from the 1920s. At the heart of the Teapot Dome Scandal was why president Harding's Attorney General Harry M. Daugherty had not investigated the

Secretary of Interior Albert Fall's shady dealings — including outright bribes — over oil rights in Teapot Dome, Wyoming.

Looking into the matter, Congress had reason to believe that Attorney General Harry's brother Mally S. Daugherty, who was a banker, had relevant information to provide. When Mally was subpoenaed to appear before Congress, he refused. This led to the Sergeant at Arms' deputizing a man to go arrest Mally in Ohio. Mally convinced a judge that he was wrongly imprisoned by Congress. This legal battle over whether Congress could make Mally talk eventually led to a Supreme Court case which recognizes the broad subpoena power of Congress.

Some of this legal precedent from *McGrain v. Daugherty* could be translated directly to current events. One of the questions that the House surely has is when the Inspector General referred the whistleblower's complaint about President Trump's call with the President of Ukraine to the Department of Justice for possible criminal prosecution for a possible violation of campaign finance laws, why did the Barr DOJ drop the ball?

Then and now, Congress should have the full ability to investigate the DOJ and other parts of the administration, including the president, so that Congress can properly craft legislation, as well as execute their constitutional duties.

Ilya Somin, law professor, George Mason University

There is room for reasonable disagreement about many aspects of impeachment, including the fairness of the procedures used by the House. But Cipollone's arguments simply don't pass the laugh test.

The impeachment power belongs to the House. It applies in situations where there is reason to believe the president has committed "treason, bribery, or other high crimes and misdemeanors." The founders drafted the impeachment clause to cover a wide range of abuses of power, including ones where there is no violation of criminal law. If Trump withheld aid from Ukraine in an attempt to pressure them into investigating a political opponent, he likely both violated the Constitution and committed a crime.

Article I of the Constitution gives each house of Congress the sole power to "determine the rules of its proceedings." That includes rules governing impeachment. The House is not bound by the procedural requirements imposed on the criminal justice system. The constitutional requirement of "due process" cited by Cipollone applies to situations where an individual stands to lose her "life, liberty, or property," none of which is at risk here.

Once the House has decided to conduct an impeachment inquiry, it must have the power to subpoena witnesses and compel submission of relevant evidence. If the president could conceal evidence and ignore subpoenas, Congress' constitutional authority over impeachment would be seriously undermined. Indeed, failure to cooperate with a congressional impeachment process is itself likely an impeachable offense.

It is too early to tell whether Trump's refusal to cooperate with the House impeachment inquiry will lead to a constitutional crisis. I suspect not, especially since there is plenty of damning evidence that has already been made public. The White House's refusal to cooperate may be an attempt to corral a horse that has already left the barn. Still, that refusal is a breach of the separation of powers.

Actually, the Constitution is the crisis

Sanford Levinson, law professor, University of Texas

My view, frequently articulated, is that the Constitution itself is the crisis. What we are seeing right now are the pathological implications of the separation of powers, checks-and-balances, system, which does not prevent an endless struggle unless one side actually concedes.

Without such forbearance, we simply have endless (and nasty) political warfare featuring lawyers shouting at one another and further delegitimizing the American political order in the eyes of a justifiably cynical public. It will be resolved if and only if Republican senators develop some sense of integrity and backbone. I have no confidence at all that will happen.