

A Stunning Decision: ONTARIO COURT REVERSES CONVICTION OF AN ANTI-SEMITIC PROPAGANDIST

By Ben Kayfetz

TORONTO, Jan. 27 (JTA) -- The Ontario Court of Appeals, in a move that stunned Jews and civil libertarians in Canada, has unanimously reversed the conviction of German-born anti-Semitic propagandist Ernst Zundel, who was sentenced in 1985 to 15 months' imprisonment for distributing a booklet entitled "Did Six Million Really Die?" a denial that the Holocaust occurred.

The court overturned the conviction on technical grounds but upheld Section 177 of the Canadian Criminal Code under which he was convicted -- "spreading false news" -- and allowed that a new trial may be ordered. The Attorney General has 21 days to challenge the Appeals Court ruling. He may appeal to the Supreme Court, order a new trial or drop the charges.

A new trial would give Zundel another public forum from which to promulgate his racist views and denial of the Holocaust and, as he made clear in an interview with the Toronto Globe & Mail, that is exactly what he had hoped for.

'The Worst Of Both Worlds'

Charles Zaionz, chairperson of the Canadian Jewish Congress' Ontario chapter, and Rose Wolfe, chairperson of its Joint Community Relations Committee, said that while it was gratifying that the Appeals Court upheld Section 177, "one recoils at the possibility of a second trial which would grant the accused a renewed opportunity to stage-manage a circus."

Alan Borovoy, speaking for the Canadian Civil Liberties Association, said the decision was "the worst of both worlds." Not only "must Jews and (Holocaust) survivors be put through the agony of another trial, but Canada is stuck with a law that could have a chilling effect on ordinary citizens who might have opinions that run contrary to conventional wisdom," he said.

Zundel was not charged under Canada's anti-hate law, passed in 1970, but under an older statute which originated in English Common Law and was incorporated in the Canadian Criminal Code in 1892. It states that anyone "who wilfully publishes a statement, tale or news that he knows is false and that ... is likely to cause or causes injury or mischief to a public interest" is guilty of an offense punishable by two years in jail.

View Of Appeals Court Panel

The panel of five judges of the Appeals Court agreed that the "maintenance of racial and religious harmony is certainly a matter of public interest" requiring protection.

They found that Judge Hugh Locke, who tried the case, did not err when he rejected a defense request that all Jews and Freemasons be excluded from the jury. But he was in error when he failed to advise Zundel's lawyer that he could re-phrase his questions to prospective jurors.

"There is a denial of a fundamental right to a fair and proper trial where the accused is not allowed to challenge any number of jurors for cause ... Zundel was deprived of his right to have

a jury ... whose impartiality or appearance of impartiality could not be impugned," the panel stated in its ruling.

It also found Judge Locke to have been in error when he intimated to the jury that Zundel could be convicted if they decided he did not honestly believe his publications. In reality, the court said, the jury had to decide that he actually knew the booklet to be false in order to convict.

Zundel, 47, was elated by the court's decision. Comparing himself in "leadership" and "charisma" with his idol, Adolf Hitler, he told the Globe & Mail that he intends to enter Canadian politics because "if any time is ripe, it's now." He also boasted to a reporter that he had "enticed the establishment" into giving him a new platform and is delighted with his success. He said he has invested \$50,000 in new machinery to publish his propaganda.

SUPREME COURT REFUSES TO RECONSIDER APPEAL BY NAZI WAR CRIMINAL AGAINST HIS DEPORTATION TO THE SOVIET UNION

WASHINGTON, Jan. 27 (JTA) -- The United States Supreme Court Tuesday declined to reconsider its December 1 refusal to hear an appeal by convicted Nazi war criminal Karl Linas against his deportation to the Soviet Union. The court's action prompted demands by prominent Republicans and Democrats that Attorney General Edwin Meese carry out Linas' deportation as soon as possible.

In 1981, the Federal District Court on Long Island, NY, stripped Linas, now 67, of his U.S. citizenship, after finding him responsible for multiple acts of murder committed during his wartime service as chief of the Nazi concentration camp at Tartu, Estonia.

According to the Justice Department, more than 12,000 persons were murdered at the camp. Linas was ordered deported in 1983 and has been held since April 1986 at the Metropolitan Correction Center in New York City.

Reactions To The Court's Decision

Praising Tuesday's Supreme Court decision for "upholding the laws of our nation and bringing to justice a man whose actions are directly responsible for some of the most brutal murders of our time," Sen. Alfonse D'Amato (R. NY) declared that "Linas must and will be deported from the United States."

Also urging Meese to act swiftly was Brooklyn District Attorney Elizabeth Holtzman, who as a Democratic Congresswoman sponsored the 1978 federal legislation that specifically authorized the deportation of Nazi war criminals.

She said Tuesday that the Supreme Court's final decision "brings to an end Linas' effort to forestall the inevitable -- his deportation from this country. The United States should not provide a safe haven even one day longer for this Nazi criminal," she said.

Reacting to the Supreme Court decision, World Jewish Congress vice president Kalman Sultanik, himself a Holocaust survivor, declared: "At long last, justice has been done. There is no

statute of limitations on crimes against humanity." The Justice Department has not disclosed what, if any, transportation arrangements have been made for Linnas. His deportation papers must in any event be signed by or on behalf of Meese before the expulsion can actually be carried out.

UN CHIEF TELLS ISLAMIC SUMMIT THAT MIDEAST SETTLEMENT MUST INCLUDE PLO PARTICIPATION AND ISRAEL'S WITHDRAWAL FROM THE OCCUPIED AREAS By Yitzhak Rabi

UNITED NATIONS, Jan. 27 (JTA) -- United Nations Secretary General Javier Perez de Cuellar, addressing the Islamic summit conference in Kuwait, Monday, warned that failure to resolve the Middle East conflict could lead to a wider conflict, including nuclear war, and that a comprehensive settlement must include the participation of the Palestine Liberation Organization and Israel's withdrawal from the occupied territories.

The text of the Secretary General's speech to Arab leaders attending the meeting of the 46-member Organization of the Islamic Conference was released here Tuesday. It was also announced that de Cuellar's meetings with Arab leaders included one on Tuesday with PLO chief Yasir Arafat. He has also met with President Hafez Assad of Syria and President Amin Gemayel of Lebanon.

The situation in the Middle East endangers the peace of the world, the Secretary General told the conference. "The conflict jeopardizes not only the future of all the people living in a vital and central region of the world but the wider peace as well," he said.

He warned that as long as the Middle East conflict remains unresolved, "the situation in the region will continue to be highly volatile and breed extremism and violence." There is also a danger of nuclear war if the situation is allowed to fester, he declared.

According to de Cuellar, a comprehensive settlement in the area must involve all parties concerned, including the PLO. To reach a settlement, he said Israel must withdraw from the Arab territories it occupied in June 1967. The sovereignty and territorial integrity of all states in the region must be recognized. And the Palestinian problem must be resolved, based on the recognition of the legitimate rights of the Palestinian people, "including self-determination," he said.

The Secretary General added that the question of Jerusalem must also be settled.

NEW ECONOMIC PACKAGE ACCORD SIGNED By David Landau

JERUSALEM, Jan. 27 (JTA) -- A new economic package agreement, to remain in effect until March 1988, was signed by the government, labor and management Tuesday. It is intended to maintain economic stability in face of price increases triggered by the recent devaluation of the Shekel and government moves to cut public spending.

The principal signatories were Finance Minister Moshe Nissim; Yisrael Kessar, Secretary General of Histadrut; and Dov Lautman, head of the Association of Manufacturers and Employers. Vice Premier and Foreign Minister Shimon Peres,

a key figure in negotiations that led to the accord, will add his signature when he returns from his current trip to Europe.

The package deal was approved by the Cabinet more than two weeks ago and was to have been signed then. But a dispute with Histadrut over government funding for its sick-fund, Kupat Holim, delayed the labor federation's endorsement until Tuesday.

It was made possible after the Treasury agreed to contribute 47 million Shekels to Kupat Holim for higher pay to nurses and to keep abreast of its needs. Kupat Holim provides health insurance and medical care for about 85 percent of the population.

Features Of The Package

A main feature of the new economic package is withholding 2.7 percent of the next cost-of-living increment to wage earners in order to prevent a new inflationary spiral resulting from the reduced value of the Shekel. The full increment will be added to national insurance payments.

Other features of the package are: price controls on many consumer goods to remain in force until March 1988; no rise in the prices of subsidized food and services, apart from public transportation; income tax reform, mainly lowering the top bracket to 48 percent from 60 percent; capital market reform, with reduced government involvement in the market effective April 1; and government efforts to lower interest rates.

RABIN: ISRAEL WILL BE CANDID WITH U.S. REGARDING ITS SOUTH AFRICAN RELATIONS By David Landau

JERUSALEM, Jan. 27 (JTA) -- Defense Minister Yitzhak Rabin said Tuesday that Israel will be absolutely candid with the United States regarding its relationships with South Africa.

Rabin, briefing the Knesset's Foreign Affairs and Security Committee, referred to a Newsweek magazine report that he visited South Africa recently to warn the Pretoria government that Israel would have to curtail its relations because of pressures from the U.S.

The U.S. and Western Europe have adopted a policy of sanctions against the apartheid regime. In the case of the U.S., Congress overrode a Presidential veto of sanctions and requires the Administration to report by April on any military supply relationships between countries receiving American aid and South Africa.

According to reports leaked from the Knesset committee, Rabin observed that acts of Congress are "stricter than resolutions of the United Nations because they are backed by real sanctions." Israel is the recipient of \$1.8 billion a year in U.S. military assistance and cannot afford either to alienate Congress or embarrass the Administration.

Rabin said the issue was complex for Israel and it must maintain, above all, its ties of trust with Washington.

Israel's relations with South Africa have become increasingly controversial. Likud members of the Knesset committee criticized Yossi Beilin, Director General of the Foreign Ministry for Political Affairs and a close advisor to Foreign Minister Shimon Peres, for pressing his view that Israel must distance itself from Pretoria.

FOCUS ON ISSUES**A NEGLECTED GROUP IN THE STUDY OF HOLOCAUST SURVIVORS**

By Susan Birnbaum

NEW YORK Jan. 27 (JTA) -- In studies done till now on the Holocaust and its victims, one group has been neglected. They are the survivors who were children at the time. It is only within the last six years that a cumulative study has developed to deal with the traumatization of those who were no older than 13 when World War II began.

In Sands Point, Long Island, a quiet suburb of New York City, a privately-funded study began in 1981 compiling testimonies of the children who came through the Holocaust, reaching out to archives and private individuals in Europe, Israel and throughout the United States and Canada in search of written accounts of memories.

The Jerome Riker International Study of Organized Persecution of Children has to date collected 500 interviews with child survivors. Volunteer interviewers continue to ferret out these people and record their personal experiences before, during and after the Holocaust.

Basis For Interest In Child Survivors

Specific interest in child survivors arose from the work of a husband-and-wife team directing the Riker Study, Milton and Dr. Judith Kestenberg. Milton Kestenberg is a New York attorney whose work in challenging refused West German reparations claims by Holocaust survivors who claimed psychological impairment led him to question the reasons for the refusals.

In working on these claims, he found they had been refused because German-authorized psychiatrists contended they could not validate that the stated psychological problems were actually induced by the Holocaust. As Kestenberg questioned survivors about their experiences in order to refute their claims with the German government, the information he gathered made him increasingly aware of the psychological makeup of child survivors and the emotional legacy passed on to their own children.

Dr. Judith Kestenberg, the Riker Study project director, is a psychoanalyst specializing in child development. In 1972, she founded Child Development Research (CDR), a non-profit organization, whose purpose is the prevention of emotional disorders in children. CDR runs a center for parents and children, babies, pregnant women, mothers with babies and/or toddlers up to age four.

"Through these years," she said, "we have learned to communicate with these babies and have taught parents to communicate with them. We invented methods of communicating with children non-verbally before they could speak fluently." CDR therapists work with movement, art and music therapists in order to study non-verbal communication with children.

"It is this experience that gave us a new understanding of how babies think. These observations enabled us to begin to study on a new key how children felt when they were traumatized by the Holocaust," Dr. Kestenberg explained.

Impact Of The Holocaust Minimized Or Ignored

Dr. Kestenberg repeatedly noticed that in therapy, the Holocaust experience was not factored into the behavior of survivors and their children as a contributing element.

Moreover, psychotherapists conceded that they themselves were guilty of minimizing or ignoring altogether the Holocaust as a major contributing factor to mental illness, witnessed by the fact that therapists found it difficult to identify with the impact the Holocaust had on their clients. The result was that the therapist became what one called "a partner to the denial of the impact."

Psychotherapists in America, said Milton Kestenberg, shared the resistance to the Holocaust and its experience with the rest of America. "This was taboo," he told the Jewish Telegraphic Agency, emphasizing that readiness to discuss the Holocaust is only recent. "It was quiet because we (the U.S.) didn't do anything about it."

The guilt was felt not only by America, he said, but by the survivors themselves, for having survived when others did not. This was fueled by a lack of sympathy from people regarding the survivors' Holocaust experiences.

Milton Kestenberg recalled a woman who had been adopted by an American family as a "second daughter" on condition that she never speak about her Holocaust experiences. She kept her promise not to talk about them, he said, "but she never forgot them, either, and their memory constantly gnawed at her. She nurtured these memories inside her and she developed a neurosis."

A Relief To Talk About Experiences

Eva Fogelman, a psychotherapist who is a research associate and Board member of the Riker Study, said that during her work with groups of children of survivors she found some parents who were themselves only children during the Holocaust.

Fogelman said that therapists, in interviewing the child survivors, found that these people had not previously had the opportunity to talk about their experiences. "It's such a great sense of relief to finally share it with somebody and get a chance to talk about it," she said.

A Whole New Field In Psychology

Most people, said Fogelman, don't ask child survivors what they went through during the Holocaust because they feel they don't remember, that children couldn't have a memory of such things. "It's as if they didn't see anything, hear anything, feel anything," Fogelman observed. On the contrary, said Fogelman, "they are completely left with nightmares and the horrors that they experienced."

Fogelman told JTA that child survivors have actually related in the interviews that their parents said to them, "You were too young to remember anything." But in reality, Fogelman said, child survivors, with the guidance of experienced interviewers, have a lot of memory that is pertinent to how children experience trauma. "They have a lot to teach us about how children cope under stressful conditions," she said.

Until now, Fogelman said, there has been no systematic research on the effect of the massive psychic trauma on children as compared to adults. But now, 40 years later, "we are trying to understand from a psychological perspective from people who had different kinds of experiences" what varied reactions arose from experiencing childhood during the unprecedented persecutions of the Holocaust.

"We don't know a lot of this. Today in psychology there is a whole new field on stress

and coping, but even in that literature there's no differentiation between children and adults," Fogelman explained.

She said that during the interviews with child survivors, many of them said they felt they didn't belong anywhere. They felt they did not belong with the second generation because they didn't go through the Holocaust. And they are constantly being told by those who were adults then that they couldn't remember. As a result, child survivors have felt isolated, alienated from a group of people with whom they share a common historical background.

Over and over again in interviews with child survivors, said Fogelman, interviewers were asked, "Am I the only one or do you know any other people I could meet?" Therefore, meetings were set up for child survivors to have an opportunity to meet with each other to share not only their experience of the past, but also how they feel today, as well as their creative responses to coping with losses and trauma.

In these groups, Fogelman explained, the child survivors encounter a sense of family, community, heritage, culture, language -- exactly those things they lost during the Holocaust. There are now child survivor organizations in several major U.S. cities. The first of these groups was begun a year-and-a-half ago in Los Angeles. This past Simchat Torah, the Los Angeles group met and danced with the Torah together. They also celebrate Passover communally.

"These organized meetings," said Fogelman, "are not only self-help kind of groups where people share their feeling, but they have become for many people an extended family, a Jewish community that they feel they didn't belong to, a re-creation of a sense of belonging." Fogelman said that child survivors in these groups have repeatedly said, "This is the first time I feel like I belong somewhere."

WOMAN WHO SHELTERED DUTCH JEWS IN HER HOME DURING WWII RECEIVES YAD VASHEM MEDAL OF THE RIGHTEOUS By Rochelle Saidel

NEW YORK, Jan. 27 (JTA) -- A 93-year-old great-great-grandmother received a Yad Vashem Medal of the Righteous here, with four generations of her descendants attending the ceremony at the Israel Consulate. Wilhelmine Asbeck Brusse, who sheltered many Dutch Jews in her home during World War II, was presented with the Yad Vashem certificate and medallion by Moshe Yegar, Consul General of Israel.

One of Asbeck's two daughters, Marian Leisen, had married a Jewish doctor before the war. She was 25 when the Nazis occupied Holland. Dr. Leisen was a leader of the Dutch underground, and the entire Asbeck family was active in the resistance movement. In an act of defiance against the Nazis, Marian and her sister Wilhelmine (later Esther) converted to Judaism in 1941.

Asbeck's underground activities started as early as the beginning of the war in Holland, when she took Jewish refugees into her home. She also performed dangerous tasks outside her home for the resistance movement. She hid not only people but their possessions. After the war, she returned to Jewish friends the valuables she had hidden for them in her attic. Asbeck, whose code name was "Tante Cos" or "Oma," was arrested for

her resistance activities. After escaping from Westerbork Concentration Camp on September 3, 1944, she continued to shelter Jews until liberation in May 1945.

After the war, Asbeck's daughter Esther married Manfred Klafter, one of the Jews her mother had hidden. The couple's adopted son, an orphaned concentration camp survivor, made aliyah in 1967. The Klafters followed him and moved to Israel, where Esther died six years ago.

Asbeck now lives in Scotch Plains, New Jersey, as does her daughter, Marian, her granddaughter Daisy Wexler, some of her five great-grandchildren, and some of her six great-great-grandchildren. As all of these generations watched, Asbeck, the only non-Jewish member of the large family, accepted her Yad Vashem medal.

In remarks before the presentation, Consul General Yegar said there were now about 3,000 names of the Righteous registered at Yad Vashem. "These people show it could have been different," he said. Saving Jewish lives under those circumstances "called for a special kind of character. Mrs. Asbeck has such character, and her actions preserved human dignity."

SPECIAL TO THE JTA TREES ARE GROWING IN THE NEGEV WHERE THEY HAVE NEVER GROWN BEFORE By David Landau

JERUSALEM, Jan. 27 (JTA) -- Trees are growing in the Negev desert in areas where they have never grown before, thanks to the efforts of Hebrew University Prof. Aharon Yair.

Yair has developed a method of "water harvesting" that allows trees to be grown in areas where there are only four inches of rain a year.

Water harvesting is not new. It was used extensively by the ancient Nabatean people who farmed the Negev 2,000 years ago. They planted their crops in the small areas of soil at the foot of hills using runoff water that they directed through channels from the rocky hill tops.

Yair and his colleagues at the Hebrew University and at the Blaustein Institute of Desert Research at the Ben Gurion University in the Negev found that more water is in fact caught in the middle of slopes, in a "fertile belt," where most of the runoff water from the rocks at the top of the ridge is absorbed and held at depth without evaporating.

The water collected in this belt is equivalent to some 10-12 inches of rainfall, and would suffice to grow trees in areas with only four inches of rain a year.

Four years ago, the Jewish National Fund helped Yair conduct an experimental planting of carob and pine saplings in basin-like furrows he designed in the fertile belt below a rocky ridge near Sde Boker, David Ben Gurion's kibbutz.

The first two years of the experiment were drought years and the runoff was the sparsest in 25 years, yet the saplings developed well without irrigation, and grew as well as trees planted in more northerly and wetter regions.

The JNF is planning to unveil Yair's grove of trees as part of the Ben Gurion centenary celebrations, and is planning to use the technique for growing several thousand trees, including trees of economic value such as olive trees, on hitherto uncultivated slopes in the Negev.