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ISRAELIS MISSING FROM PEACE TALKS, BUT SAY THEY WILL SHOW UP MONDAY

By David Friedman

WASHINGTON, Dec. 4 (JTA) -- The Syrians, Lebanese, Jordanians and Palestinians all showed up at the State Department on Wednesday, but as expected, Israeli negotiators stayed away from the scheduled second round of bilateral talks.

Israel tried to put the best face on the situation by announcing that its three negotiating teams would arrive here by Monday and would agree to take part in talks "on the same day, but not the same time."

In Jerusalem, Prime Minister Yitzhak Shamir's spokesman, Ehud Gol, emphasized that this was a concession, since Israel had initially opposed holding the talks in Washington and had wanted the three separate sets of negotiations held consecutively, rather than simultaneously.

Israel has wanted to maintain the appearance that the talks are bilateral, rather than part of a single international peace conference.

It remained unclear, however, whether the talks would convene on schedule Monday.

Hanan Ashrawi, spokeswoman for the 14-member Palestinian delegation, and Abdul Salaam Majali, head of the Jordanian delegation, indicated they might not appear on Monday because it is the fourth anniversary of the intifada in the West Bank and Gaza Strip.

But that is a "good reason to start talks," Israeli Ambassador Zalman Shoval said, since the intifada demonstrated the "futility of violence."

Shoval spoke at a news conference Wednesday morning, along with Benjamin Netanyahu, a deputy minister in Shamir's office, who was sent to Washington to counter Arab propaganda over Israel's refusal to show up on time at the talks.

They emphasized that although Israel had received negative publicity for failing to show up at Wednesday's talks, the move was necessary to show the Arabs that they must deal with Israel directly, rather than count on Washington to pressure the Jewish state to meet their demands.

"We are not going to get far if the Arabs simply believe they can sit back and have the United States deliver Israel," said Netanyahu. "That is not going to work."

Arabs Haven't 'Picked Up The Phone'

Shoval said State Department officials have promised that the United States will no longer act as a "mailman" for the negotiating parties.

But at the State Department, spokeswoman Margaret Tutwiler repeated Wednesday that the United States set Dec. 4 for the resumption of the bilateral talks only when Israel and the Arabs could not themselves agree on a date.

Netanyahu and Shoval said that Israeli officials have constantly tried to telephone the Arabs to discuss the time and procedures for direct negotiations, but "they have not picked up the phone."

If the Arabs are "ready to move away from the cameras and the futile point-scoring, they know how to reach us," Netanyahu said.

Netanyahu reiterated Israel's desire to have the negotiations take place in the Middle East. He explained that the negotiators must keep in constant contact with their governments, which is more difficult "halfway around the world."

He recalled that the Camp David accords were hammered out by Israeli and Egyptian negotiators in the Middle East, and only after they were near agreement were the final talks held in Washington.

"We can pick up the thread of peace in Washington, but we have to weave it gradually in the Middle East," he said.

Progress With Syrians In Doubt

Dealing briefly with substantive issues, Netanyahu said that in the West Bank and Gaza Strip, Israel wants to achieve "maximum security" coupled with "minimum intervention in the daily lives of the Arabs."

He appeared less hopeful on negotiations with Syria, since he said the Syrians are only offering an end to belligerency, not peace.

A leader of the Labor Party opposition, former Prime Minister Yitzhak Rabin, seemed to agree in this assessment. He told a news conference, convened here Wednesday by the Anti-Defamation League, that there is a chance to achieve agreement with the Palestinians, because they will be discussing an interim self-rule arrangement, not the final solution for the West Bank and Gaza Strip.

The Palestinians in the territories are for the first time taking responsibility for their own future without relying on the Arab countries or the Palestine Liberation Organization outside the territories, Rabin said.

He expressed hope that any failure to move ahead in negotiations with Syria would not prevent progress in the talks with the Palestinians. He suggested that Jordan would agree to any decision taken by the Palestinians.

But Rabin was less optimistic about the talks on Middle East regional issues, scheduled to be held in Moscow on Jan. 28-29. He doubted any agreements reached would be implemented unless the peace settlements had been achieved first.

Rabin, who was in the United States on private business, refused to comment on the flap over the resumption of the bilateral talks, especially since he said it will be an issue that is "forgotten a month from now."

(JTA correspondent David Landau in Jerusalem contributed to this report.)

NEWS ANALYSIS:

ISRAEL BETTING THAT P.R. DAMAGE WILL GIVE WAY TO LONG-TERM GAIN

By David Landau

JERUSALEM, Dec. 4 (JTA) -- By not showing up on time in Washington for the first round of bilateral peace talks with the Arabs, Israel appeared to be demonstrating this week that it cannot be pushed around by the U.S. government.

Prime Minister Yitzhak Shamir and his Cabinet apparently decided to stomach a short-term propaganda disaster for what they hope and expect to be long-range benefits for Israel as the peace process unfolds.

"These are going to be five terrible days," a senior official remarked this week, referring to the interval between Wednesday, when the Arab delegations showed up in Washington, and next Monday, when the three Israeli teams say they will be ready to begin negotiations.

But once the five days have passed, Shamir believes the "bottom line" will show a net gain for Israel, a source close to the prime minister explained.

Shamir feels he will have succeeded in demonstrating to the Bush administration, Congress, the U.S. public and the folks at home that Washington cannot force Israel to make decisions it believes are against its own interests.

He believes it is better to stand firm now, in the preliminary stages of the peace process, than further along, when the talks have entered the substantive stages, on which Israel and its Arab neighbors are deeply divided.

It is better, the source said, that President Bush and Secretary of State James Baker discover now how doggedly determined Israel's 76-year-old prime minister can be, even over matters of ostensibly minor importance, such as the whens, wheres and hows of negotiations, rather than the whats and whys.

The source added that Shamir took pains to emphasize he was not acting out of personal pique over the cavalier treatment he received at the hands of the Bush administration during his visit to Washington last month.

His own honor was not at stake. What was at stake was the image of his government in the eyes of U.S. policy-makers. He would not allow his delegates to be "summoned" to Washington on a particular day, while Israel was still arguing for a conference venue closer to the Middle East, at a time more convenient to it.

While Shamir is taking a calculated risk, the prime minister also believes that the more lasting public relations image will not be the empty chairs on Dec. 4 but the arrival of the Israeli negotiators five days later, and the fact that the Arabs and Americans waited for them to come.

Will Palestinians Wait?

But such a scenario could easily go awry if the Arabs do not wait around until Monday and accuse Israel of sabotaging the peace talks.

Palestinian spokeswoman Hanan Ashrawi hinted Wednesday that her delegation might not appear Monday because it is the fourth anniversary of the intifada in the West Bank and Gaza Strip.

If the Palestinians or other Arab parties stay away, Shamir is prepared. He has positioned in New York one of his most militant and effective propagandists, Benjamin Netanyahu, who attended the Madrid peace conference as deputy foreign minister and is now a deputy minister in the Prime Minister's Office.

Netanyahu, who challenged the Arabs on Wednesday to "move away from the cameras and futile point-scoring" to talk peace with Israel, is prepared to hurl the Arab charges back at them if they refuse to wait for the Israeli negotiators to show up Monday.

Another problem could arise Monday if the joint Jordanian-Palestinian delegation insists on splitting into two groups, in an assertion of Palestinian independence.

Israel has insisted on regarding the delegation as a unified body. But sources say Israel has now agreed in principle that the issues on the agenda will require separate working groups.

"This is not a cardinal problem," a senior government source said Wednesday.

RELEASE OF LAST AMERICAN HOSTAGES RAISES HOPES FOR ISRAELI'S RETURN

By David Landau

JERUSALEM, Dec. 4 (JTA) -- The release this week of the last three American hostages held by Shi'ite groups in Lebanon has raised hopes that an Israeli air force navigator taken prisoner there may soon come home as well.

The last American hostage was released Wednesday, when kidnappers freed Associated Press correspondent Terry Anderson.

Earlier in the week, hostage-takers set free Joseph Cicippio and Alann Steen.

Those releases followed the South Lebanon Army's move Sunday, at Israel's prodding, to free 25 Lebanese Shi'ites imprisoned in a detention facility in the Israeli-controlled border security zone.

The rapid progression of events indicated that the final stages may have been reached in a comprehensive deal, brokered by the United Nations, to swap Shi'ite prisoners held by Israel for Western hostages and Israeli military personnel missing in action in Lebanon.

Israeli negotiators, led by Uri Lubrani of the Defense Ministry and attorney Uri Slonim, have been circumspect in their public comments. But there is reason to believe their efforts will be successfully concluded very shortly.

Lubrani told BBC-TV in London that he had grounds for hoping the deal could be completed by Christmas.

The Israelis are relying strongly on the outgoing U.N. secretary-general, Javier Perez de Cuellar, who has vowed to achieve a general hostage release, including Israelis, before he leaves office at the end of the year.

The SLA's release Sunday of the 25 Shi'ite prisoners was done at the request of Giandomenico Picco, the secretary-general's special envoy, who has played an instrumental role in securing the hostages' freedom.

Sheik Is The Trump Card

Defense Minister Moshe Arens made clear Wednesday that there was no chance Israel would free Sheik Abdel Karim Obeid before the return of Israel air force navigator Ron Arad, who was shot down over Lebanon in 1986 and is the only missing Israeli believed to be alive.

Obeid, a religious leader of the Moslem fundamentalist Hezbollah, was seized by Israeli commandos from his home in southern Lebanon in 1989. He is considered Israel's trump card for the return of Arad and the bodies of five other Israeli MIAs.

Shi'ite sources in Lebanon confirmed earlier this week that the Israelis had sent a videotape of Obeid in captivity, an indication that his release may be imminent.

Israel is also expected to release an additional 200 Shi'ite prisoners in the exchange.

But Lubrani stressed that Israel must have positive information about the fate of three other Israel Defense Force soldiers missing since the 1982 invasion of Lebanon.

The soldiers, Yehuda Katz, Zecharia Baumel and Zvi Feldman, are presumed dead. But Israel wants confirmation and their bodies returned.

Israel released 66 Moslem prisoners earlier this year after receiving confirmation of the deaths of MIAs Yossi Fink and Rachamim Alsheikh. But only the body of an Israeli Druse soldier, Samir Assad, has been returned.

NEWS ANALYSIS: SUNUNU'S DEPARTURE MAY BE WELCOME, BUT IT'S UNLIKELY TO CHANGE POLICY

By Howard Rosenberg

WASHINGTON, Dec. 4 (JTA) -- John Sununu's resignation as White House chief of staff has disappointed few in the pro-Israel community, who have long been unhappy that one of President Bush's closest advisers is unabashedly pro-Arab.

But his departure is likely to have little effect on the Bush administration's policy toward Israel, according to experts and organizational leaders in the Jewish community.

That's because U.S. policy toward Israel has been a hands-on issue for Bush, Secretary of State James Baker and a circle of White House and State Department aides, the leaders say.

U.S. Middle East policy "is made by the president and the secretary of state," said Malcolm Hoenlein, executive director of the Conference of Presidents of Major American Jewish Organizations. "I have no reason to believe that there would be any major change."

But a pro-Israel lobbyist here charged that Sununu, as the "gatekeeper" for information reaching the president, passed on newspaper articles critical of Israel to Bush "that the president wouldn't have seen in a hundred years."

Pundits here are expecting that Bush will name Transportation Secretary Samuel Skinner to replace Sununu. Hoenlein said that Skinner recently visited Israel and is "understanding" of the pro-Israel community's interests.

In explaining Sununu's possible influence on the course of U.S.-Israeli relations, the lobbyist charged that some of Bush's public comments on Israel may have been influenced by what he has been handed by Sununu.

In particular, Sununu, who is of Lebanese descent, knows of Bush's "raw nerve" on the subject of Israeli settlements in the administered territories, the lobbyist said.

Reportedly Blamed Pro-Israel Forces

Sununu clearly "was in the position to have an influence" on the president's policies toward Israel, said Hoenlein. He said that despite the fact that Sununu often told Jewish groups that he did not use his position to intercede on behalf of the Arab-American community, there were times when he appeared to promote an anti-Israel agenda.

In August, Sununu was reported to have blamed pro-Israel forces for drumming up opposition to him following bad press he received over his use of military jets for private travel. Later he denied making any such statement in a letter of apology to Jewish leaders.

Sununu did provide American Jews "with unprecedented direct access" to the White House, said Matthew Brooks, executive director of the National Jewish Coalition, a Republican group. But he conceded that it was usually the chief of staff himself who would meet with Jewish leaders.

On domestic issues, Sununu was not "particularly friendly to issues of concern of the Democratic Party or Jewish interests," said Steve Gutow, executive director of the National Jewish Democratic Council.

He said it is the "entire administration" that is "unresponsive or in many ways antagonistic to this community. I don't think John Sununu's departure is likely to change that."

Brooks stressed that "Sununu's niche was on the domestic side" and not on foreign policy.

DUKE LIKELY TO ENCOUNTER BUMPS FROM JEWS ON HIS CAMPAIGN TRAIL

By Howard Rosenberg

WASHINGTON, Dec. 4 (JTA) -- White supremacist David Duke, who announced Wedenesday that he would run against President Bush for the 1992 Republican presidential nomination, will get a cold shoulder from the Jewish community.

"I cannot see the circumstances under which we would host Duke," said Malcolm Hoenlein, executive director of the Conference of Presidents of Major American Organizations, which regularly meets with presidential contenders.

Duke, who has disputed that the Holocaust took place and referred to an alleged top-heavy Jewish control of the media, made ample negative reference to the "Israeli lobby" at his news conference Wednesday.

Blaming the U.S. tilt toward Israel on the "Israeli lobby" and its "very strong" activism, Duke said, "I think Israel is an ally of this country, but we've got to use the economic influence we have and the military influence to have a fair policy in the Middle East."

"I'm for Israel when it does correctly, and I'm opposed to Israel when they act incorrectly. And I think what's going on in terms of the settlements in Israel needs to be changed," he said.

But although the Conference of Presidents will not meet with Duke, Hoenlein said it would probably meet with arch-conservative Patrick Buchanan, who prior to the Persian Gulf War blamed the Israeli lobby for pushing the U.S. military intervention.

Buchanan also opposes foreign aid, including to Israel, and has tried to thwart Justice Department moves to deport Nazis from this country.

Despite Duke's racist, anti-Jewish and anti-Israel stance, Hoenlein said it is proper for Jewish groups to be barred from publicly opposing Duke's candidacy, under Internal Revenue Service restrictions governing the activities of tax-exempt or not-for-profit groups.

A Stepped-Up Ad Campaign

Duke's past involvement as a Ku Klux Klan grand wizard has drawn emotional opposition from U.S. Jews. Duke, now a Republican state representative in Louisiana, conceded in announcing his candidacy for president that he was "intolerant" in those days but that he is a changed man.

Duke has changed several times. In 1987, he entered the U.S. presidential primaries on the Democratic ticket. He ran for president in the 1988 election as Populist Party candidate.

At the end of 1988, he ran as a Republican for the Louisiana statehouse and won.

But last month, he lost a bid for the Louisiana governorship to Democrat Edwin Edwards. Jewish activists poured tens of thousands of dollars into the Edwards campaign.

But none of that money came from Jewish community groups that receive tax-exempt status from the IRS, whose code bars non-profit groups from endorsing a particular candidate or sponsoring paid advertisements.

In the four-week span between Duke's Louisiana loss and his presidential announcement, Jewish groups maximized the opportunity to say anything they wanted about Duke, and many took out paid advertisements in major newspapers.

But from now on, the groups will be limited to only speaking out against racist comments they attribute to Duke.

JEWISH GROUPS DISAGREE ON CASE INVOLVING MINN. HATE CRIMES LAW

By David Friedman

WASHINGTON, Dec. 4 (JTA) -- Jewish groups have taken opposing sides on whether a St. Paul, Minn., hate crimes ordinance banning cross-burnings and Nazi swastikas violates the constitutional protection of freedom of speech.

Both the Anti-Defamation League and the American Jewish Congress have filed friend-of-the-court briefs in the case, RAV vs. St. Paul, which came before the U.S. Supreme Court on Wednesday for oral argument.

The ADL supports a decision by the Minnesota state Supreme Court that St. Paul prosecutors interpreted the law narrowly enough in a cross-burning case that it did not violate the First Amendment.

But the AJCongress argues it is the narrowness and vagueness of the law that leaves the greatest potential for restricting speech.

A third major Jewish defense agency, the American Jewish Committee, has not entered the case because its national law committee was "sharply split," according to Samuel Rabinove, the agency's legal director.

"We considered it very seriously," he said.

The RAV in the case stands for Robert A. Viktora, a 17-year-old high school dropout, who was charged under the hate crimes ordinance with burning a cross in the yard of a black couple, Russ and Laura Jones, on June 21, 1990.

Viktora has also been charged with assault. His initials were used because he was a minor at the time.

The St. Paul ordinance states that "whoever places on public or private property a symbol, object, appellation, characterization or graffiti, including but not limited to a burning cross or Nazi swastika, which one knows or has reasonable grounds to know arouses anger, alarm or resentment in others on the basis of race, color, religion or gender, commits disorderly conduct and shall be guilty of a misdemeanor."

Problem With Law's Vagueness

During oral argument Wednesday, the Supreme Court justices' questioning centered on whether a law could be crafted to make something like cross-burning illegal in front of a black family's home, but not if the same thing were done elsewhere.

Edward Cleary, the lawyer who represented Viktora, warned that "this opens a hole in the First Amendment." It might allow laws to be enacted that ban other symbols, such as the Star of David, he said.

But Thomas Foley, the St. Paul County attorney, maintained that the First Amendment "was never intended to protect any individual who burns a cross at an African-American home."

In an interview, ADL's legal director, Steven Freeman, said the Minnesota Supreme Court accepted his group's position that the law should be seen as applying only to "fighting words" that could be seen as inciting to violence.

But the law's vagueness is a problem, said Marc Stern, co-director of the AJCongress Law and Social Action Commission. "A statute regulating speech has to be precisely drawn," he said.

The law now allows a prosecutor to decide what speech is offensive and this leaves it open to abuse, Stern said.

But more importantly, the St. Paul ordinance makes illegal not only "speech which you know would be offensive, but speech which you should have known to be offensive," Stern said.

The type of hate crimes law that would be proper, Stern said, is one like the model legislation offered by the ADL, which many state legislatures have adopted.

Freeman conceded that the ADL would not have drafted legislation the way St. Paul did. He explained that rather than outlawing specific behavior, the ADL model law provides harsher penalties for existing crimes, such as trespassing and assault, if bias can be shown as the motivating factor.

A Review Of 'Political Correctness'?

Rabinove of the AJCommittee said his organization also supports "reasonable, realistic hate crime legislation." But the St. Paul ordinance, he said, was "much too broadly and carelessly drawn. It went too far."

Freeman, though, argued that "the St. Paul City Council was trying to address a very serious problem, both practically and symbolically."

Practically, the ordinance gave the police and prosecutors another tool to go after people who commit hate crimes, he said. Symbolically, St. Paul was sending "a message that our society regards these crimes as particularly heinous because of their polarizing impact on communities and cities."

The victim in such crimes is not just the person who is attacked, Freeman said. Everyone of the same race, religion, ethnic heritage or sex also feels threatened.

But Stern of AJCongress and Rabinove of AJCommittee stressed that there are other ways to prosecute those who commit such crimes. Viktora, for instance, is also charged with assault.

A second defendant, Arthur Miller 3d, pleaded guilty and was sentenced to 30 days in jail.

While it is difficult to speculate how the U.S. Supreme Court will rule, the court has often deferred to rulings by state supreme courts.

But the high court could use the case to review the whole issue of "political correctness" on university campuses, in which certain speech has been banned, including that considered offensive to minority groups or women.

The court could also consider the question of symbolic speech. Liberal Justices William Brennan and Thurgood Marshall, who made up part of the 5-4 majority that ruled that flag burning is a form of constitutionally protected free speech, have now been replaced on the court by conservatives David Souter and Clarence Thomas.

Thomas was the only member of the court who did not ask questions Wednesday.

LATVIAN AIRLINE TO CARRY OLIM

By Gil Sedan

JERUSALEM, Dec. 4 (JTA) -- The Jewish Agency signed an agreement Wednesday with the Latvian airline Latpas to carry immigrants from the Baltic states directly to Israel.

Latpas has been running charter flights from Riga to Tel Aviv since March but was limited to regular passengers. Now it will reserve seats for immigrants booked by the Jewish Agency.

Olim from the newly independent Baltic republics have been traveling to Israel via Warsaw. Latpas will serve a Jewish population of about 38,000 -- 25,000 in Latvia and the rest in Lithuania and Estonia.