

IN LATEST GESTURE, ISRAEL TO LET DEPORTEES IN LEBANON SEE LAWYERS

By Gil Sedan

JERUSALEM, Jan. 25 (JTA) -- Israel has decided to allow some 400 Palestinians it deported to Lebanon last month to meet with their lawyers at a border checkpoint on the edge of the Israeli-controlled security zone in southern Lebanon.

The move is the Israeli government's latest concession in the ongoing dispute over the fate of the Moslem fundamentalists, who were expelled from the administered territories Dec. 17.

Last weekend, Israel allowed the Red Cross to pick up 17 of the men, 13 of whom had been deported by mistake and another four of whom were hospitalized for serious medical problems. Medical aid was also flown in, but the Palestinians refused to accept it.

The government's decision to grant the deportees access to their lawyers, announced Monday, came as part of its testimony to Israel's High Court of Justice, which is hearing a challenge on the legality of the mass deportations.

One of the principal arguments used by civil rights lawyers in their challenge of the expulsions was that the government did not allow the deportees a chance to appeal their case.

Attorney General Yosef Harish, in a statement on behalf of the government, told the High Court that the deportees could file appeals from their tent camp in southern Lebanon, located on a strip of land between Israeli and Lebanese lines.

Rabin Says He Has No Regrets

Harish said the army is ready to escort the deportees' lawyers to the Zumriya checkpoint at the northern edge of the security zone. The government promises to provide a confidential setting where the lawyers can meet with their clients and arrange to file appeals of their deportation to the military authorities.

But the deportees have so far refused to appeal via the military court system, demanding that Israel allow their return unconditionally.

Harish also said the government will allow mail and telephone calls between the deportees and their families in the territories.

Harish's testimony was the latest development in the court's review of 12 separate appeals in connection with the deportations. The court was expected to hand down its final ruling later this week.

Meanwhile, Prime Minister Yitzhak Rabin said he did not regret his decision to deport the Palestinians and disagreed with those officials who reportedly hope the High Court will reverse the decision, providing a way out of the crisis.

Foreign Minister Shimon Peres told the Knesset Foreign Affairs and Defense Committee that world public opinion is unfair to Israel, because it criticizes the deportations but fails to mention the fundamentalists' terrorist acts.

Miguel Martinez, visiting president of the Council of Europe, was in Israel on Monday as part of an effort to help defuse the crisis.

Martinez, speaking in the Knesset, said that although there was no justification for the terrorist acts of Islamic fundamentalist groups, there was also no justification for Israel's deportations.

NEWS ANALYSIS:**CLINTON TO MEET RABIN, BUT RELATIONS MAY BE STRAINED BY DEPORTATION CRISIS**
By David Landau

JERUSALEM, Jan. 25 (JTA) -- As Israel prepares to reaffirm its special relationship to America with a new administration in Washington, the ongoing crisis over Palestinians deported from the administered territories threatens to start relations off on a bad footing.

Nevertheless, President Clinton has tentatively agreed to meet with Prime Minister Yitzhak Rabin in March, according to Israeli officials. Rabin will be the first Middle East leader to see the new American president, aides to Rabin said.

The meeting apparently was discussed in a telephone conversation between the two leaders last Saturday.

Rabin also spoke with Secretary of State Warren Christopher, who is expected to visit Israel next month as part of a Middle East tour aimed at getting the peace process back on track.

But while these efforts augur well for revitalizing the stalled negotiations, Israel has yet to rid itself of the international crisis created when it deported 415 Moslem fundamentalists from the territories to southern Lebanon last month.

Israel faces continuing condemnation, and possibly sanctions, over the crisis from a U.N. Security Council grown more active and powerful.

Could Interrupt Peace Talks

More detrimental, from the Israeli government's perspective, is the prospect that the Middle East peace talks, especially the Israeli-Palestinian negotiations, will not resume in Washington until an acceptable solution to the deportation crisis is found.

Even if the Syrians, Lebanese and Jordanians can be persuaded to proceed with the next round of peace talks without a resolution of the crisis, the Palestinian negotiators from the territories have made it clear they cannot and will not come.

To resume the talks without a resolution of the crisis, these leaders explain, would make them appear as traitors in the eyes of their people. They note that hundreds of Palestinian families in the West Bank and Gaza Strip are living in a state of limbo, with fathers or brothers languishing on a snowy stretch of land between Israeli and Lebanese army lines.

These stark political facts tend to overshadow the satisfaction felt in Jerusalem that old and firm friends of Israel have been designated for important posts in Clinton's administration.

Israelis were happy to hear that Samuel Lewis, a beloved former U.S. ambassador to Israel, was being named to head up the State Department's policy planning staff. Reassuring reports also said that Clinton would name Martin Indyk, head of a pro-Israel Washington think tank, to the National Security Council.

Other published reports indicated that Richard Schifter, active in the Jewish community, was being considered to become the next U.S. ambassador to Israel.

These familiar faces have reassured Israeli leaders, but they could by no means defuse growing concern that the deportation crisis is jeopard-

dizing the peace process and threatening to roll back Israel's successes during the past two years in breaking out of its international isolation.

While the Bush administration reportedly promised Israel it would veto a sanctions resolution in the Security Council, Israel does not know what to expect from Clinton's team.

Would the new U.S. administration, anxious to maintain and expand international action via the United Nations, risk a fight with the other 14 Security Council members right at the very start of its term?

Some observers both inside and outside Israel hope Israel's High Court of Justice, which has been weighing the legality of the deportations, will help resolve the crisis by ordering the action reversed.

But whichever way the court rules, Rabin's government will face negative consequences.

If the seven justices rule to overturn the deportations, the fundamentalist and rejectionist Islamic group Hamas will celebrate a field day.

The losers will be the more moderate Palestinian leadership linked to the Palestine Liberation Organization, and, in the long run, the Israeli government as well, which might find itself forced to deal with the more extremist demands of the Islamic groups. This would hamper Rabin's stated goal of moving toward an autonomy agreement for the territories within months.

However, if the court ruled in favor of the government, the diplomatic logjam would remain.

Talks May Not Resume Till April

The root of the problem, in the view of one Israeli negotiator, lies in the fact that the Middle East peace talks have no fixed schedule and are therefore vulnerable to the volatile political situation of the day.

Each session in Washington adjourns before a date for the next session has been firmly scheduled. What follows are elaborate diplomatic maneuvers involving the various parties, the United States and other mediating countries.

Now, under the shadow of the deportation crisis, Washington is naturally reluctant to issue invitations, fearing that the Palestinians, and probably other Arab parties, would reject them.

The most optimistic prognosis, therefore, is that the talks will get under way again in April, after the Moslem holy month of Ramadan is over. This is assuming, of course, that the deportation crisis is defused by then.

Observers can only point out, in frustration, that the crisis has the power to stop the peace talks dead in their tracks at the very moment when Rabin, Syrian President Hafez Assad and apparently Yasir Arafat, too, are all looking to the new administration in Washington to inject new momentum into the peace process.

Left-leaning ministers in the Rabin government, who surprised their constituencies by supporting the deportations in December, reasoned at the time that a blow against Hamas would enable the cautious and conservative Rabin to step out boldly and generously toward the PLO, once the Clinton team had settled into office.

They anticipated, moreover, that repealing the Israeli law banning contact with PLO officials would facilitate an Israeli-Palestinian breakthrough.

But they apparently miscalculated, as did Rabin, the ability of the deportees' plight to embarrass more pragmatic Palestinian forces and derail plans for an Israeli-Palestinian compromise.

COURT AGAIN POSTPONES POSTING OF ISRAELI ENVOY TO WASHINGTON **By Gil Sedan**

JERUSALEM, Jan. 25 (JTA) -- Itamar Rabinovich's posting as Israel's next ambassador to the United States might be delayed because of a continuing court challenge initiated by the political opposition.

In a surprise development Monday, Israel's High Court of Justice declined to dismiss two separate appeals against his appointment filed by Knesset members Gonen Segev of the right-wing Tsomet party and Michael Eitan of Likud.

Rabinovich, who was expected to take up his post Feb. 5, ran into problems earlier this month when it was revealed that the Hebrew University professor may have mishandled tax payments for income he earned in the United States.

Segev argued in his complaint to the High Court that the Cabinet appointment should be reversed since the ministers voted on Rabinovich's appointment without being aware of the tax issues.

The Cabinet tried to get around this problem last week by voting on the appointment a second time and reconfirming Rabinovich.

However, in its move Monday, the High Court refused to dismiss Segev's petition, delaying a final ruling and leaving in place a temporary order preventing Rabinovich from taking office.

The court also delayed a ruling on Eitan's petition, which asked the court to demand an investigation of additional foreign bank accounts Rabinovich is alleged to hold.

The court session revealed new details on the affair when the government's lawyer, Uzi Vogelmann, confirmed that income tax authorities in Israel had not independently investigated Rabinovich's income.

The state relied on Rabinovich's own testimony regarding a bank account the historian said he opened in the United States when he was working there.

The government argued that any tax violations Rabinovich may have committed still would not constitute a serious enough reason to bar him from serving as Israel's ambassador in the United States.

IDF AVERTS BOMBING IN LEBANON

TEL AVIV, Jan. 25 (JTA) -- Israeli forces in the southern Lebanon security zone on Monday defused three roadside bombs, similar to the one that killed two soldiers in the same area last weekend.

Israeli soldiers and their allies, the South Lebanon Army, safely defused the bombs on the same day that Israel buried the second of two soldiers killed Saturday while patrolling the northeast sector of the security zone.

The soldier buried Monday was Sgt. Chai Kalomiti of Tel Aviv. Sgt. Amir Sheikh, a Druse soldier from the western Galilee, was buried in his home village Sunday.

Military sources said there has been a marked increase in the number of roadside bombs planted by Arab guerrillas in the security zone since Israel last month deported 415 Moslem fundamentalists to Lebanon.

The deportees are now stranded in a tent camp just north of the security zone, caught between the Israeli-SLA lines and the Lebanese army lines.

JEWISH GROUPS PRAISE CLINTON FOR LIFTING LIMITS TO ABORTION

By Deborah Kalb
States News Service

WASHINGTON, Jan. 25 (JTA) -- Jewish groups for the most part have welcomed President Clinton's far-reaching orders lifting a variety of restrictions on access to abortion.

Clinton, who ran for office espousing pro-choice positions, chose, as one of his first actions as president, to reverse many of his predecessor's anti-abortion policies.

With the exception of some Orthodox groups, most Jewish organizations oppose restrictions on access to abortion, and many of them have spent the past 12 years battling the Reagan and Bush administrations on the abortion issue.

"We're thrilled about the decisions President Clinton made, and we absolutely commend him for the speed with which he made the decision," said Rabbi Lynne Landsberg, associate director of the Religious Action Center of Reform Judaism.

Ann Lewis, chair of the Commission for Women's Equality of the American Jewish Congress, said in a statement that Clinton "heard the message from an overwhelming majority of members of Congress and the public: that all women should be allowed to make a truly informed decision on how to proceed with an unintended pregnancy."

In executive orders issued last Friday, Clinton reversed a "gag rule" restricting abortion counseling in federally funded clinics, loosened a ban on abortions in military hospitals abroad and ended restrictions on federally funded research using fetal tissue.

He also ordered a review of the ban on the French abortion-inducing pill RU-486 and ended a prohibition on federal funds for international population control programs.

In a move laden with symbolism, Clinton issued the orders on the 20th anniversary of the Supreme Court's landmark Roe vs. Wade decision, which legalized abortion in the United States.

Agudath Israel Takes No Position

Sammie Moshenberg, director of Washington operations for the National Council of Jewish Women, said her group is "delighted that the president has commemorated the 20th anniversary of Roe vs. Wade by reversing five different restrictive abortion policies of the past administration."

Agudath Israel of America, an Orthodox group, was not taking a public position on Clinton's orders this week.

"None of the points addressed in the executive orders goes to the real guts of the issue," said David Zwiebel, the group's director of government affairs and general counsel. "Nothing in the orders specifically contravenes any public position we've taken in the past."

In fact, Zwiebel said, Agudath Israel feels it is "wrong to condition" federal funding "on a waiver of constitutional freedom" because that can lead to government restrictions on religious practices.

Rabbi Landsberg of the Religious Action Center said that as a member of the clergy, she is especially pleased that the gag rule was lifted. "Prior to Roe vs. Wade," she said, clergy often had to "refer desperate women to reliable abortion services."

"We didn't want the clergy in the position

of giving medical advice to pregnant women," Landsberg said. "Now through President Clinton's decision, the clergy is not forced to counsel in ways that is not their calling."

More battles on abortion loom on the horizon, however. Moshenberg of the NCJW said her group will be supporting anti-gag-rule legislation in Congress, so that "no future administration can reverse it."

Lewis of AJCongress said in her statement that her group looks forward to further actions to implement the new administration's "pro-choice agenda," including passage of the Freedom of Choice and Reproductive Health Equity Acts.

DEMONSTRATORS PROTEST RACISM WHERE HITLER WAS ONCE WELCOMED

By Marta S. Halpert

VIENNA, Jan. 25 (JTA) -- A quarter of a million Austrians demonstrated against racism, Nazism and xenophobia last weekend in the same square where a crowd of similar size cheered Adolf Hitler 55 years ago.

The peaceful demonstration, organized by a new Austrian movement dedicated to preventing the right-wing extremism and violence appearing now in Germany, was dubbed "Sea of Lights."

Throngs of people carried small flashlights to serve as the light against the darkness of radicalism and neo-Nazism, explained leaders of SOS-Mitmenschen (SOS-Fellow Human).

In the infamous Heldenplatz -- the same spot where Hitler addressed the Viennese masses after Nazi Germany annexed Austria in the Anschluss in 1938 -- crowds gathered Saturday to hear speakers with quite a different message.

In fact, one of the keynote speakers was Paul Chaim Eisenberg, Austria's chief rabbi.

After warning the crowd against the dangers of racism, Eisenberg, along with the popular singer who goes by the name Jazz-Gitti, sang the traditional Hebrew song "Heveinu Shalom Aleichem" (We Bring Peace Upon You).

The "Sea of Lights" demonstration was the largest the city has seen since 1945. The size was seen by some as significant in light of Austria's difficulty in coming to grips with its collaboration with the Nazis.

"The people of Austria have understood this message, and they have signaled their yearning for tolerance and togetherness," said Cardinal Franz Koenig of Vienna.

The crowd included tens of thousands of people from the various provinces, who poured into Vienna for the demonstration.

SOS-Mitmenschen, founded by the poet and writer Andreas Heller, aims to take preventive action by speaking out against racism and xenophobia, before rightists gain power and resort to violence, as they have in Germany.

The organization says it wants to "give a chance and a voice to the silent and decent majority in Austria."

The movement has been joined by individual officials of the Austrian government, members of Parliament, high-ranking representatives of the church and many youth organizations.

Leaders of SOS-Mitmenschen were goaded into taking action after seeing the growing presence of rightist voices, such as the populist leader of the right-wing Freedom Party, Jörg Haider.

Haider's party has initiated a referendum, to be held later this month, that calls for stricter laws in regard to the current influx of foreigners.

JUSTICE MARSHALL MOURNED BY JEWS AS CHAMPION OF MINORITIES' RIGHTS

By Debra Nussbaum Cohen

NEW YORK, Jan. 25 (JTA) -- The death of Supreme Court Justice Thurgood Marshall means the passing of a man who struggled on behalf of justice not just for blacks, but for all minorities, and whose tenure is seen as having advanced the standing of Jews in American society.

Marshall, who retired from the bench in June 1991 because of declining health and died Sunday of heart failure, was considered by legal experts at Jewish organizations to be a great jurist whose interests intersected with the Jewish community's throughout the course of his career.

"A law attacking discrimination benefited Jews. Strengthening the whole doctrine of equality was good for us," said Will Maslow, general counsel to the American Jewish Congress.

Maslow worked with Marshall in the 1940s, when Marshall worked for the National Association for the Advancement of Colored People and Maslow worked for the federal government's Fair Employment Practice Committee.

"It is precisely during Marshall's long tenure on the court that the courts' expansionist interpretation of the rights of women and minorities allowed Jews to move from the periphery of American society to the very center of American political, professional, educational and economic life," said Rabbi David Saperstein, director of the Reform movement's Religious Action Center.

Though most famous for arguing the landmark Brown vs. Board of Education school desegregation case before the Supreme Court when he was a lawyer for the NAACP Legal Defense and Education Fund, Marshall played a critical role in cases directly relevant to the Jewish community.

One he argued before the Supreme Court in 1947, Shelley vs. Kramer, eradicated the restrictive real estate covenants that had been enforced to prevent Jews and blacks from buying property.

'Stood With Us' On Church-State Issues

That case was the very first onto which the Anti-Defamation League signed with a friend-of-the-court brief. The group issued a statement Monday saying Marshall's "wisdom and vision will be sorely missed."

Marshall was also a lifelong advocate of separating government and religion, a belief for which he was lauded by the Jewish community and one that distinguished him from some of his African American colleagues.

"The black community has not always been supportive of Jewish sensitivities on church-state issues, because in their milieu there is such focus on the church as the only institution controlled by the black community and free of white control," said Saperstein.

"They've not always understood the Jewish passion for separation of church and state, but Marshall always understood that and stood with us on almost all church-state cases," he said.

Saperstein cited as cases in which Marshall voted with the majority a 1968 school prayer case, New York Board of Regents vs. Allen, and the 1971 Lemon vs. Kurtzman ruling, which established the three-part test still used by the court to determine if the government is advancing religion in violation of the First Amendment.

"When it came to the First Amendment, Justice Marshall was really a giant," said Samuel Rabinove, legal director of the American Jewish

Committee. "He was great on separation of church and state, and was with us right down the line in opposing creches and menorahs on public property."

Arnold Aronson, a staff member of National Jewish Community Relations Advisory Council for 31 years and, in 1950, a founder of the Leadership Conference on Civil Rights, worked with Marshall during his days at the NAACP.

"His accomplishments are there on his legal record," said Aronson, adding, "He was a lot of fun."

Long before he was appointed to the Supreme Court in 1967, Marshall won cases at the district court level that opened up long-closed doors to Jews and blacks.

According to Saperstein, when Marshall won cases in the 1930s and 1940s opening professional and graduate schools to minority enrollment, "Jews were the immediate beneficiaries."

"Jews were better positioned, with a long tradition of professionalism, to take advantage of these new opportunities than blacks were in the beginning," he said.

"We are very sad to have lost the No. 1 champion of civil rights, who was also attuned to issues that concern women," said Joan Bronk, national president of the National Council of Jewish Women. "He taught us all what equality meant and tried to show us the way."

THOUSANDS HONOR MOROCCAN TZADIK, BUT CROWD AT FESTIVAL IS SHRINKING

By Gil Sedan

JERUSALEM, Jan. 25 (JTA) -- Thousands gathered Monday to observe the annual Baba Sali festival in Netivot, marking the ninth anniversary of the death of Rabbi Shalom Abuhatzzeira.

The Moroccan-born rabbi, better known as Baba Sali, was a religious leader believed to have possessed miraculous powers.

However, as time passes since his death, interest in the festivities seems to be fading.

The attendance hardly attained the 25,000 who took part in the ceremonies last year and was a far cry from the crowds of 200,000 who packed the southern development town in previous years. There was plenty of parking.

Politicians who in the past used to go there to improve contacts with the constituency of the Moroccan community did not show up, partly because general elections still seem to be more than three years away.

But Rabbi Baruch Abuhatzzeira, Baba Sali's son, said it had been his decision, since he wanted to regain the "popular spirit" of the festivities and relinquish the political colors which accompanied it.

The thousands who did come, however, were just as excited as in the past.

They spilled water on Baba Sali's grave and read Psalms, hoping that the dead tzadik would bless them. They sought spiritual and physical aid from his son, with some recalling the miracles of the father.

One woman recalled how her daughter, wounded in her eyes during military service, regained her eyesight after Baba Sali blessed her.

The plaza around the gravesite looked like a huge market, with vendors selling everything, from garments to holy oil and Scriptures.

Families came equipped with picnic baskets, turning the memorial ceremony into another popular festival of the Moroccan community in Israel.