



ISRAELI LEADERS EXTEND CONDOLENCES AS INVESTIGATION OF EL AL CRASH BEGINS
By Henriette Boas

AMSTERDAM, Oct. 5 (JTA) -- As experts began investigating the crash of an El Al cargo jet outside Amsterdam on Sunday, Israeli leaders extended condolences to their Dutch counterparts for the fatalities in the worst air disaster in Dutch history.

Dutch officials were estimating that some 250 people may have been killed in the crash, which was the first in El Al's 44-year-history.

In contrast to the expected large numbers of fatalities, there were relatively few wounded, and most were sent home after treatment.

Two Israeli investigating teams began work Monday: one a Transport Ministry inquiry board, headed by former air force Cmdr. Amos Lapidot, and the other an El Al team, headed by the airline's deputy director general for operations.

They were joined by members of three other investigating bodies: an official Dutch Transport Ministry group and teams from the Boeing Commercial Airplane Group in Seattle, manufacturers of the plane's body, and the Pratt and Whitney engine corporation, manufacturers of the jet engines.

Experts here said it would take at least three months before they would have a reliable picture of the cause for the malfunction of the two right-wing engines, which ceased to function shortly after takeoff.

While neither Israeli nor Dutch officials would rule out sabotage without the investigation results, they believe a technical mishap was to blame.

El Al has until now enjoyed one of the best airline safety records in the world.

'Our Hearts Are With You'

Messages of condolence crossed between Israel and Holland. Condolences also came from Egyptian President Hosni Mubarak and French President Francois Mitterrand.

Queen Beatrix of the Netherlands sent letters of condolence to the families of the three Israeli crew members and one passenger killed in the crash of the Boeing 707 jumbo cargo jet.

The dead Israelis were identified as Capt. Yitzhak Fuchs, 57, of Ramat Hasharon, the pilot and an El Al veteran of many years; 1st Officer Ohad Arnon of Givatayim, 36, who had joined El Al less than a year ago; Gedalyahu Sofer, 55, the flight engineer; and Anat Salamon, wife of the El Al deputy security officer in Amsterdam, who was returning home and traveling as a passenger.

Israeli Ambassador Michael Bawly visited the scene of the disaster soon after it occurred and expressed his profound sorrow over the heavy loss of life.

Israeli President Chaim Herzog sent a message to Queen Beatrix. Israeli Prime Minister Yitzhak Rabin told Dutch Prime Minister Ruud Lubbers, "Our hearts are with you at this moment, and we mourn the Dutch and Israeli casualties."

Israel's foreign minister, Shimon Peres, sent condolences to Dutch Foreign Minister Hans van den Broek. Both Rabin and Peres offered the

Dutch any assistance they might need, including an Israel Defense Force disaster rescue team.

No reply had been received by Monday evening.

The Israeli plane had plunged into two densely populated nine-story buildings, which were home to immigrants from Suriname, Curacao and, more recently, from Ghana in West Africa.

It is believed the buildings also housed a large number of illegal residents, leading to more fatalities than estimated.

No Midair Explosion Reported

Rescue efforts were hampered by the threat of building collapse. By Monday afternoon, only 14 bodies had been recovered.

The disaster began 10 minutes after the jet's takeoff from Schiphol Airport. The Tel Aviv-bound plane reported its No. 3 engine on fire. The pilot tried to return to the airport, after first emptying part of his fuel over a nearby lake.

Engine No. 4 then caught fire. Both damaged engines worked loose and plunged into a wooded area east of Amsterdam.

The pilot flew in a fairly large circle to achieve the altitude needed for landing and was an estimated three minutes short of touchdown when the plane went out of control and plowed into the two apartment buildings.

Eyewitnesses said there was no explosion in the air. The blast occurred only when the jet careened into the buildings in the Bijlmermeer district of the suburb of Duivendrecht.

The plane, built in 1979, had recently undergone a routine overhaul, had logged 44,736 flight hours -- considered normal -- and was being flown by an experienced crew.

The cargo jet had touched down in Amsterdam en route from New York to load additional cargo, refuel, and pick up a replacement flight crew for the last leg home. It was one of two 747 craft devoted solely to cargo and the more recent of the pair.

(Contributing to this report was JTA correspondent Hugh Orgel in Tel Aviv.)

NEW SUPREME COURT TERM MAY SEE KEY RULING ON RELIGIOUS LIBERTY
By Debra Nussbaum Cohen

NEW YORK, Oct. 5 (JTA) -- One of the cases slated to be decided by the U.S. Supreme Court during its current session, which opened Monday, is likely to impact the way constitutionally protected religious liberty is defined.

The Supreme Court is expected to refine its position on when the government can legitimately curb religious practices, and when that interference infringes on Americans' right to the free exercise of their religion, in its ruling on a case called Church of the Lukumi Babalu Aye vs. City of Hialeah, Fla.

That is so far the only major case relevant to Jewish concerns that the Supreme Court has agreed to hear, though several other church-state and hate-crimes legislation cases are being considered for possible deliberation.

The Hialeah case will be watched closely by Jewish groups because it is the first to test the scope of a 1990 Supreme Court ruling that gave

the government more latitude in adopting laws that could infringe on people's religious liberties.

In that case, *Smith vs. Oregon*, the court ruled that a state government no longer needed to prove a "compelling interest" in enacting or enforcing laws that restrict religious practices, as long as those prohibitions do not target one particular religion.

It is known as the "peyote decision," because the court ruled that Oregon could prosecute Native Americans who used the illegal hallucinogenic peyote as part of their religious rites.

Jewish groups objected to the sweeping language of the ruling, because it appeared to give local or state governments broad leeway to enforce laws prohibiting religious practices.

Ordinances Target Santeria

In the case being considered by the court this term, the city government of Hialeah, Fla., adopted ordinances prohibiting the slaughter of animals for ceremonial purposes. Kosher slaughter was exempted.

The ordinances target adherents of Santeria, a religion in which chickens, goats, sheep, turtles and other animals are ritually sacrificed. Santeria has attracted growing numbers of African-American and Caribbean-American adherents, with some 50,000 practitioners now living in southern Florida, according to court documents.

Members of the Church of the Lukumi Babalu Aye charge that the Hialeah ordinances violate their right to the free exercise of their religion.

Jewish groups are lining up behind the church and have filed friend-of-the-court briefs on its behalf.

"There's not a lot of sympathy in the Jewish community for animal sacrifice, but this is the first major free-exercise case since the peyote decision," said Steven Freeman, legal affairs director at the Anti-Defamation League, which signed onto one of the briefs.

"This case gives the Supreme Court an opportunity to re-examine the current state of free-exercise law," he said. "The court should understand how potentially devastating the peyote decision is."

Also backing the Santeria church are Agudath Israel of America, the American Jewish Committee, the American Jewish Congress, the National Jewish Commission on Law and Public Affairs and the National Jewish Community Relations Advisory Council.

A Challenge To Kosher Slaughter?

There's an outside chance the Supreme Court will use the Hialeah case to reconsider the principles at the heart of the peyote decision, and could even restore free-exercise protection to its original state, according to David Zwiebel, legal counsel for Agudath Israel, an Orthodox group.

More likely, said Zwiebel, is that the court will look at the Hialeah ordinances as something specifically targeting one group's practices. If the court even takes "compelling state interest" into consideration, that itself is "a partial victory" for religious liberties, he said.

There is concern, particularly among Orthodox groups, that language like that in the Hialeah ordinances might reach beyond health and safety issues and be upheld on the basis of the pain and suffering of animals.

In that case, the right to slaughter animals according to the laws of kashrut could be challenged, said Dennis Rapps, executive director of

COLPA, the National Jewish Commission on Law and Public Affairs, which represents the interests of observant Jews in courts and legislatures.

During the peyote case two years ago, most Jewish organizations did not file briefs, "because we thought the case had nothing to do with us," said Zwiebel.

As a result, the Jewish community was "burned by staying away from a religious liberty case we found repulsive," said Zwiebel. The court's decision sent a message that no Jewish organization is overlooking now, he said.

Among the other cases of interest to Jewish groups that the court may hear is one which centers on the First Amendment clause prohibiting government "establishment of religion," that is, government backing for religious practice.

In a case called *Catalina Foothills School District, Calif., vs. Zobrest*, the school district is refusing to pay for a sign-language interpreter for a deaf student who attends parochial school, on the grounds that using public funds to aid a religious institution would violate the so-called Establishment Clause.

AJCongress, which has opposed public aid to parochial schools in the past, is siding with the deaf student in this case.

"We don't see any establishment (of religion) here," said Marc Stern, the group's legal affairs director. "It's no different than a hearing aid."

Hate-Crimes Cases May Be Heard

But Stern said the case could provide the justices with a vehicle to re-examine a legal doctrine known as the Lemon Test.

The Lemon Test requires all government activity and law to meet three criteria: its principal purpose must be secular; its effect must neither enhance nor inhibit religion; and it cannot involve excessive government entanglement.

Most Jewish groups back the Lemon Test because it provides a strict standard for ensuring separation of church and state. But several of the court's more conservative justices are said to believe the test goes so far it thwarts religion.

"At the moment, the Lemon Test is clearly endangered," according to Jerome Chanes, co-director for domestic concerns at NJCRAC, an umbrella group for 113 Jewish community relations councils and 17 national organizations.

Two separate but similar cases the court may accept that are of particular concern to the Jewish community are the hate-crimes legislation cases submitted by the attorneys general of Wisconsin and Ohio.

The supreme courts of those two states struck down laws that enhanced penalties for crimes motivated by bias. They based their decisions on a July ruling by the U.S. Supreme Court in *RAV vs. St. Paul*, which found such laws unconstitutional because they violate freedom of speech.

While the Wisconsin and Ohio laws were more narrowly written than the St. Paul ordinance, the high court's July ruling does not bode well for the future of hate-crimes legislation, say legal experts.

"We'll certainly come in with an amicus (friend-of-the-court) brief urging reversal," said Samuel Rabinove, legal director at AJCommittee.

"There's a division of opinion within state supreme courts" over whether hate-crimes legislation is constitutional, he said, which should be an incentive for the U.S. Supreme Court to rule on at least one of the cases.

NICARAGUA RESTORES TIES TO ISRAEL, REVERSING SANDINISTA REGIME POLICY

By Kimberly C. Moore
States News Service

WASHINGTON, Oct. 5 (JTA) -- With toasts of "L'chayim" and "Salud," Israel and Nicaragua re-established full diplomatic relations this week when the countries' ambassadors here signed an agreement ending years of non-recognition under Nicaragua's Sandinista regime.

"Democracy is not just an expression of an idea in Israel, it is a fact of life," Israeli Ambassador Zalman Shoval said during a brief ceremony held Monday at the Israeli Embassy here.

"As long as Israel is surrounded by non-democratic countries, peace will not be a complete guaranteed matter," he said.

Nicaraguan Ambassador Ernesto Palacio called the restoration of relations with Israel, which were severed by the Sandinistas in 1979, of symbolic importance.

"Nearly 50 years ago, Israel was created after much civil strife. We in Nicaragua are trying to create a democratic society after much civil strife," Palacio said. "We will look to Israel for strong democratic values because it is only through democracy that we can heal the wounds of Nicaragua."

The Central American country is the 25th nation to establish diplomatic relations with Israel in the last two years. Russia, China and India have all recognized Israel since 1990.

According to the Israeli Embassy, Guyana is the only other Latin American country with no formal ties with Israel.

E.C. STRENGTHENING ISRAEL TIES, AS RESULT OF LABOR GOVERNMENT

By Joseph Kopel

BRUSSELS, Oct. 5 (JTA) -- The European Community is strengthening its cooperation with Israel as several years of strained ties yield to shared views on Middle East peace efforts.

The president of the E.C.'s executive commission said the change in the climate of relations between Israel and the 12-nation body is "indisputable," following the elections which brought Israel's Labor Party to power in June.

Jacques Delors spoke at a joint news conference last Friday with Israeli Foreign Minister Shimon Peres after the two met in the Belgian capital. Peres also held discussions with Belgian Foreign Minister Willy Claes.

Delors said the E.C. would "update" its 1975 free trade and cooperation agreement with Israel after failure to ratify new protocols during the previous Likud-led government of Yitzhak Shamir. The E.C. had frequent criticisms of the previous government's policy in the administered territories.

But Delors ruled out for the time being Israeli membership in the European Economic Area, a large market to be created in 1993 between the 12 E.C. member states and the seven member states of the European Free Trade Association.

However, Delors called for an "ad hoc" solution to help Israel.

"Israel is a particular case. It is a post-industrial society with a high level of development in research and technology. But it is also in the midst of a Middle East with a difficult economic situation. We have to find an ad hoc solution for Israel," he said.

Peres used the conference to underline the importance of a European role in the multilateral talks on Middle East regional issues. He spoke of sharing participation with Washington, with the United States playing a central role in Middle East bilateral talks and Europe holding sway in the multination discussions.

Peres urged the creation of a special bank for the Middle East created on the model of the European Bank for Reconstruction and Development for the Central and Eastern European states.

During his one-day visit here, Peres chaired a meeting of Israeli ambassadors to the E.C. and EFTA member nations.

RABIN DENIES SECRET DEAL ON GOLAN HEIGHTS RETURN

By David Landau

JERUSALEM, Oct. 5 (JTA) -- Prime Minister Yitzhak Rabin, briefing leaders of the opposition Likud party on the Middle East peace talks, has denied media reports that Jerusalem and Damascus have already reached a secret deal for the return of the Golan Heights.

Rabin acknowledged at the meeting Monday that he was prepared, in principle, to discuss the territorial question with Syria, in exchange for full satisfaction on the nature of the peace envisaged by Damascus.

He spoke after several weekend news reports in Britain and one in India claimed Israel had agreed to recognize Syrian sovereignty over the entire Golan Heights, to withdraw from a large part of the plateau, which would then be demilitarized, and to lease the remainder for a period of 90 years.

Likud sources said a good part of the 90-minute briefing was taken up with a report on the U.S.-Israeli strategic relationship. Rabin asked the Likud leaders not to divulge details of the privileged information he gave them.

The prime minister spoke at length about the Golan negotiations but revealed little of substance, the Likud group said.

The Likud team included Ariel Sharon, David Levy, Moshe Katsav and Benjamin Netanyahu.

HEZBOLLAH CLASH ENDS IN CASUALTIES

By Hugh Orgel

TEL AVIV, Oct. 5 (JTA) -- Two soldiers with the Israeli-affiliated South Lebanon Army were killed and three lightly wounded Sunday in what was described as a "carefully planned" ambush by the Islamic fundamentalist group Hezbollah on an SLA convoy.

The clash occurred along the northern perimeter of the so-called security zone in southern Lebanon.

Reports from the area said one of the men killed was the SLA's top security chief in the area, Hussein Abdul Nahbi, who had survived previous assassination attempts.

SLA gunners responded by bombarding suspected terrorist targets north of the zone.

It was the second major attack by the Hezbollah in a week.

On Sept. 30, the Shi'ite group mounted an assault on an SLA outpost near Rashaf village, in the western sector of the zone.

In that encounter, two SLA soldiers and four Hezbollah attackers were killed, as were an Irish soldier of the United National Interim Forces in Lebanon and two Lebanese civilians.

JTA CARTOONIST NOAH BEE, DEAD AT 76, DESIGNED ISRAEL'S MONEY, JNF BLUE BOX By Tom Tugend

LOS ANGELES, Oct. 5 (JTA) -- Noah Bee, longtime cartoonist for the Jewish Telegraphic Agency and designer of the Jewish National Fund blue box and Israel's first currency, died Sunday in Bethesda, Md.

He was 76 years old and had been hospitalized with cancer.

Bee lived in Encino, Calif. Burial and shiva were to be held there.

Bee had an intimate involvement with the Zionist movement and the Jewish state from his youthful days as a member of the Betar movement in Poland, as a citizen of Palestine and as an artist whose work was inextricably tied to the State of Israel.

Bee chronicled Jewish history during some of its most tempestuous decades. In an interview earlier this year with JTA, he estimated he had created some 2,000 cartoons.

But his contributions to the Jewish state went far beyond cartoons.

In March 1948, when Bee was living in New York, he received a puzzling phone call asking him to meet with Eliezer Hoffien, who was chairman of the Anglo-Palestine Bank (later Bank Leumi). The banker needed an artist to design a bond that the bank planned to float in the United States.

A few months later, Bee received a letter from his parents in the reborn Israel. Included in the envelope were two freshly minted Israeli pound notes, the first official Jewish currency in 2,000 years.

The design looked strangely familiar to Bee. It was the "bond" he had designed.

Designed Famous JNF Charity Box

Two years later, Bee was asked to do another historic design.

The familiar blue charity box, or pushke, of the Jewish National Fund had been embellished from its beginning with a Magen David. Now that the Jewish state had been established, Mendel Fisher, longtime JNF executive director, decided that the blue box should display a map of Israel.

Bee made two sketches, all hand-lettered, and what would become a familiar staple of Jewish homes and offices was created.

He was an illustrator for McGraw-Hill Publishers in New York for more than three decades. After retiring from that firm in 1977, he moved to Los Angeles.

Ernest Barbarash, editor emeritus of the Bnai Zion Voice -- for which Bee also created cartoons -- and a night editor for JTA in the late 1920s, wrote about Bee in his own memoirs, "If I Am Not for Myself," published in 1981.

In "Noah Bee: Artist and Rebel," Barbarash wrote, "On May 15, 1948, on a Friday, when David Ben-Gurion proclaimed the State of Israel, 'the door opened and in burst Noah Bee. In a state of excitement, he gave me a cigar and said, 'Ernie, have a cigar. Our baby was born.'"

Barbarash, who called Bee his best friend, recommended the cartoonist to the late JTA editor Boris Smolar in 1959.

The former Noah Mordechai Birzowski was born Sept. 25, 1916 in Warsaw. His well-to-do father represented a German manufacturer of bouillon cubes and owned a Jewish newspaper.

At the age of 14, Noah drew a comic strip

for the paper's children's page. At around the same time, Noah joined the Betar youth movement. He sketched caricatures of a rising young leader, Menachem Begin, and other Revisionists who spoke to his group.

When the Nazis came to power in 1933, the elder Birzowski lost his job with the German firm. Early the following year, he moved with his wife and only child to Palestine.

There, the teen-ager joined the underground Irgun Z'vai Leumi, and then the Haganah, which assigned him to work as an auxiliary policeman during the Arab riots of 1936-39.

Augmenting his military work, he got a job as a commercial artist with an advertising agency.

At the same time, he began drawing political cartoons for the Hebrew dailies HaBoker and Ha'aretz, and from 1940 on, for the English-language Palestine Post (now the Jerusalem Post), where his first cartoon celebrated the Greek resistance against Mussolini's invading troops.

Changed Name To 'Bee'

An editor felt that the signature "Birzowski" was too cumbersome and suggested the initials B.I., a biblical abbreviation for Ben-Israel, "son of Israel."

He liked the idea and became "Bee."

Also in 1940, he met his future wife, Marian, a young immigrant from South Bend, Ind., who was working as secretary at the King David Hotel for the British 9th Army.

Her parents had returned to the United States, and as Rommel's Nazi troops neared the Suez Canal, the worried parents urged their children to join them in Los Angeles.

Bee sought employment as an animator at the Walt Disney Studio, which was known for not hiring Jews.

Unsuccessful, he and his wife left for New York, where he was hired by a job agency for a group of trade magazines which was later taken over by McGraw-Hill. He stayed on for 33 years.

Over a 32-year span, Bee's weekly cartoon became a fixture in the Anglo-Jewish press. About 75 percent of his cartoons dealt with Israel and the Middle East, and the remainder mainly with American Jewish problems.

Bee acknowledged that his cartoons were influenced by his own political perspective, which he described as "center, leaning to the right."

Some Cartoons Evoked Protest

Sometimes, his cartoons elicited strong protests, such as one, "Final Solutions," with one panel showing a death camp smokestack, the other a church wedding, labeled "Intermarriage."

When Bee retired from McGraw-Hill, he continued to send his cartoons to New York from Los Angeles via express mail. In late 1991, he retired as official JTA cartoonist, but agreed to continue providing one cartoon a month.

He published four books, "Faces of Tel Aviv" (1939), followed by three collections of his JTA cartoons: "In Spite of Everything" (1973), "The Impossible Takes a Little Longer" (1983) and "Israel at 40: Years of Triumphs, Trials & Errors" (1988).

In 1987, his colleagues in the American Jewish Press Association established the annual Noah Bee Award for Excellence in Editorial Cartooning to encourage new talent to follow in his large footsteps.

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