

JEWISH GROUPS HAIL COURT RULINGS ON HATE LAWS AND RITUAL SACRIFICE

By Debra Nussbaum Cohen

NEW YORK, June 13 (JTA) -- Two far-reaching rulings handed down Friday by the U.S. Supreme Court are expected to have significant ramifications for the protection of Jewish civil and religious rights in this country.

Jewish organizations welcomed the decisions in the two cases -- one upholding the constitutionality of laws that enhance penalties for crimes motivated by hate, and the other striking down laws designed specifically to prohibit practices by a particular religious group.

The high court justices were unanimous in their decisions in both cases, though the justices did not always agree with each other on the constitutional rationale for the decisions.

In the first case, *Wisconsin vs. Mitchell*, the justices upheld the constitutionality of a Wisconsin law that lengthens prison sentences and raises fines in criminal cases where the guilty party is found to have selected the victim based on his or her race, religion, color, disability, sexual orientation, national origin or ancestry.

The decision will likely have nationwide impact because nearly every state has some form of hate-crimes legislation on its books and more than half those states' laws focus on enhancing penalties, according to Steven Freeman, legal director for the Anti-Defamation League.

In several states, including California, Florida, New Jersey, Vermont and Washington, hate-crimes laws are being challenged in state courts.

The high court ruling will affect those challenges because it "has clearly validated the concept of looking at a motive and deciding that it has such an impact on society that it warrants a tougher sentence," said Freeman.

The Wisconsin law is based on model hate-crimes legislation first drawn up by ADL 12 years ago, he said.

Different From St. Paul Ordinance

In upholding the law, Chief Justice William Rehnquist drew a distinction in his opinion between it and a hate-crimes ordinance the court struck down last year in St. Paul, Minn.

That decision, in *RAV vs. St. Paul*, raised deep concern among some Jewish and civil rights groups that a decade of efforts to enact hate-crimes legislation in most states would be undone as these laws were deemed unconstitutional.

But in its decision Friday, the court made clear that the penalty-enhancement approach is constitutional as long as it punishes conduct motivated by hate.

By contrast, the St. Paul ordinance also punished expressions of discriminatory speech, including cross-burnings, which the court found to be an unconstitutional infringement of the free speech guarantees contained in the First Amendment.

The ADL filed a friend-of-the-court brief in the Wisconsin case and was joined by a diverse array of 15 other groups, including People for the American Way, the Southern Poverty Law Center and the National Gay and Lesbian Task Force.

Another amicus brief, submitted by the

American Jewish Committee, was co-signed by the Crown Heights Coalition, a group of black and Jewish residents of the strife-torn Brooklyn neighborhood.

"This case is a perfect example of how blacks and Jews should be working together in common purpose," said Sam Rabinove, AJCommittee's legal director.

Betty Ehrenberg of the Union of Orthodox Jewish Congregations of America said Friday's ruling is important because of the difference between bias crimes and crimes with other motivations.

Bias crimes "tear at whole communities, at the peace between racial and ethnic groups, and so deserve special condemnation and punishment," said Ehrenberg, who is executive director of the Orthodox Union's Institute for Public Affairs.

She noted that Orthodox Jews are "particularly vulnerable" to hate crimes because "they're usually more visible and stand out more."

Robert Lifton, president of the American Jewish Congress, urged that the decision be viewed by law-enforcers as a mandate.

"At a time when there is broad concern that there is an upsurge in bias crimes, the court's very unanimity should encourage police and prosecutors to vigorously pursue these hateful crimes," he said in a statement.

Affirmed 'Peyote' Ruling

The other Supreme Court ruling Friday considered important for Jewish interests -- *Church of Lukumi Babalu Aye vs. City of Hialeah, Fla.* -- struck down a city ordinance prohibiting the Santeria church from engaging in animal sacrifice, a central practice of the Caribbean religion.

While the justices were unanimous in reaching their decision, they differed on the reason for striking down the ordinance.

A six-justice majority, led by Justice Anthony Kennedy, ruled that the ordinance was unconstitutional because it unfairly targeted one group's religious practices.

Kennedy -- joined in full by Justice John Paul Stevens and in part by Justices Rehnquist, Antonin Scalia, Clarence Thomas and Byron White -- wrote that laws barring religious practices must be written as narrowly as possible and must be neutral, that is, applied to all religious groups.

That was considered good news by Jewish organizations, many of which signed onto friend-of-the-court briefs backing the Santeria church's right to practice its religious rituals, however distasteful they may seem to some.

But most Jewish groups were not pleased that the majority opinion affirmed the high court's 1990 ruling in *Employment Division vs. Smith*, popularly known as the "peyote decision."

In that case, a court majority upheld an Oregon law banning the hallucinogen peyote, used by Native Americans in religious rituals. In doing so, the justices argued that the First Amendment does not always require the government to prove a compelling interest before enacting legislation that may infringe on religious practices.

That ruling provoked an outcry among Jewish and other religious groups, which are hoping to circumvent it with legislation currently

pending in Congress, known as the Religious Freedom Restoration Act, or RFRA.

Two justices who voted against the majority in the peyote case, Harry Blackmun and Sandra Day O'Connor, issued a concurring opinion in the Santeria case, arguing that the Hialeah ordinance would have been unconstitutional whether it targeted the Santeria church specifically or not.

May Spur Efforts To Pass RFRA

And in a separate concurring opinion, Justice David Souter, who was not on the court when the peyote decision was handed down, argued forcefully that the court should reconsider its ruling in that case and again require demonstration of a "compelling state interest" in laws that infringe on religious practices.

He argued that a secular law, applicable to all religions, would be unconstitutional if it placed an undue burden on followers of those religions. As an example, he gave a law prohibiting the consumption of alcohol that did not make exceptions for the sacrificial drinking of wine.

That is exactly the type of law that concerns Jewish and other religious groups. As a result, Friday's ruling is expected to spur efforts to convince the Senate to adopt the RFRA legislation. It has already cleared the House of Representatives.

In the meantime, "Smith will stand as good law, unfortunately," said Freeman of ADL.

Smith could be problematic for the Jewish community if there were efforts to outlaw ritual slaughter or if, for example, an anti-circumcision group was successful in an effort to pass a law barring people other than doctors, such as mohels, from performing medical procedures, such as circumcisions.

Such a law would apply to people of all religions and so would likely be viewed as constitutional. After the Hialeah decision, a law specifically prohibiting ritual circumcision would be unconstitutional.

FRENCH JEWISH CEMETERY DESECRATED IN WORST INCIDENT IN THREE YEARS

By Michel Di Paz

PARIS, June 13 (JTA) -- Yet another Jewish cemetery in France has been desecrated, in the worst incident of its kind in three years.

The latest incident, in which 94 of 120 Jewish graves were vandalized at a cemetery in the south-central town of Haut-Vernet, brought out some 300 people for a silent protest demonstration Sunday morning.

The desecration of the Jewish part of the cemetery, which is outside the city of Perpignan, in the Languedoc region, apparently took place on the night of June 10 and was discovered the next morning.

According to police investigators, several people armed with crowbars broke into the cemetery. The vandals overturned headstones, opened graves and smashed a Holocaust memorial to Jews deported from France.

No slogans or graffiti were found and no group claimed responsibility for this action. A police investigation has yet to identify the perpetrators.

The large scale and southern locale of the vandalism calls to mind the savage desecration three years ago of the Jewish cemetery in Carpentras, some 70 miles northeast of Haut-Vernet, for which no perpetrators have ever been found.

Since then, there have been a number of attacks on Jewish cemeteries, including two outside of Strasbourg last January, one in Lyon last September and another that month in the eastern town of Merlebach.

But this latest desecration is the worst in France since the one in Carpentras, which triggered massive protest marches and vigils.

Jean Kahn, head of CRIF, the umbrella body representing French Jewry, said the Jewish community was pained by this new desecration of a Jewish cemetery in France.

In this cemetery, Kahn recalled, were the bodies of Jews arrested and jailed by the Vichy police following the orders of French Nazi collaborator Rene Bousquet, who was shot to death last week in Paris.

Speculating that the desecration might be linked to the murder, Kahn asked to meet with the French interior minister. In a message to Kahn, French President Francois Mitterrand expressed his "profound condemnation following this absurd and heinous act."

Likewise, the head of the Paris Mosque, Dalil Boubakeur, said he was "deeply shocked" by the desecration.

"I vigorously oppose these manifestations of racial hatred," Boubakeur said.

At Sunday's solemn demonstration at the cemetery, the rabbi of Perpignan, Herve Krief, said the Mourner's Kaddish.

Leaders of the Union of Jewish Students carried banners reading "We will not forget." The student leaders urged that the struggle against anti-Semitism be stepped up.

ISRAEL FURTHER LIBERALIZES POLICY ON GAYS IN MILITARY

By Hugh Orgel

TEL AVIV, June 13 (JTA) -- The Israel Defense Force has issued new regulations banning discrimination against gay men and lesbians in the army, further liberalizing what was already a comparatively tolerant policy toward homosexuals.

The army did not in the past exclude gay men and lesbians from the army, but the IDF has been accused of restricting homosexuals from jobs requiring high security, in addition to other discriminatory practices.

Under the new regulations, gay men and lesbians will be able to serve in any army unit, including those requiring the highest security, the IDF spokesman announced late last week.

Recruits for such positions will still have to pass the usual security clearance.

The new orders also apply to civilian employees in the IDF, the spokesman said.

The Israeli army has never asked recruits if they were gay or kicked out soldiers whose homosexuality became known. But prior to the new rules, it did order psychological examinations for soldiers whose homosexuality was disclosed.

That procedure will now be dropped, army officials said.

The new Israeli regulations come as the United States continues to grapple with the issue of homosexuality in its armed forces. In fact, a group organized by Congress came to Israel this past spring to study its policies.

The Israeli revision in policy is the result of a re-examination of army practices ordered by Prime Minister Yitzhak Rabin, who is also defense minister, following Knesset hearings on the subject in February.

ISRAELIS RETURNING TO THE PEACE TALKS WITH HOPE OF ACHIEVING BREAKTHROUGH

By David Landau

JERUSALEM, June 13 (JTA) -- Israeli negotiators are returning to the Middle East peace talks in Washington this week with a smaller delegation but bigger hopes of a breakthrough with the Palestinians.

The cutback, from 80 to 58 officials, apparently was ordered by Prime Minister Yitzhak Rabin for budgetary reasons.

The atmosphere of renewed hope surrounding the Israeli-Palestinian negotiations was carefully nurtured by both American statements and relatively upbeat pronouncements from the two negotiating parties.

The most recent positive signal was a decidedly moderate interview given by Palestine Liberation Organization leader Yasir Arafat to the highly respected Israeli newspaper Ha'aretz.

The PLO chief endorsed the increasingly talked-about "Gaza first" approach, but demanded that Palestinian control of a symbolic section of the West Bank be included with the problematic Gaza Strip.

It must not seem, Arafat explained in a four-hour conversation with two Ha'aretz reporters, that the Palestinians are prepared to abandon the West Bank in their eagerness to accept responsibility for Gaza.

The reporters met with the PLO chief at his Tunis headquarters last week on the same day as a group of journalists from American Jewish newspapers interviewed him.

Israel's Rabin has also recently spoken favorably of "Gaza first," defined in his case as implementing self-rule first in Gaza after the current stage of negotiations with the Palestinians on both Gaza and the West Bank are completed.

Other Israeli politicians support a "Gaza first" concept in which Israel would unilaterally implement Palestinian self-rule in Gaza or even pull out of the strip altogether.

There is media speculation here that failing a breakthrough on a joint "declaration of principles" between Israel and the Palestinians, the resumed talks may focus on an immediate transfer of specific areas of civilian authority to the Palestinians.

Debate Over Conditions In Territories

Separate American consultations late last week with the Palestinians and Israelis each have apparently given little reason to believe that such a declaration will be achieved.

Palestinian spokeswoman Hanan Ashrawi, who attended meetings with American officials last week, said they had discussed the declaration, as well as "flaws in the negotiations."

Faced with a deadlock over the declaration, Washington has proposed that the sides turn their attention to specific areas of administration, such as health, education and even police, that could be transferred to Palestinian control before a full agreement is reached on the autonomy.

According to news reports, Palestinians chosen by the PLO have been undergoing police training in Egypt.

Meanwhile, the situation on the ground continues to cause debate in Israel, as the 2 1/2-month closure of the territories poses problems for both the Israeli and Palestinian economy.

Hawks and doves -- relative terms in Rabin's center-left government -- clashed at Sunday's

Cabinet meeting over the extent to which Israel is itself investing and encouraging foreign investments in the administered territories.

Labor Minister Ora Namir, a dove within her Labor Party, charged that not enough was being done to develop employment opportunities for Palestinians inside the territories.

Namir was backed up by Environment Minister Yossi Sarid of the dovish Meretz bloc, who warned that some ministers might find it hard to remain in the government if the economic and social conditions in the territories continued to deteriorate as a result of the closure.

Finance Minister Avraham Shohat of Labor brushed aside Namir's criticism as "ignorance" and Interior Minister Aryeh Deri of the Orthodox Shas party upbraided Sarid for publicly criticizing the government in which he serves.

Little Change From Damascus

The tart exchanges were plainly influenced by the imminent resumption of the negotiations in Washington.

Cabinet ministers are troubled by the government's poor showing in opinion polls. On the one hand, the prime minister has failed so far to deliver on his main election promise -- to reach agreement with the Palestinians on the interim autonomy arrangement outlined in the 1978 Camp David accords.

On the other hand, opponents of the government's peace policy -- both in the West Bank and on the Golan Heights -- appear to be making inroads in the government's public support.

On Sunday, Golan settlers and their supporters began another high-profile campaign with a sit-down demonstration in Jerusalem.

Regarding the Syrian front, meanwhile, the Americans have reportedly gleaned scant signs of new flexibility from Damascus during preparatory talks.

Cables reaching Jerusalem show that Damascus is still being ambiguous about defining what it means by peace and normalization with Israel.

Ha'aretz reported Sunday that Washington may decide on its own to submit to Israel and Syria a questionnaire designed to elicit greater clarity on what the sides mean by peace and withdrawal.

Indeed, Israeli observers say the extent and depth of American involvement will be the key factor determining whether substantial progress is achieved during this round.

The parties plainly want such progress.

The Palestinians and Arabs have notably not made their participation itself in the talks an issue, as they have done on many occasions in the past.

EGYPT HANGS ALLEGED ISRAEL SPY

JERUSALEM, June 13 (JTA) -- Israeli political sources say they know nothing about an Egyptian man who was reportedly hanged in Egypt on Sunday for spying on behalf of Israel.

The sources were reacting to news reports from Cairo that said the man, not identified, was among a number of Egyptians who were executed, most of them on charges of Islamic fundamentalist terrorism.

According to those reports, the Egyptian was convicted of spying for Israel two years ago.

The sources said they had no information about anyone being held by the Egyptian authorities on charges of espionage for Israel.

NUNS STILL AT AUSCHWITZ CONVENT, BUT MUST MOVE OUT BY END OF MONTH

By Ruth E. Gruber

OSWIECIM, Poland, June 13 (JTA) -- The nine Carmelite nuns remaining in their controversial convent just outside the former Nazi death camp of Auschwitz must move out by the end of this month, local Catholic officials have said.

Five nuns have already left the old building and moved into the new \$2.5 million convent complex nearby, which also includes an inter-religious study center.

"The other sisters have until the end of June to leave the old theater," said Father Marek Glownia, director of the new complex.

"I think that maybe some of them will go to the new convent, but others will choose to go somewhere else," he said.

Sources at the new complex said funds are running very short and appealed to the Roman Catholic Church in Western countries to help finance the operation.

They also said it was not clear what will happen to the former convent once the nuns leave.

"It was crumbling when the nuns moved in, and they totally fixed it up," one source said.

During World War II, the Nazis used the old theater building to store Zyklon-B poison gas, used to gas to death Auschwitz inmates.

The new convent opened May 24, when the local bishop celebrated the first mass there and blessed the new building.

Glownia said the nuns who already moved were settling into their new quarters.

"They are already beginning to work in the garden, to plant flowers," he said, adding that virtually all interior construction and furnishing of the building had been finished.

Financial Difficulties Cited

Meanwhile, sources at the complex say it is increasingly difficult to finance operations, which, besides the convent, include the study center.

The center plans to host conferences, stage exhibitions, house a library of books relating to the Holocaust and interreligious dialogue, and provide accommodation and meals for visitors.

It was set up, along with the convent, as the result of the Feb. 22, 1987, agreement in Geneva between Jewish and Catholic representatives stipulating that the nuns would leave the old convent.

Economic troubles, in large part linked to Poland's overall economic difficulties, slowed construction of the complex throughout.

A statement issued earlier this spring spoke of "paralyzing financial difficulties" hampering final completion of the convent building as well as construction of a planned hostel for pilgrims.

But one source now said the center has difficulty even meeting the payroll for its 30-member staff, who each earn an average of \$150 to \$200 per month.

Operating expenses for the study center alone run to about \$5,000 a month. "That's without the convent," said a staff member. "If we include that, forget it."

The main financing for construction of the convent complex came from the Catholic Church in France.

"We receive \$6,000 from the Carmelites in the United States, but otherwise, nothing from the U.S.," said a source.

ISRAEL CLEARS WAY FOR EXTRADITION OF AMERICAN LINKED TO 1980 KILLING

By Hugh Orgel

TEL AVIV, June 13 (JTA) -- Following years of legal wrangling, Israel has approved the extradition to the United States of Robert Manning, an American Jew accused, together with his wife, in connection with a 1980 mail-bombing that resulted in the death of a secretary in California.

Justice Minister David Libai signed the extradition last Friday, but said its execution would be delayed a month, pending the completion of an appeal to the Supreme Court by Manning's wife, Rochelle, against her extradition.

The Supreme Court, in a decision five months ago, already rejected an appeal by Robert Manning against his extradition.

The justice minister was given assurances by American officials that prosecutors would not seek the death penalty for Robert Manning, according to Justice Ministry spokeswoman Etty Eshed.

If a death sentence were to be imposed by a U.S. court, it would not be carried out, Israel was promised, Eshed said.

The assurances are significant, since Israel's extradition agreements stipulate they are only valid in cases not involving a death penalty.

The Mannings are wanted in connection with the killing of Patricia Wilkerson, an employee of a computer firm in Manhattan Beach, Calif. The Mannings were apparently in a dispute with the firm. It is believed the bomb had been intended for Wilkerson's employer.

The couple's fingerprints were found on parts of the wrapping of the mail-bomb package.

The Mannings are also wanted for questioning in connection with the case of Alex Odeh, a leader of the American Arab Anti-Discrimination Committee killed in 1985 in Santa Ana, Calif.

Cause Taken Up By Orthodox

Since moving to Israel, the Mannings have lived in the West Bank settlement of Kiryat Arba with their two daughters.

The couple were arrested in March 1991, following a U.S. extradition request, but the case has been held up by appeals ever since.

The cause of the Mannings, now Orthodox Jews, has now been taken up by Orthodox and right-wing circles here in Israel on the grounds that Jews should not be extradited by Israel to stand trial before non-Jewish courts abroad.

It is also argued that the religious requirements of the Orthodox may not be fully met in foreign jails.

The Israeli Supreme Court is still hearing the appeal of Rochelle Manning, based on grounds that she was already tried in the United States for the Wilkerson slaying. A hung jury in 1989 failed to convict her.

Robert Manning was found guilty in absentia, when he was already living in Israel.

Rochelle Manning's extradition hearing here is scheduled for July 4.

Rabbi Kenneth Cohen, a local clergyman who has been active in the fight to quash extradition orders on the couple, said Saturday night that another appeal to the Supreme Court would be filed on Robert Manning's behalf.

This latest appeal, Cohen said, would be on grounds that Robert Manning's religious needs, including the provision for kosher food, will not be sufficiently met while he is in custody in the United States.