

VOL. 69 - 74th YEAR**WEDNESDAY, JULY 3, 1991****NO. 126****JEWISH GROUPS SCRUTINIZING RECORD OF BUSH'S SUPREME COURT NOMINEE**

By David Friedman

WASHINGTON, July 2 (JTA) -- Jewish organizations are preparing to take a close look at the record of Clarence Thomas, the 43-year-old black conservative President Bush has nominated to the U.S. Supreme Court.

Bush named Thomas to succeed Justice Thurgood Marshall, the only black to have served on the court, who announced his retirement on June 27.

Thomas frequently expressed his opposition to minority hiring quotas or any type of racial preference during the time he was chairman of the U.S. Equal Employment Opportunity Commission from 1982 to 1989.

But his views on other issues important to the Jewish community, such as abortion and the separation of church and state, are largely unknown. He has not dealt with any of these issue since becoming a judge on the U.S. Court of Appeals for the District of Columbia in 1989.

During a news conference Monday outside Bush's summer home in Kennebunkport, Maine, Thomas refused to answer specific questions until he has his confirmation hearing before the Senate Judiciary Committee.

But he did note that his remarks on quotas were made when he was in a "policy-making role" and he has not yet had to deal with the issue as a judge.

Jewish groups rarely take stands on Supreme Court nominees and, in this case, are reserving judgment until they know more about Thomas' positions. Some are submitting suggested questions for Thomas to the Senate Judiciary Committee.

'Does Not Honor' Marshall's Legacy

But one organization, the American Jewish Congress, has already expressed strong reservations about the nomination, though it has not decided whether to oppose it.

Henry Siegman, the group's executive director, called Bush's choice "a disappointing one."

In nominating Thomas, the president "seems to have deliberately, with malice of forethought, nominated a man who has been a thorn in the side of the entire civil rights community," said Siegman.

"It is an ungracious act at best and one that does not honor the legacy of Thurgood Marshall," he added.

The American Jewish Committee was more reserved.

"We expected the president to nominate a man or woman who was basically conservative," said Samuel Rabinove, the agency's legal director.

But Rabinove said he should be closely questioned like other nominees for the high court. "His being black should not insulate him from critical scrutiny," he said.

AJCommittee and Thomas agree on their opposition to numerical quotas. But AJCommittee supports "realistic goals and timetables" while Thomas believes they are de facto quotas, Rabinove said.

Sammie Moshenberg, Washington representatives of the National Council of Jewish Women,

also expressed concern that Thomas had no record on such issues as the right of privacy and the separation of church and state.

She also said the National Council is "dis-mayed" by the record Thomas did have at the EEOC, in which he displayed a lack of sympathy about attaining equal pay for women. She said the organization is also troubled that during his tenure Thomas had left 13,000 age-discrimination charges lapse without acting on them.

'Very Comfortable With' Nominee

But "it is important that his views on such issues as the separation of church and state, free exercise of religion, freedom of expression and the constitutional right to privacy, on which the right to abortion is based, be thoroughly examined during the confirmation process," it said.

The statement was signed by Melvin Salberg, the group's national chairman, and Abraham Foxman, its national director.

While Orthodox groups agree with secular Jewish organizations that they have to find out more about Thomas' views, they seem ready to offer their approval now.

"We have a sense he is somebody we can be very comfortable with," said William Rapfogel, director of the Institute for Public Affairs of the Union of Orthodox Jewish Congregations of America.

Rapfogel said that Thomas displayed an "incredible sensitivity to the Jewish people" while he was at the EEOC. In 1986, the organization presented him with its Humanitarian Award.

During his EEOC tenure, Thomas also was "sensitive to the rights and concerns of Sabbath observers," said David Zwiebel, director of governmental affairs for Agudath Israel of America.

Zwiebel said Agudath Israel feels "a sense of kinship" with Thomas for "debunking the myth" that the black community is monolithic, just as Agudath Israel has sought to demonstrate that the Jewish community does not take a single stand on all issues. He said it is very healthy to show that there is diversity in the black community as in every community.

Thomas has "a very strong streak of independence, which has been honed by being very much an outsider within the black leadership group," said Murray Friedman, Middle Atlantic states director of the AJCommittee.

A Jewish Seat On The Court?

Friedman, who served as vice chairman of the U.S. Civil Rights Commission from 1986 to 1989, said he has enormous respect for Thomas. "I have never seen a more towering intelligence," he said.

Friedman said that while Marshall ably represented the black community in its fight for civil rights, the struggle today is for "empowerment," which calls for different kind of strategies. He believes Thomas will be more suited for today's agenda.

At his news conference Bush denied that he had selected Thomas because he is black, stressing that he considers him the best man for the job. "I don't feel that there should be a black seat on the court or an ethnic seat on the court," the president said.

Most Jewish leaders also do not believe there should be a seat set aside for Jews on the high court bench.

But New York attorney Seymour Reich said that while he agrees with that position, he is "troubled by the failure to find qualified jurists of the Jewish faith. Certainly there is an abundance of Jews sitting in the federal courts."

Reich, a past chairman of the Conference of Presidents of Major American Jewish Organizations, pointed out that there has not been a Jew on the Supreme Court since Abe Fortas resigned in the beginning of the Nixon administration.

He said that if Bush has another Supreme Court nomination, he may feel pressure from the Jewish community to nominate a Jew.

BUSH REMARK ON SETTLEMENTS IGNORED, PLEDGE AGAINST LOAN LINKAGE WELCOMED

By Gil Sedan

JERUSALEM, July 2 (JTA) -- Israel has dismissed President Bush's latest criticism of its settlement policy in the administered territories, but welcomed his assurance that U.S. loan guarantees Israel is seeking will not be linked to the settlement issue.

Bush repeated his view Monday that planting settlements on disputed land is "counterproductive" to the peace process he is trying to set in motion in the Middle East.

But he also said he would not put pressure on Israel to stop the settlement activity by withholding U.S. guarantees for some \$10 billion in commercial loans Israel wants to finance the resettlement of Soviet and Ethiopian immigrants over the next five years.

The Prime Minister's Office reacted officially only to the president's criticism of the settlements, made during a news conference at his vacation home in Kennebunkport, Maine.

The statement said merely that the American view on the settlements is well known and represents nothing new. It restated the Israeli government's view that settlements are not an obstacle to peace and that Israel has every right to settle Jews anywhere in the territories.

In fact, only hours after the president spoke, Housing Minister Ariel Sharon was dedicating a new neighborhood and Defense Minister Moshe Arens a new health clinic, both at Jewish settlements in the West Bank.

Privately, officials here were pleased with Bush's statement that there will be no direct linkage between the settlement issue and the loan guarantees, which Israel is expected to request formally in September.

In recent weeks, administration officials have been hinting that Bush might withhold the guarantees because of Israel's settlement policy.

Prime Minister Yitzhak Shamir was quoted as telling leaders of the Simon Wiesenthal Center here Tuesday, "I personally believe that President Bush clearly understands that there should be no linkage."

According to Rabbi Marvin Hier, dean of the Los Angeles-based center, Shamir said too much attention is being paid to the settlements and not enough to why the Arabs do not hold direct negotiations with Israel.

Hier quoted Shamir as pointing out that "when you speak to each other, you can bring up any issue you want to."

(JTA staff writer Aliza Marcus in New York contributed to this report.)

MOST ISRAELIS FAVOR GIVING UP LAND FOR PEACE, NEW OPINION POLL FINDS

By Hugh Orgel

TEL AVIV, July 2 (JTA) -- A solid majority of Israelis now favor some sort of territorial compromise in exchange for peace with the Arabs, a new public opinion poll has determined.

But an even larger majority opposes a return to the 1967 borders, according to the poll, which was taken in May by the Gutmann Institute for Practical and Social Research.

The survey was conducted among a random sampling of 1,200 Jewish adults throughout the country, kibbutzniks excluded. It found that Israelis of both left-wing and right-wing persuasions are dissatisfied with the status quo in the administered territories and oppose a do-nothing policy.

About four-fifths of the respondents were amenable to giving up the Gaza Strip, and about 70 percent agreed it is possible to relinquish at least part of the West Bank in exchange for peace with Israel's Arab neighbors.

The Gutmann Institute's director, Eliahu Katz and Chana Levinson analyzed the results in a recent article in the Israeli daily Yediot Achro-not.

They said the responses were remarkably uniform on abstract concepts, such as "territorial compromise" and "status quo," but become fragmented when reduced to concrete choices.

For example, 7 percent of the respondents were prepared to return all of the West Bank; 12 percent would return most of the territory; 30 percent would give up a "certain portion" of it; and 20 percent a small part.

Thirty-one percent were not prepared to return anything, and 93 percent said Israel should not even discuss a total withdrawal.

Give Up Gaza, Keep The Golan

But according to the poll, 65 percent of the political right and 95 percent of the left is ready to get out of the Gaza Strip. Yet about 75 percent of the left and 95 percent of the right is determined to hold on to the Golan Heights.

Fully 96 percent of the respondents said East Jerusalem must remain Israeli under any circumstances.

The poll showed most Israelis, including two-thirds of Labor Party voters, oppose negotiations with the Palestine Liberation Organization.

When asked to evaluate specific proposed solutions individually, respondents tended to reject the most radical options. Only 21 percent supported the establishment of a Palestinian state, 24 percent supported unilateral withdrawal from the territories, and 31 percent supported annexing the territories.

More complex solutions won greater support. Forty-five percent supported a federation between Jordan and the territories, 57 percent backed annexation with some measure of autonomy for the Palestinians; and 57 percent supported withdrawal from portions of the territories heavily populated by Arabs.

But a sizeable number of Israelis favor the "transfer solution," a euphemism for the expulsion of all or most of the indigenous Palestinian population from the administered territories.

In the latest poll, 43 percent of the Jewish public expressed support for such drastic measures, down from more than 50 percent in previous surveys.

U.N. CHIEF APPEALS FOR THE RELEASE OF ISRAELI HELD HOSTAGE IN KASHMIR

By Aliza Marcus

UNITED NATIONS, July 2 (JTA) -- An appeal for the release of the Israeli tourist held hostage by separatist Kashmiri rebels in northern India was issued Wednesday by U.N. Secretary-General Javier Perez de Cuellar.

Through a spokeswoman, Perez de Cuellar, who is currently in Europe, called on the rebels to release Yair Yitzhaki, 22, "immediately and unharmed."

"In his view, no aim can be furthered by the taking of innocent hostages," the spokeswoman said.

Yoram Aridor, Israel's U.N. ambassador, met Tuesday with special U.N. envoy Jean-Claude Aime, apparently to discuss the hostage situation.

A spokeswoman at the Israeli mission refused comment, adding, "This is a matter of life and death, and when we are dealing with such matters we don't divulge information to the press."

Seven Israelis and a Dutch woman were kidnapped last week while vacationing on a houseboat on Lake Dal, near the Kashmiri capital of Srinagar. When they tried to flee, one Israeli was killed and Yitzhaki was taken hostage.

The rebels holding Yitzhaki say they are willing to release him, but only to a U.N. representative, "if the Indian government requests it."

IDF KILLS SHI'ITES IN SOUTH LEBANON AS LEBANESE ARMY TANGLES WITH PLO

By Hugh Orgel

TEL AVIV, July 2 (JTA) -- An Israel Defense Force patrol killed three Shi'ite guerrillas in the southern Lebanon security zone Monday afternoon.

Two soldiers were slightly wounded in an exchange of fire with the Shi'ites, who were allegedly planning to infiltrate Israel.

The heavily armed guerrillas, identified as members of the pro-Iranian fundamentalist Hezbollah, had taken refuge in a house on the outskirts of Bleida village, in the western part of the security zone.

Their target may have been Kibbutz Malkiya opposite Bleida. The two communities, located a few hundred yards from the border, face each other and have had good relations.

Meanwhile, tank and artillery exchanges began at dawn Tuesday between the Lebanese regular army and units of the Palestine Liberation Organization east of the port city of Sidon.

Heavy battles with high casualties were reported by midday.

The Lebanese regulars, protected by Syria, are attempting to extend the authority of the Beirut government into southern Lebanon for the first time after 16 years of civil war.

The PLO, said to number about 10,000 heavily armed men, evacuated Sidon but refused to hand over weapons.

They massed east of the city to protect their strongholds in the Ein Hilweh and Mich Mich refugees camps.

The fighting so far has not involved Israel or its allied South Lebanon Army, which polices the security zone.

The SLA discovered and dismantled a large remote-controlled bomb at a crossroads near the northern edge of the zone Monday. It would have caused high casualties had it exploded.

Many residents of Sidon are fleeing toward

the security zone to escape fighting between the Lebanese army and the PLO.

Their abandoned homes are being taken over by Palestinians fleeing the refugee camps, which they expect will become battlegrounds.

FRENCH APPEALS COURT REVERSES RULING AGAINST LE PEN FOR SLUR

By Michel Di Paz

PARIS, July 2 (JTA) -- An appeals court in Versailles has reversed a judgment of some \$160,000 against right-wing extremist leader Jean-Marie Le Pen for insulting a government minister during the 1988 election campaign by linking his name to gas chambers.

The fact that the fine, imposed in March, is believed to be the heaviest ever levied for that type of offense may have contributed to the appeal court's ruling.

Le Pen was convicted for publicly deriding the name of Michel Durafour, a centrist politician who was minister of public service, by rhyming it mockingly with "crematore," the French word for crematorium or gas chamber. The French word "four" means oven.

Le Pen, whose National Front is widely considered to be racist and anti-Semitic, was sued by the government under a late 19th-century law that rarely has been applied.

A court in the Paris suburb of Nanterre fined him on March 7 after nearly two years of deliberations. It rejected Le Pen's argument that his "game of words was part of the political debate."

But the appeals court accepted it. "The expression used by Le Pen has to be taken in context," the reversal said. "It was in the framework of an electoral campaign against a political opponent who openly said he wanted to eliminate the National Front."

Durafour indeed had urged voters to oppose the extremist party.

New Anti-Jewish Tract Published

Le Pen was sued twice in March for offensive remarks in which he slurred Holocaust victims. Ironically, the same appeals court at that time ordered Le Pen to pay 100,000 francs--about \$16,000 -- for slurring Holocaust victims.

He had been sued by 10 organizations for stating publicly in 1987 that the Nazi gas chambers were merely "a detail of World War II." The Versailles court ordered him to pay 100,000 francs to nine organizations representing former deportees plus a nominal 10 francs to an organization fighting racism and anti-Semitism.

There was no immediate reaction Tuesday in Paris to the court's most recent decision.

Meanwhile, a tract accusing Jews of racism and justifying their persecution was published by one of Le Pen's lieutenants last week.

Michel Duchochois, the National Front's secretary for Ariège, in southern France, wrote his essay, "Racists by God's Will," for the local party newsletter.

He claimed that God's selection of the Jews as the "chosen people" so fills them with a sense of superiority as to make them "barely bearable to the people amongst whom they are living."

He wrote that the "arrogance" of the Jews and their "screaming that they are being persecuted" causes "predictable reactions in defense" among the people they lived among, "even when those reactions are sometimes excessive."

VIOLENT OUTBURSTS INTERRUPT COMMEMORATION IN ROMANIAN CITY

By Susan Birnbaum

NEW YORK, July 2 (JTA) -- Violent outbursts interrupted a ceremony Tuesday in the Romanian city of Iasi commemorating the massacre of some 12,000 Jews there 50 years ago by Romanians and Nazis.

A stirring speech at the National Theater by Nobel Peace Prize winner Elie Wiesel was interrupted by the cries of a woman seated in the front row, who screamed: "Lies, lies, lies! It is not true that Romanians killed Jews."

An hour later, a man interrupted another speaker with a similar cry. Both were escorted out, according to reports the Jewish Telegraphic Agency received by telephone from Bucharest.

Wiesel had been decrying modern-day anti-Semitism in Romania, saying that "the enemies of the Jewish people are ultimately the enemies of all people in the world."

When he was interrupted, shouting erupted in the crowd of 800 to silence the woman, including a call from Romania's chief rabbi, Moses Rosen, to hush her.

Men who looked like security officers took the woman and escorted her physically out of the auditorium. But the men gently placed her in an unmarked car and blocked any view of the license plates, said Israel Singer, secretary-general of the World Jewish Congress.

He described the woman as "out of central casting" and said the entire scene appeared to have been contrived from the start.

Another speaker at the ceremony was Gelu Voican, the only member of the Romanian Senate to have spoken out against an attempt earlier this year to rehabilitate Marshal Ion Antonescu, the wartime ally of Hitler's who was later executed.

"We have to face it: It was Romanians who killed Jews," Voican told the audience. "We have to cope with it and to get it out of our system."

Meetings With Romanian Leaders

After the ceremony, Singer and Wiesel went to Bucharest, where they held a private meeting with Romanian President Ion Iliescu and Prime Minister Petre Roman. They held a frank exchange about the anti-Semitism now abundant in Romania, Singer reported.

There have been recent anti-Semitic articles in the media, including an attack Tuesday in the Romanian weekly magazine Europa on the Israeli ambassador to Romania, Zvi Mazel.

Singer and Wiesel were accompanied to Bucharest by Romania's U.N. ambassador, Aurel Dragus Munteanu, himself a Jew, who arranged the meeting.

"We made it very clear to them that what is going on in Romania is unconscionable and that they have to speak out against it themselves," Singer said.

"Iliescu gave me his word that he would speak out," Singer said. "He said that he would write us confirming that."

Prime Minister Roman, whose father was Jewish, "explained that in a country that only recently became free, there are many forces who would like to undermine that, and therefore there are people who are trying to turn the clock back, using the Jewish question," Singer said.

Wiesel urged the government to allow the formation of a watchdog group that would monitor human rights conditions in Romania.

SEPARATIST UPHEVAL IN YUGOSLAVIA NOT THREATENING JEWISH COMMUNITY

By Aliza Marcus

NEW YORK, July 2 (JTA) -- Yugoslavia's Jewish population has so far not been affected by the week-old separatist fighting between the Slovenian republic and the Yugoslav army, according to reports from Jewish organizations monitoring the region.

The majority of the country's estimated 6,500 Jews are located in Zagreb, Belgrade and Sarajevo. Until Tuesday, Jews were far from the conflict that is intermittently raging in Slovenia.

But on Tuesday, Yugoslav troops fired into a crowd in Zagreb, the Croatian capital.

Elan Steinberg, executive director of the World Jewish Congress, said that there was currently no reason to believe Jews might be picked out as targets.

The main danger is that they could be caught in one of the armed melees that have started breaking out in and around Zagreb.

"Our people have been in touch with European Community authorities in the event that they need their assistance, should some kind of threat to Jews develop," added Steinberg.

Although an estimated 30 Jewish families live in the Slovenian capital of Ljubljana, there have been no reports of anti-Semitic outbreaks, according to the Paris-based European Jewish Congress.

Apparently three families have left for Israel, but there are no signs that a mass and sudden exodus is about to begin, reported the American Jewish Joint Distribution Committee, which is also monitoring events.

Even before the conflict had spread to Zagreb, the newly elected president of the Federation of Jewish Communities in Yugoslavia reported that the military situation there was worsening and the airport had been closed.

Jews Careful Not To Get Involved

"Actually, despite pressure from Slovene and Croatian elements, the Jews have been extremely cautious not to become involved in the conflict," said David Albahari, who was just chosen to replace longtime President Ljovoslav Kadelburg.

Both the Croatian and Slovenian parliaments last week issued declarations of independence. Although the central government denounced the moves as illegal, army units have so far only been sent to Slovenia. A cease-fire negotiated last weekend has reportedly been broken by Slovenian militia harassment of Yugoslav army units.

Croatia and Slovenia, the two most northern republics and the wealthiest regions in Yugoslavia, are run by strongly nationalist leaders who were elected following the demise of Soviet hegemony in the region.

The leadership has run into difficulties with Serbia, the largest republic and the one most strongly opposed to the independence movements. Yugoslavia, with six republics and two autonomous provinces, has a population of about 24 million.

Yugoslavia was once home to 80,000 Jews, 80 percent of whom were killed in the Holocaust. Although the remaining community is small, it is a fairly vibrant one, with a summer camp for children, an old-age home and close ties to international Jewish organizations.

Miriam Feldman, a spokeswoman for the Joint Distribution Committee, said the community is considered stable and "really has been strengthening its communal life."