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**CANADIAN HIGH COURT STRIKES DOWN
LAW BANNING REVISIONIST MATERIAL**

By Bram D. Eisenthal

MONTREAL, Aug. 27 (JTA) -- Canada's highest court has struck down as unconstitutional a law banning the wilful spread of "false news," marking a victory for Holocaust revisionist Ernst Zundel.

The Supreme Court of Canada ruled unanimously Thursday that the law violates constitutional guarantees of free speech set forth by the Canadian Charter of Rights and Freedoms.

Zundel then used his victory appearance in a national television interview to reiterate his claim that the Holocaust was a hoax.

He said he would continue to publish and speak as he had done in the past.

As he spoke, Jewish groups registered their dismay and called for his prosecution under another hate law.

Zundel, a German immigrant, was originally convicted in 1985 of publishing a pamphlet claiming that the Holocaust was a hoax. The 1985 trial made headlines worldwide as it effectively put the Holocaust on trial.

At the time, Zundel assailed the "false news" law as "an instrument of thought control."

But in 1987, Ontario's Court of Appeal upheld the provision, ruling that spreading "false news" was not the sort of expression that the Charter of Rights and Freedoms meant to protect.

Zundel was retried in 1988 due to a ruling that the first trial judge had made legal errors. He was found guilty, sentenced to nine months in jail and denounced as a "fraud" by the judge.

In 1990, the Ontario court once again dismissed Zundel's appeal. But in a rare move last November, the Supreme Court of Canada agreed to hear his constitutional challenge to Section 181 of the Criminal Code dealing with the spreading of false news.

Other Remedies Available

In Thursday's decision, the high court found that the wording of Section 181, outlawing "false news which is against the public security and likely to harm a recognizable group," is too vague.

Canadian Jewish groups were clearly disappointed with the ruling, but tried to put the best face on it.

"While we regret the Supreme Court's decision, we feel that another effective remedy for Zundel's hate mongering is already on the books," said Marvin Kurz, Ontario regional chairman of B'nai Brith Canada's League for Human Rights.

"What is needed now is for the government of Ontario to show its commitment to eradicating bigotry by charging Zundel for inciting hatred against Jews," said Kurtz.

Also critical of the court ruling was the Los Angeles-based Simon Wiesenthal Center.

Sol Littman, director of Canadian Friends of the Simon Wiesenthal Center, said, "While we appreciate the court's concern with the issue of free speech, we believe that the court failed to realize the full extent of the social harm done by unrestrained expressions of racial hatred."

The authorities will have to look closely at

Zundel's future activities and charge him promptly under the Hate Propaganda Law, Littman said.

He was referring to Section 319 of the Criminal Code, which forbids the wilful promotion of hatred against an identifiable group.

That law was upheld by the high court in the case against James Keegstra, the former high school teacher in Eckville, Alberta, who taught that Jews are evil.

A positive note on Thursday's decision was sounded by Gerda Frieberg, a Holocaust survivor who is Ontario regional chairman of the Canadian Jewish Congress.

"The seven years of battling Zundel in the courts was fully worth it," she said. "As a result, Zundel has become a synonym for despicable, malicious falsehood and group libel."

David Satok, chairman of the CJC's Ontario Region Community Relations Committee, said the Supreme Court's ruling "in no way changes the finding by two separate juries that Ernst Zundel, in purveying Holocaust denial, is guilty of deliberately propagating falsehoods which were injurious to the public interest."

**PALESTINIANS REJECT ISRAELI PLAN,
BUT SAY THERE'S ROOM TO NEGOTIATE**By Cynthia Mann
States News Service

WASHINGTON, Aug. 27 (JTA) -- The Israeli proposal for self-government in the West Bank and Gaza Strip is "incompatible" with the Palestinian proposal and does not satisfy their human rights concerns, the spokeswoman for the Palestinian delegation to the Middle East peace talks said Thursday.

Hanan Ashrawi charged there is a "schizophrenia between public utterances" by Israel's Labor-led government and the "actual substance" of Israeli proposals and practices, which continue to reflect a "Likud and hard-line policy."

Nevertheless, Ashrawi said there is no reason to believe the parties to the peace talks are headed for an impasse. She stressed the purpose of negotiations is to reconcile differences.

"We are not rejecting anything," she said pointedly.

Earlier in the week, the Israeli delegation submitted a detailed autonomy plan in which the Palestinians in the territories would elect an administrative council, made up of about 15 members, to manage their daily affairs.

The council plan falls far short of the 180-member legislative body proposed by the Palestinians, which Israel opposes as an "organ of statehood" and a violation of the terms of the talks.

The head of the Israeli team negotiating with the Palestinians, Elyakim Rubinstein, said the administrative council represents a "major step forward" for the Palestinians and will allow for a critical interim period of coexistence before determining the final status of the territories.

But Ashrawi claims the proposal violates the terms and requirements of the negotiations.

"We should be discussing a serious transfer of authority, not a delegation of responsibilities and functional tasks," she said.

Without such a shift of "meaningful" authority to the Palestinians, legislative powers over

the territories will remain not only in the hands of Israel's military government, but in the Israeli Knesset, she said. "And that would be tantamount to annexation."

But Ashrawi said she believed the plan for an administrative council is a "maximalist" negotiating position for the Israelis, "a starting point from which there is room to move."

**BEHIND THE HEADLINES:
ATERET COHANIM SAY THEIR STRUGGLE
AIMED AT KEEPING JERUSALEM UNIFIED**
By Michele Chabin

JERUSALEM, Aug. 27 (JTA) -- Two weeks ago, Chaim and Tali Daum moved into their new home in the Moslem Quarter of Jerusalem's Old City and became part of a controversy that is shaking the country.

In the eyes of many Israelis, the Daums' decision to live in the Moslem Quarter is a provocative act that will lead to further tensions between Arabs and Jews.

In the view of many others, Jews have a moral and legal right to live anywhere in the unified capital, including all of the Old City.

In reality, the issue goes far beyond the 48 families who have taken up residence in the Moslem Quarter. The issue is Jewish settlement activity as a whole, and its ramifications for Jerusalem and the peace process.

"A Jewish presence in the Moslem Quarter will strengthen the country's claim to Jerusalem, if and when the city's status comes up in peace negotiations," argues Yossi Baumol, executive director of the Ateret Cohanim yeshiva.

The yeshiva, which is responsible for many of the real estate purchases in the Moslem Quarter, received funds from the previous government to buy, renovate and protect Jewish residences in the quarter.

The Rabin government has stopped the funding and has called into question the actions of former Housing Minister Ariel Sharon.

Despite the present government's attempts to curtail Jewish settlement in parts of what was formerly East Jerusalem, Baumol says he is deeply committed to bringing Jews back to the Moslem Quarter.

"Since the 1800s, Jews have lived in the quarter and fled only after the riots of the 1920s and 1930s made it impossible for them to stay," he says.

Purchases Never Done By Force

Baumol defends the yeshiva's use of two buildings originally seized by the army for security purposes. According to Israeli law, any structure seized for security reasons must remain in the hands of the military.

"The government approved our request to use the buildings back in 1983," he claims. "We waited until 1991 and then received permission from the police department as well. We also bought the rights to at least one of the two buildings from the Arab owners."

The matter is to be decided in court.

As for the yeshiva's practice of approaching Arab homeowners to buy rights to their property, Baumol says, "The procedure is completely legal and never done with force. In many cases, the building had originally belonged to a Jewish family, yeshiva or synagogue. It isn't an issue of settlement, but of return."

To prove the point, Ateret Cohanim staffer

Tehilah Rapps points to a 1921 Jerusalem phone list that details the addresses of Jewish residents. According to the list, 1,355 Jews lived on Rehov Hebron, a street in the Moslem Quarter.

On an informal tour of Jewish sites in the Moslem Quarter, Rapps stops to talk to Arab shop owners. Unlike many of her colleagues, she is conversant in Arabic and readily asks how business is going and inquires whether a general strike is in effect that day.

On a brief visit to one of the yeshiva's Arab neighbors, she politely declines a cup of tea and inquires about the family's children.

But such cordial relations are the exception rather than the rule.

Every time Tali Daum needs to run out for a pint of milk, she is accompanied by an armed guard. There is little contact between Arab and Jewish neighbors, due in part to mutual distrust, and also because neither side wishes to learn the other's language. The result: an atmosphere of tension.

That is exactly the kind of atmosphere Mayor Teddy Kollek has tried to prevent. While Kollek acknowledges that all Jerusalem residents may live where they wish, he questions "the wisdom of Jews settling in populated Arab areas."

The mayor, who has tried to thwart every attempt by Jews to cross over into Arab neighborhoods, says that "the entry of Jews into settled Arab areas does not contribute to the peace and calm of the city."

He draws a distinction between sections like the Moslem Quarter and "new neighborhoods created in a ring around Jerusalem within its borders as redrawn in June 1967."

"At least at this stage in history," he says, "the interest of tranquility is best served by having various groups live in homogeneous neighborhoods in a heterogeneous city."

'Want Jews To Walk Around Without Fear'

The Daum family does not agree. Sitting in their small apartment, with an armed guard outside the door, they explain what brought them to the Moslem Quarter.

"My wife's family has lived in the Old City for three generations," says Chaim. "Her grandfather spent a year in a Jordanian prison after the Jordanians took over. Her mother lived through the riots. They fled to Katamon (in West Jerusalem), but they always dreamed of returning."

Following the Six-Day War, Tali Daum's family moved to the Jewish Quarter -- a neighborhood with lots of potential residents but a scarcity of apartments.

But it was not the housing shortage in the Jewish Quarter that motivated the Daums to live in the Moslem section. "We waited two years for this apartment, and we wouldn't want to live anywhere else," says Chaim.

"This was once a Jewish building," he adds, "a yeshiva dating back to the 1850s. There were Jewish homes on this street."

The Daums say they are unafraid, despite the fact that someone threw a bottle into the apartment and someone else burned the Israeli flag that was hanging in their courtyard.

"We say hello, but we don't share the same language," Chaim says.

"Living here is not a political action," he claims, "but we want this city to be the capital of Israel. We want Jews to walk around without fear, to live in any part of Jerusalem they wish to."

JEWIS IN SOUTH FLORIDA ASSESSING DAMAGE FROM HURRICANE ANDREW

By Linda Brockman and Eric Rozenman
Miami Jewish Tribune

MIAMI, Aug. 27 (JTA) -- It took less than four hours for Hurricane Andrew to sweep through Dade County, causing more than \$20 billion worth of damage. But it will be months before many residents restore their lives to pre-storm normalcy.

South Dade was hit the hardest and this week, members of the Jewish community were still trying to get in touch with family, friends and fellow congregants.

In the aftermath of the storm on Tuesday, hundreds of thousands of Dade County residents remained without shelter, nearly 1 million went without electricity and safe water.

South Dade looked like a war zone; devastated businesses were closed, light poles toppled, trees uprooted, street signs crushed, roofs ripped off and traffic lights lay sprawled on the ground.

Traffic moved slowly; downed electrical wires, onlookers and malfunctioning traffic lights made driving hazardous.

In the Kendall area of South Dade, Bet Shira Congregation's 4-year-old synagogue complex was demolished. The roof collapsed, the carpet was drenched, a wall separating the sanctuary from the nursery school was torn apart and the French doors separating the quadrants of the synagogue were ripped from their hinges -- with some glass panels broken.

"I've never seen devastation like this in South Dade, and I've been through Hurricane Donna" in 1960, said Rabbi Edwin Farber of Temple Samu-El Or Olom in Miami. Even with \$200,000 to \$400,000 worth of damage to the sanctuary, Farber feels Samu-El Or Olom fared not badly, considering the degree of damage in the area.

'Nothing That Is Not Repairable'

"Like much of South Dade, we are just facing inconvenience and discomfort," he said. "But there is nothing that is not repairable within an acceptable period of time. Considering the rest of the neighborhood, we're pretty lucky."

Samu-El Or Olom will have no services this Shabbat and a bar mitzvah planned for this weekend has been postponed.

Farber hopes the synagogue will be functioning within 30 days. However, High Holy Day services might need to be held elsewhere. School will begin next week.

B'nai Torah of Boca Raton in Palm Beach County has offered to help the synagogue with a loan and its congregants with generators, wet vacuums, plywood, fuel, food, propane, gas stoves, batteries and lanterns.

Farther south, outside of Miami, two synagogues in hard-hit Homestead -- B'nai Israel and Greater Miami Youth Synagogue in Naranja and the Homestead Jewish Center -- were unreachable by phone. Some news reports claimed that the Homestead Jewish Center had been destroyed.

"If you have seen only television, or pictures in the newspaper, you have no clue" as to the damage done by Hurricane Andrew in South Dade County, insisted Maurica Sisk. Manager of Federation Gardens, a housing project for the elderly in Miami, Sisk was an eyewitness to some of the destruction.

Although Federation Gardens suffered, "we

were fortunate. I came back from seeing the damage where my kids live, in Country Walk -- where they did live -- there were two walls of a whole house (left). I think the whole area is devastated."

Andrew blew out the windows in about 16 of the 159 units, knocked out electric power and water service to the two four-story buildings, and "the force of the storm blew out the window of a corner apartment, then moved the wall three feet out into the hallway," Sisk noted.

'Doesn't Look Like It Did Before'

Although the Gardens suffered at least tens of thousands of dollars worth of damage, no one was injured. Of the facility and its neighborhood, Sisk said: "It was beautiful. It's still beautiful, but it doesn't look like it did before."

The Miami Jewish Home and Hospital for the Aged at Douglas Gardens also does not look like it did before. It is just north of downtown Miami and outside the hurricane's main line of attack.

None of the hundreds of residents and clients was injured. Nevertheless, Andrew "ravaged the grounds," said Jay Sweeney, director of public relations and marketing.

"Thankfully, the residents and clients are pulling through well," Sweeney added. He noted that some staffers and volunteers began coming in on Saturday and Sunday and stayed at the facility throughout the storm and its immediate aftermath.

On Miami Beach, Mount Sinai was the only hospital to stay open during the hurricane watch, the storm itself and the days just after, spokesperson Gail Farber said. Mount Sinai did close to non-emergency admissions for one day, due to lack of water and air conditioning, she said.

The hospital sent a team of physicians to assist the Metro-Dade Fire and Rescue Center.

Also on Miami Beach, Rabbi Sheldon Ever of Agudath Israel Hebrew Institute found that the storm caused "some roof seepage."

But the small Orthodox congregation "carried on as usual," Ever said. "The old-timers came (Tuesday) afternoon for services, and this morning." Electric power was restored by 8 p.m. Tuesday. Shabbat services were to be held on schedule.

Temple Israel of Greater Miami is organizing aid to those residents affected in the south. However, Rabbi Rex Perlmeter said more concrete help can be arranged once temples can get in touch with each other.

'We're Flying Solo'

"Right now, we're flying solo. We don't know what's happening," he said. "I hope other churches and synagogues can help out and congregations can pair up."

In the meantime, Perlmeter encourages his congregants, as well as all South Floridians, to attend services where available this Shabbat.

Temple Israel suffered minor damage and is without electricity, but Perlmeter said there will be services Friday evening even if congregants have to meet outside.

Perlmeter said churches and synagogues should be a "place for people of like faith to share the strength and comfort of faith, the renewal of ideas, and the exchange of information and plans.

"Within our congregational families, we feel tremendous anxiety about those we have been unable to contact, and a great urge to join with those we have," Perlmeter said.

PERES PAYS A NOSTALGIC VISIT TO HIS BIRTHPLACE IN BELARUS

By Alexander Lesser

VISHNEVO, Belarus (JTA) -- Shimon Peres made a nostalgic trip back to his birthplace here this week, a town of 450 souls about 55 miles from Minsk.

Obviously touched and excited, the Israeli foreign minister told the villagers that he could still remember the smell of the nearby woods and the sight of the river bank near the town he had left 58 years ago at the age of 11.

Many of the townspeople had only a hazy idea of who he is. An old woman, upon being told that Peres is a "minister from Israel," said, "Oh, that's good! He's welcome here."

Peres told the villagers that before the war, 1,400 Jews lived in Vishnevo -- and hardly any Christians. Half the Jews, he said, went to Israel. The other half, among them Peres' own grandparents, stayed behind and were killed by the Nazis.

Today, the villagers told Peres, there is only one Jewish family in Vishnevo, and that family came after the war.

Peres arrived here Aug. 23 after completing the first official visit of an Israeli foreign minister to Russia. While the visit was deemed an important diplomatic success by Israeli officials, it was marred by a few small mishaps.

For one, the visit attracted little attention in either the Russian or the Israeli press, because it coincided with the first anniversary of the attempted coup in Moscow and immediately preceded the resumption of the Middle East peace talks in Washington.

Peres did not meet with Russian President Boris Yeltsin. Nor did he meet with former Soviet President Mikhail Gorbachev, as he had wanted to do. The Israeli Embassy in Moscow advised against a meeting with Gorbachev during the coup anniversary, according to a diplomatic source.

Peres did meet the Russian foreign minister, Andrei Kozyrev, who surprised his Israeli guests by declining to sign a largely symbolic memorandum of understanding. It may instead be signed when Peres and Kozyrev meet at the United Nations in New York next month.

A Lavish Lunch Outside Minsk

Peres also met Russian Prime Minister Yegor Gaidar and the vice president, Alexander Rutskoi, who kept him waiting for 55 minutes and failed to apologize. Rutskoi paid a visit to Israel earlier this year.

Peres also met with senior Belarussian officials in Minsk. Among the issues discussed were the establishment of direct flights between Minsk and Tel Aviv, a program to send kibbutz teams to Belarus to teach Israeli agricultural methods and trade deals involving potash and pharmaceuticals.

Foreign Minister Pyotr Kravchenko, who visited Israel in May, hosted a lavish lunch for Peres at a government dacha outside Minsk.

Among the guests were Belarussian intellectuals, including an 85-year-old Jewish sculptor, Zair Azgur, whom Peres visited at his studio before the lunch.

Another guest was the chief rabbi of Belarus, 25-year-old Yitzchok Wolpin, born in Monsey, N.Y., who politely refused the temptation of gefilte fish and a broth with tiny knaydlach because they were non-kosher.

Afterward, on his way to Vishnevo, the

foreign minister's 13-car motorcade passed through the nearby town of Valozhin, his parents' birthplace. In the cemetery there, Peres found the graves of two members of his father's family, which then went by the name Persky.

As he said Kaddish, an 8-year-old boy standing nearby exclaimed to his mother: "They are all Jewish, and they have Jewish mamas, too."

'Taught Me Talmud And Tolstoy'

A few minutes later, Peres shook hands with the boy, named Etan, one of the 20 to 25 Jews living in Valozhin.

Etan's grandfather was born there, and he pointed the way to a house he said was once owned by the family of Peres' mother. But when Peres came to the house, an old babushka could not say who lived there in the past.

"And what would the director be wanting?" she asked respectfully.

He had better luck at the town bakery, which once was the site of a yeshiva. "Do you know what this was?" Peres asked the women who worked there.

"Of course," said a local woman. "It was a rabbi school. Our parents told us." Built in 1806, the yeshiva was burned down by the Nazis.

But the highlight of the foreign minister's visit to Belarus was Vishnevo. After walking up and down the village's main street, Peres finally found what he was looking for.

"This was my grandfather's house, where he taught me Talmud and Tolstoy," he said, pointing to a blue wooden house. "Over there was my parents' house; the Nazis burned it."

After so many years he could not be completely sure. What convinced him was the well between the two houses, which he remembered from childhood.

With him was Foreign Minister Kravchenko. The Belarussian turned the wheel, pulled up a bucket and offered Peres a drink of water he had not tasted in 58 years.

297 ETHIOPIANS HAVE AIDS VIRUS, HEALTH MINISTRY REPLIES TO RUMORS By Hugh Orgel

TEL AVIV, Aug. 27 (JTA) -- A total of 297 of the 40,000 Ethiopian immigrants in Israel have tested positive for infection with the virus that causes AIDS, the Health Ministry said in an effort to dispel rumors of a much higher infection rate.

The ministry is seeking to set the record straight because of "harmful and inaccurate figures" in the media about the incidence of AIDS among Ethiopian Jews, said Health Minister Haim Ramon.

"This is the first and last time we will publish AIDS statistics by ethnic group," he said.

Of the cases in the Ethiopian community, 200 were registered among the newcomers who arrived with the Operation Solomon airlift of May 1991. The first major wave of Ethiopian immigration reached Israel in 1984 and 1985.

In the general Israeli population, 185 persons are suffering from symptoms of acquired immune deficiency syndrome, he said.

But 6,160 new cases of individuals testing positive for HIV, the virus that causes AIDS, were reported in the first half of this year.

The figure reflects a steady increase in the incidence of those infected with the virus, up from 4,190 in 1990 to more than double that figure, 9,986, the following year.