

**OHIO COURT RULING IS LATEST
TO OVERTURN HATE CRIMES LAW****By Marcy Oster****Cleveland Jewish News**

CLEVELAND, Sept. 2 (JTA) -- Ohio has become the latest state to have its hate crimes law invalidated since the U.S. Supreme Court declared a municipal anti-hate ordinance unconstitutional in June.

The Ohio Supreme Court ruled last week that while menacing, vandalism and telephone harassment are illegal, additional fines or jail time can no longer be levied when the crimes are committed because of the victim's race, religion or ethnic origin.

The law punished crimes motivated by race, color, religion or ethnic origin by raising the severity of the violation one degree. Similarly crafted laws are currently on the books in about 30 states.

The court's unanimous decision said Ohio's ethnic intimidation law essentially created a "thought crime," in violation of both the state and U.S. constitutions.

"Enhancing a penalty because of motive therefore punishes the person's thought, rather than the person's act or criminal intent," the court.

Marc Stern, co-director of the American Jewish Congress Commission on Law and Social Action, cautioned that while the Ohio law was well drafted, the ruling points to the need for legislative care in drafting laws to ensure that free speech is not inhibited.

"Judges are not going to be swept along with the P.C. (politically correct) tide and rubber-stamp" all hate crimes legislation, he said.

But Stern said he believes the Ohio decision is "a serious misreading of the (U.S.) Supreme Court precedent."

Court Is 'Just Plain Wrong'

Ohio is the second state to invalidate a hate crimes law since June, when the U.S. Supreme Court declared unconstitutional an anti-hate ordinance in St. Paul, Minn.

The high court ruled the St. Paul ordinance, which characterized symbols of hate such as painting a swastika or burning a cross as crimes, violated the constitutional right to free speech.

Ohio's law was based on an Anti-Defamation League model bill drafted in 1981. The Ohio version was written in 1986 by state Attorney General Lee Fisher and co-sponsored by Cleveland Mayor Michael White, both of whom were then state senators.

"I think the Ohio Supreme Court is just plain wrong," said Fisher. He disagreed with the court's characterization of a thought crime. Under the Ohio law, he argued, "expressing a thought is not enough. We are not punishing the words, we are punishing the act."

Fisher said he would likely appeal the decision to the U.S. Supreme Court. He theorized that the high court would take the case because of widespread disagreement among the states about what is and is not constitutional.

The Wisconsin Supreme Court declared its hate crimes law unconstitutional in June, while

the Oregon Supreme Court recently upheld its statute, also based on the ADL model.

The ADL filed a friend-of-the-court brief with the Ohio high court and supported an appeal to the U.S. Supreme Court, according to Cliff Savren, an ADL official in Ohio.

Savren pointed out that in its annual Audit of Anti-Semitic Incidents for 1991, ADL recorded the highest level of anti-Semitic activity tallied in 13 years of record keeping. Of 1,879 reported incidents in the United States, 64 were in Ohio.

Savren was concerned hatemongers may now believe that hate crimes will now go unpunished in Ohio.

The American Civil Liberties Union, which filed a friend-of-the-court brief against the law, was pleased with the decision.

"Our basic concern about hate crimes legislation in general, and Ohio's ethnic intimidations law in particular, is that it is an effort by government to punish people because of their ideas," explained Kevin O'Neill, an ACLU official in Ohio who wrote the organization's brief.

The ACLU's national board of directors is currently re-examining its approach to hate crimes legislation, but O'Neill pointed out that each chapter is autonomous.

Meanwhile, the Ohio decision has little direct bearing on the 44 other states with some kind of hate crimes law, Stern said.

Steven Freeman, legal director for the ADL, said the state decision only shows the need for a federal hate crimes law.

**GERMAN NEO-NAZI VIOLENCE SPREADS,
AS JEWS DECRY THE RACIST ATTACKS****By David Kantor**

BONN, Sept. 2 (JTA) -- Fresh neo-Nazi violence erupted in several towns in eastern Germany on Tuesday as Jewish officials here and abroad condemned the racist attacks.

In Leipzig, a force of more than 100 police was deployed to repel right-wing extremists who threw firebombs at a hostel for foreigners seeking asylum in Germany.

Similar incidents were reported in Cottbus, Eisenhüttenstadt and a number of other towns.

In the northern port city of Rostock, where demonstrators last week burned a hostel housing asylum-seekers, the refugees were moved to a former army camp on the outskirts of town, bringing forth yet more objections from residents of that area.

The violence in Germany has been marked by cheering throngs.

In another development, police are investigating a possible link between the Sunday night bombing of a Holocaust memorial in Berlin and a blast which wounded 16 people in Hanover three days earlier. Police attributed both actions to neo-Nazis.

A German Jewish leader accused the government of encouraging racist and anti-Semitic violence by its lenient stance.

Robert Gutmann, president of the Jewish community of Bavaria, based in Munich, also said further anti-Semitic acts could be expected following the bombing of the Holocaust memorial.

He told the Italian newspaper La Stampa

that the German authorities had downplayed the seriousness of the violence at Rostock, especially during the first few nights of the disorders, and had failed to take strong enough countermeasures.

"There were very few arrests and of those many have already been released," he said.

But German historian Ernst Nolte told La Stampa the attack on the Berlin monument should be considered part of the overall violence "and not a specific sign of anti-Semitism."

In Rome, Chief Rabbi Elio Toaff said Tuesday that the rise of xenophobia and anti-Semitism in Germany was a result in part of the country's reunification. He hoped a majority of Germans would oppose a return to an epoch that would "bring many misfortunes to the Germans."

The president of the Union of Italian Jewish Communities, Tullia Zevi, said the seriousness of the incidents was heightened by a situation of growing unemployment and economic crisis.

(JTA correspondent Ruth E. Gruber in Rome contributed to this report.)

U.S. CONGRESSMAN WARNS HUNGARY ABOUT ANTI-SEMITIC POLITICIAN

By Agnes Bohm

BUDAPEST, Sept. 2 (JTA) -- A visiting American congressman has warned the Hungarian government against accepting the fascist, anti-Semitic ideas of a leading Hungarian lawmaker.

Rep. Tom Lantos (D-Calif.), a Jew who immigrated to the United States from Hungary, said that American help would be cut off and tourist contacts would be endangered if Hungary were to accept the beliefs of Istvan Csurka, who is deputy head of the country's ruling political party, the Hungarian Democratic Forum.

Lantos spoke at a news conference here Tuesday, held at the American Embassy. He said that Csurka and his remarks would be discussed before the U.S. Congress.

Lantos also called for Csurka's dismissal from Hungarian political life.

Last week, in Magyar Forum, the newspaper of the Democratic Forum, Csurka openly criticized Jews throughout the world, blaming them for dominating Hungarian political life.

There was nothing new about Csurka's tirade.

In January 1990, just as the country was emerging from strict Communist rule, Csurka made a radio speech calling on Hungarians to "wake up" to the dangers of a "dwarf minority" that he said threatened to take control of the country. He was referring to Jews.

Last month, he fired a particularly harsh volley at Israel and at the World Jewish Congress.

Csurka used his regularly scheduled Sunday radio program to hurl invectives at Israel and at Jews such as Edgar Bronfman, the Reichmann family and George Soros. He also accused Israel and the WJC of controlling the Hungarian media.

Charges Against WJC Affiliate

Csurka accused the WJC, which he called the "World Federation of (WJC President) Bronfman," of "collecting money for the running of the Jewish state and for the war costs," and even of fueling anti-Semitism. He charged that "the Hungarian liberal press" is linked to the WJC.

Csurka also lashed out at an affiliate group of the WJC, the Emanuel Foundation for Hungarian Culture, which was formed to restore synagogues, Jewish schools and cemeteries.

Csurka accused the foundation of having organized a showing of plays in New York by Hungarian President Arpad Goncz.

There is much animosity between Prime Minister Jozsef Antall and Goncz, a member of the opposition Free Democrats, a playwright and former dissident who served time in prison after the Hungarian uprising of 1956.

Goncz came to New York last November to see the first American adaptation of his work.

The Emanuel Foundation was only one of several sponsors for the small Shakespeare Theater, which mounted one of his plays, said Leslie Keller, president of the foundation.

The foundation did so because Goncz "appreciates the Emanuel Foundation's work," Keller said in a telephone interview in New York.

Keller, a Hungarian Jewish Holocaust survivor who is also chairman of the WJC's Eastern European commission and president of the World Federation of Hungarian Jewry, said Csurka "is never picking on any other people."

Last month, Csurka lashed out at the Reichmann family of Toronto in light of their financial failures. He likewise criticized George Soros, a Hungarian Jewish millionaire who lives in the United States.

Csurka said Soros supports Hungary's liberal press against the governing party and against "oppressed Hungarians in their own country."

Csurka appears also to be angered by Goncz's planned visit this month to Israel, the Jewish Telegraphic Agency has learned.

In May, when Antall visited Israel and wanted Csurka to accompany him, Hungarian Jews in Israel staged a protest there. Csurka canceled his intended visit.

Antall, who was praised in the past for his pro-Jewish views, has irked Jews for not denouncing Csurka.

(JTA staff writer Susan Birnbaum in New York contributed to this report.)

CHESS KING BOBBY FISCHER ERUPTS IN SPATE OF ANTI-SEMITIC REMARKS

By Debra Nussbaum Cohen

NEW YORK, Sept. 2 (JTA) -- Chess genius Bobby Fischer, emerging from decades in seclusion, made headlines this week after spewing anti-Semitic remarks at a news conference in Yugoslavia, the site of his rematch with Russian Boris Spassky.

Fischer, whose mother is Jewish, was well known for his anti-Semitic rancor during the height of his fame when he became the first American world chess champion two decades ago.

As his widely-reported comments from a resort just 70 miles from the war-torn republic of Bosnia-Herzegovina showed, time has not softened his views.

"The United Nations had this pretty good resolution equating Zionism with racism and now it's been rescinded," Fischer said Tuesday, the day before his rematch began. "Well, I think it was a good resolution."

Fischer described communism as a mask for Bolshevism and Bolshevism as a mask for Judaism, and then indicated he was perplexed at being termed an anti-Semite.

"Arabs are also Semites and I'm definitely not anti-Arab," he said.

Abraham Foxman, national director of the Anti-Defamation League, said Fischer's remarks prove that "genius is no guarantee of wisdom."

SALE OF HOMES IN TERRITORIES HAS VIRTUALLY GROUND TO A HALT

By David Landau

JERUSALEM, Sept. 2 (JTA) -- The settlement freeze in the administered territories appears to be taking on proportions much greater than those dictated by government policy.

The sale of new homes in the territories has virtually ground to a halt, and thousands of apartments now under construction have failed to find buyers, the Israeli daily Yediot Achronot reported Wednesday.

The newspaper cited unnamed Housing Ministry officials as predicting a rash of "ghost villages" in the territories once current construction is completed.

Contracts signed during the term of the previous Likud administration guarantee builders the government will purchase the houses if private buyers do not take them.

Building work is therefore proceeding on schedule on the estimated 11,000 apartments not "frozen" by the government.

Yediot quoted ministry officials as saying that only two apartments were sold in the territories during the past months.

The slowdown is attributed to the new government's tighter mortgage policies in the territories, the impact of the partial housing freeze put in place and speculation about eventual territorial concessions in the peace process.

THREE ARABS WHO WON'T BE EXPELLED APPEAL AGAINST CONTINUED DETENTION

By Gil Sedan

JERUSALEM, Sept. 2 (JTA) -- Three of the 11 Palestinian activists whose expulsion was lifted recently appealed Wednesday to a military appeals board against their continued detention under administrative arrest orders.

The remainder of the group is expected to follow suit.

The 11 were allowed to remain within Israel as part of a series of government gestures aimed at creating a climate of good will during the current peace talks in Washington.

Expulsion orders against them were replaced last month by administrative arrest orders, and the 11 were transferred last week to the Ketziot military detention center in the Negev.

Lawyers for the three appellants argued that the detention orders failed to be grounded in genuine security concerns and instead flowed from "irrelevant reasons."

Attorney Jawad Boulus submitted the written appeal on behalf of Omar Saffi Assaf, Ghassan Jarrar and Hassan Abdullah.

"Once the authorities abolished the expulsion orders," said Boulus, "they shattered the legal basis on which the detention orders rely."

No date has been set for hearing of the appeal.

Meanwhile, Israeli security forces continued the gradual release of 800 prisoners, implementing the government's conciliatory gestures toward the Palestinians.

By the end of this week, 620 will have been released from detention camps after the freeing of 145 prisoners on Wednesday.

Despite the climate of relaxation in restrictions, the defense establishment does not intend in the near future to lift its curbs on entry into Israel proper of Gaza residents ages 16 to 20.

RABIN INTERVENES TO END A STRIKE BY ARAB MAYORS SEEKING MORE FUNDS

By Gil Sedan

JERUSALEM, Sept. 2 (JTA) -- It took the personal intervention of Premier Yitzhak Rabin this week to put an end to yet another protest strike by Arab mayors demanding increased budgets for their towns and villages.

The mayors dismantled a tent outside the Prime Minister's Office and ended a 10-day demonstration after Rabin promised them 70 million shekels, about \$29 million, in development grants, in addition to 50 million shekels, or about \$20 million, in loans.

Although it was far less than the 150 million shekels in aid they requested, an almost audible sigh of relief swept the demonstration site at the Rose Garden opposite the Prime Minister's Office.

Nevertheless, the protest cast a shadow on what appeared to be a new chapter in the delicate relations between Israel's Arab population and the establishment.

Evolving relations are based on the government's reliance on five Arab Knesset votes for a more comfortable margin in the Knesset, where the coalition enjoys a majority of only two seats.

In return for this support, Labor promised "equal rights" for the Arab sector, a phrase interpreted as increased budgets.

Warnings by Hashem Mahamid of the Hadash Communist party and Taleb al-Sanaa of the Arab Democratic Party that their parties would withdraw support from the government did not appear to represent a realistic political alternative, as the move might find them helping to bring back a right-wing administration.

SECURITY BEEFED UP AT HOSPITAL AS LEAH RABIN GETS DEATH THREAT

By Hugh Orgel

TEL AVIV, Sept. 2 (JTA) -- Security has been beefed up at Sheba government medical center in Tel Hashomer following a death threat phoned against Leah Rabin, the wife of Prime Minister Yitzhak Rabin, who was hospitalized there with a heart ailment.

The building and grounds were searched after the anonymous caller made his threat Monday.

Despite the increased security, life at the medical facility returned to normal within the hour when nothing unusual was found.

Rabin was due to be released from the hospital Thursday, after treatment for what was described as a "minor coronary event, but not a heart attack."

She had been admitted to the hospital after experiencing chest pains while playing tennis with her husband last Saturday.

Physicians said they still wanted to conduct further tests before allowing her to go home.

In other medical news, Finance Minister Avraham Shohat was admitted Tuesday to the Hadassah-Hebrew University Hospital in Ein Kerem for treatment for a severe infection in one of his legs. He had suddenly developed a high temperature and doctors decided to admit him to the hospital immediately.

Before being taken to Hadassah, Shohat managed to conclude a series of meetings with aides concerning the next government budget, including provisions for the construction of new roads to begin this year.

ABIE NATHAN PLANNING SHELTER FOR SOMALI REFUGEES IN KENYA

By Hugh Orgel

TEL AVIV, Sept. 2 (JTA) -- Israeli peace activist Abie Nathan is planning to set up a shelter for fleeing Somali refugees on the Kenyan side of the border.

Nathan, who has twice served jail sentences for meeting with Yasir Arafat and other officials of the Palestine Liberation Organization, said Wednesday that the Kenyan government and U.N. authorities have given him permission to set up a reception camp for 20,000 refugees escaping starvation and civil war in Somalia. In a telephone interview with Israel Radio from Kenya, he said chaos in Somalia prevented him from setting up the camp in that country.

"Somalia has completely broken down as a state. There's no law there, no order, no food or medical aid, and no hope.

"The only thing there is are as many arms as anyone could dream of, in the possession of four warring armies fighting each other and the local population."

He said arms were coming from both the West and the former Eastern bloc.

"Emergency food remains in the ports. It is stolen as soon as it leaves the ships and never reaches its intended beneficiaries," Nathan said.

He said he would outfit the camp with tents and beds or mattresses, especially with an eye to accommodating children. Refugees will be registered and given food and medical aid.

He described the situation in Somalia as "beyond anything we humans could believe. The pictures on television, however horrible they are, show only a fraction of the truth," he said.

Dying By The Thousands

He said he had as yet been unable to put a price tag on the cost of his humanitarian efforts. "But I am certain I will obtain the funds needed, as I have always managed during all my humanitarian efforts over the past 25 years -- from the world Jewish community, and especially the Jews of Israel and the U.S., as well as elsewhere."

Nathan is a veteran of aiding the hungry. In 1985, he brought \$250,000 in aid to Ethiopia and built a refugee camp there within eight days. He outfitted it with a doctor, electricity, water and food.

Nathan's largess and deep pockets do not only come from proceeds from his Voice of Peace floating radio broadcast ship. From that he donated \$5,000 to Ethiopian relief.

Nathan, now 64, made a million dollars from a restaurant in Tel Aviv, the Californian. He pioneered in bringing the hamburger and ravioli to Israel, and his efforts were successful.

In the 1960s, he made five trips to Biafra and helped raise \$1.5 million for food and medical aid for that secessionist region of Nigeria, which was embroiled in a 31-month civil war.

He also flew to the Cambodian border and gave \$1.5 million in donations from Israelis to the refugees. And he aided Lebanese refugees and earthquake victims in Central America.

The Iranian-born Nathan, who was raised in India, said he would try to return to Somalia on Thursday. He said Somalis are dying daily after eating grass or any piece of leather they can find, or even chewing the skins of dead animals.

"They get diarrhea and just die in the thousands," he said.

ISRAEL'S ENVIRONMENT MINISTER BACKS VOA TRANSMITTER IN ARAVA

By Gil Sedan

JERUSALEM (JTA) -- Israel's environmental affairs minister, Ora Namir, has come out in support of building a controversial Voice of America relay station in the Arava, saying Israel must uphold its international commitments.

But Namir said the final decision to proceed with the project "depends on the birds."

She was referring to the longstanding complaint by environmentalists that migrating birds will be irradiated. Such opposition prevented construction of the station in the past and continues now.

Hundreds of Arava residents and environmentalists demonstrated against the station last week, expressing their conviction that it threatens both their health and their environment.

Environmentalists argue that the station would cause radiation damage to both the human population and the large population of birds that fly over the Arava as they migrate from Africa to Europe.

Speaking after a meeting of the ministerial environment committee, Namir said the government is determined to fulfill its longstanding agreement with the United States on building the VOA station in the Arava.

In addition to the main argument of honoring agreements, Namir said she also took into account the fact that the station would create 600 new jobs.

Results of a court order's study on the impact of the station on overflying migratory birds will only be known in late November, after scientists monitor another season of aviary migration.

Reassurances About Radiation

Namir promised that until that date, no other decision will take place.

And she said she would oppose the project if the study shows that the station will harm the birds.

Addressing area residents worried about the effects of radiation, Namir said she would demand the strictest protective means as set out by the World Health Organization.

The VOA agreement dates back to the Cold War.

In December 1984, Voice of America signed agreements with five countries to improve its transmitting ability. At the time, it asked Israeli permission to set up a station there to broadcast to Soviet Central Asia and Afghanistan.

In February 1985, Israel agreed to the Reagan administration's proposal to build a powerful transmitter.

In fact, it was Yitzhak Rabin, then Israeli defense minister, who made a verbal commitment to the U.S. president while meeting with Reagan at the White House.

Rabin had reportedly acted on a decision made secretly by Israeli leaders. It raised great controversy, however, not only because of the birds but because Israel was reluctant to involve itself in a Cold War fight that might have affected Soviet Jews.

It was reported at the time that Reagan had exerted pressure and that Israel was finally forced to agree. The only condition was that no public disclosure would be made of the agreement until the debate in Israel quieted down.