

**JEWISH GROUPS LIKE WHAT THEY SEE
IN COURT NOMINEE'S LEGAL WRITINGS**

By Deborah Kalb

WASHINGTON, June 22 (JTA) -- Ruth Bader Ginsburg, President Clinton's nominee to the U.S. Supreme Court, has drawn initially favorable reviews from the Jewish community, based on her judicial writings.

But Jewish organizational officials say they are just beginning to sift through the record amassed in the decades of Ginsburg's legal career.

Ginsburg, who currently sits on the U.S. Court of Appeals here in Washington, would be the first Jewish woman ever to sit on the high court and the first Jewish member since Justice Abe Fortas resigned in 1969.

The Senate Judiciary Committee plans to begin hearings July 20 on Ginsburg's nomination to replace retiring Justice Byron White.

Since the president's announcement last week that he was selecting Ginsburg, Jewish groups have been studying the judge's past decisions, speeches and writings, looking for information on relevant issues.

One issue on which Ginsburg's views have been controversial is the Supreme Court's 1973 *Roe vs. Wade* decision, which provided a constitutional basis for legalizing abortion.

Much of the Jewish community supports abortion rights, and Jewish organizational officials say they believe Ginsburg is pro-choice as well, despite her criticisms of the *Roe* decision.

Ginsburg has argued that instead of finding a basis for legalizing abortion in some vague constitutional right to privacy, the court should have used other grounds, such as the 14th Amendment's equal protection clause.

To some in the Jewish community, it makes perfect sense that Ginsburg, a pioneer in the field of women's rights legislation, should find the right to abortion in the equal protection clause.

Ginsburg sees the case "through her own gender-discrimination-colored glasses," said Michael Lieberman, associate director and counsel in the Anti-Defamation League's Washington office.

Her arguments, some said, reflect the debate within the pro-choice community over the best way to ensure freedom of reproductive choice.

Dissented In Yarmulka Case

Another issue on which Ginsburg has taken a noteworthy stance is her 1984 dissent involving the case of S. Simcha Goldman, a Jewish soldier who contested a military policy barring him from wearing a yarmulka on duty.

Ginsburg wanted the full appeals court to hear Goldman's case, but the majority of the court ruled the other way.

Ginsburg wrote that Goldman had "long served his country as an Air Force officer with honor and devotion."

"A military commander," she continued, "has now declared intolerable the yarmulka Dr. Goldman has worn without incident throughout his several years of military service."

"At the least, the declaration suggests 'callous indifference' to Dr. Goldman's religious faith," she added.

Another controversial case in which Ginsburg

played a role was that of Jonathan Pollard, the convicted spy for Israel who received a life sentence in prison.

Ginsburg was one of the judges who, last year, rejected Pollard's appeal of his life sentence.

Pollard claimed his 1987 sentence was a miscarriage of justice. His lawyers argued that the government had violated a plea bargain agreement by implying its desire for the maximum sentence.

But Ginsburg and Laurence Silberman, another Jew on the three-judge panel hearing the appeal, rejected Pollard's argument, while the non-Jew on the panel, Judge Stephen Williams, dissented from their ruling.

The Pollard case has divided the Jewish community, and most Jewish officials did not want to take a position this week on how Ginsburg's ruling bears on her nomination.

One official expressing disappointment with Ginsburg's decision in the Pollard case was Abba Cohen, Washington representative of Agudath Israel of America, a group representing fervently Orthodox Jews.

Most in the Jewish community say they are still not clear exactly what Ginsburg's positions are on such issues as church-state separation and First Amendment rights.

Could Shift Court On Religion Cases

But some feel her presence on the bench could change the court's direction on religious issues.

Lieberman of ADL said the departure of White could tilt the court in the other direction in such cases as one last week, in which a slim 5-4 majority ruled that it is constitutional to use public funds to provide a sign-language interpreter for a deaf student at a parochial school.

That decision, in *Zobrest vs. Catalina Foot-hills School District*, split the Jewish community, and ADL was on the losing side.

Lieberman pointed out that White was one of five justices who did not find the practice to be a violation of the First Amendment's ban on government establishment of religion, "in what we consider a clear violation."

Cohen of Agudath Israel, who was on the other side of the *Zobrest* decision, also said White's departure could tilt the balance of the court on religious cases.

Orthodox groups, unlike most of the Jewish community, have tended to agree with White's support of government funding for religious institutions.

Jerome Chanes of the National Jewish Community Relations Advisory Council said his umbrella group planned to send a letter to the Senate Judiciary Committee expressing support of Ginsburg's nomination but suggesting that the committee probe her views on church-state issues, including the so-called "Lemon test."

The Lemon test, named after the 1971 case *Lemon vs. Kurtzman*, is a legal doctrine requiring 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 with religion.

Many Jewish groups back the Lemon test

because it provides a strict standard for ensuring separation of church and state. But some Orthodox groups oppose the doctrine because they feel it has created a climate hostile to religion.

Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism, said Ginsburg's record looks good on such issues of Jewish concern as the free exercise of religion, First Amendment rights and discrimination. He said that while her record on the establishment of religion clause is murkier, he does not foresee any problems.

Some Involvement In The Community

Saperstein said Ginsburg does not tend to write lengthy concurrences or dissents, and therefore it is often hard to pinpoint her views on some issues.

But, for the most part, he said, "she's going to be very strong on protecting the constitutional liberties the Jewish community cherishes so deeply."

Jewish officials had positive things to say this week about Ginsburg's stand on women's issues and other issues concerning discrimination.

The fact that Ginsburg and her husband "took themselves out of clubs that discriminate tells you something about her thinking," said Warren Eisenberg, director of B'nai B'rith's International Council.

"Her stand on gender equity issues is legendary," said Sammie Moshenberg, Washington representative of the National Council of Jewish Women.

Ginsburg, 60, has had some involvement with Jewish organizations in the course of her career.

She has served on the American Jewish Congress Commission on Law and Social Action and currently is a member of the International Association of Jewish Lawyers and Jurists, according to her husband, Martin, a professor of law at Georgetown University.

Martin Ginsburg told the Jewish Telegraphic Agency this week that he and his wife of 39 years sent their two children to religious school, but that when the Ginsburgs moved to Washington, their children were grown and the couple did not join a synagogue.

"We're not wildly observant," Ginsburg said, adding that at Passover, for example, he and his wife join more observant relatives at the seder table.

Last year, Ruth Ginsburg spoke at an AJCongress function honoring Justice William Brennan.

She traveled to Israel in the 1970s as part of a conference discussing the position of women under secular and halachic laws in Israel and America, her husband said.

And as a child at camp, he added, his wife held the position of "junior rabbi," requiring her to lead occasional prayers on Saturdays.

POLLARD IS TRANSFERRED TO A LESS-SECURE PRISON

By Larry Yudelson

NEW YORK, June 22 (JTA) -- Jonathan Pollard was transferred this week from the maximum-security prison where he has spent the past six years, to a less-secure federal penitentiary in Butner, N.C.

Pollard, a former U.S. Navy analyst who pled guilty in 1986 to passing state secrets to Israel, had been serving his life sentence in Marion, Ill.

The transfer, which took place Monday, had been rumored for months.

The Butner prison is "a considerably less guarded prison" than the facility in Marion, according to Pollard's lawyer, Theodore Olson.

"It's bound to be a nicer environment," said Olson.

Pollard's supporters, however, are anxious that the possible amelioration of his conditions not derail efforts to obtain his freedom, which is being sought by pressing President Clinton for clemency.

During his presidential campaign, Clinton promised to review Pollard's case. There has so far been no indication that the Clinton Justice Department has begun the review.

Resolutions calling for a review of the sentence have recently been passed by the city councils of New York, Miami and Los Angeles.

A statement issued by Citizens for Justice for Jonathan Pollard, Canada, cautioned that "A move to another prison is not a victory! It is not a reason to relax concern for Mr. Pollard!"

"A prison is a prison," Elaine Zeitz, Canadian spokeswoman for the Pollard case, explained. "He has already served much longer than anyone else convicted for similar circumstances in America. Do not be taken in by anyone who says this is a victory. Jonathan's greatest fear now is that his supporters will become complacent."

AMERICAN PALESTINIAN CHARGED WITH RAISING MONEY FOR HAMAS By Gil Sedan

JERUSALEM, June 22 (JTA) -- An Israeli military court has formally charged an American citizen of Palestinian origin with channeling money to the Hamas movement.

It is the first move in proceedings that are likely to shed light on relations between the Islamic fundamentalist group and its alleged American backers.

Mohammad Salah, a resident of Chicago, was arrested shortly after his arrival in Israel in January, carrying "a considerable amount of money" to help "establish the military units of the Hamas organization," according to the charge sheet presented Tuesday in Ramallah's military court.

Salah allegedly met with Salah al-Aghouri, a Hamas leader in the West Bank, and gave him \$96,000 to purchase arms and ammunition for use in attacks against Israeli targets.

A search in his hotel room in eastern Jerusalem revealed another \$100,000, according to the charges.

Salah has been charged with attempting to establish a military infrastructure for Hamas in the West Bank and Gaza Strip.

Salah, whose trial is expected to resume in August, denied the charges. His lawyers are expected to challenge a confession signed by him.

Another Palestinian American arrested at the same time as Salah and linked to him by the army, Mohammed Jarad, will be released next month after a six-month sentence, the military has announced.

The release is apparently conditioned on a promise by Jarad that he will leave the country.

Jarad's and Salah's arrests in January prompted a formal complaint at the time from the United States, which maintained that American officials and lawyers were being denied access to the arrested men.

JEWIS DISMAYED BY COURT DECISION TO BACK BARRING HAITIANS FROM U.S.

By Deborah Kalb

WASHINGTON, June 22 (JTA) -- Jewish groups expressed disappointment this week with the Supreme Court's 8-1 decision upholding the U.S. policy of intercepting Haitian refugees at sea and returning them to Haiti without holding asylum hearings.

Haitian refugees have been fleeing the country since a military junta overthrew Haitian President Jean-Bertrand Aristide in 1991.

Many Jewish groups have been critical of American policies returning the refugees to Haiti. They cite Jewish concerns for refugees seeking asylum from persecution.

But the court decided Monday that refugees intercepted at sea were not entitled to privileges granted refugees under U.S. law.

The Anti-Defamation League and American Jewish Committee were among the groups filing briefs in the case, *Sale vs. Haitian Centers Council Inc.*, on the side of the refugees.

The Supreme Court's decision "does not augur well for victims from other countries who will be fleeing oppression in the hope of finding sanctuary in the United States," Gary Rubin, the AJCommittee's director of national affairs, said in a statement.

"If President Clinton continues the policy of interdiction, which sends fleeing refugees back to Haiti," Abraham Foxman, ADL national director, said in a statement, "he also needs to take tougher economic and political measures -- in cooperation with other countries and with the Organization of American States -- against the current repressive regime there."

Also expressing disappointment with the ruling was Rabbi David Saperstein, head of the Religious Action Center of Reform Judaism.

PRESSBERG RESIGNS AS HEAD OF AMERICANS FOR PEACE NOW

By Larry Yudelson

NEW YORK, June 22 (JTA) -- Gail Pressberg has announced that she is stepping down as president of Americans for Peace Now, to return to more direct involvement in political activism on behalf of the organization.

Such work was at the center of Pressberg's APN activities before she assumed the presidency in February, when former President Jonathan Jacoby left to work on behalf of Israel's Labor Party.

During the debate in March over APN's bid to join the Conference of Presidents of Major American Jewish Organizations, Pressberg became a lightning rod for the opposition.

Prior to working at APN, Pressberg had worked for the American Friends Service Committee and the Foundation for Middle East Peace, groups seen by many as pro-Palestinian and anti-Israel.

In a resignation letter dated May 7, Pressberg said her desire for reassignment predated the group's election to the Conference of Presidents.

But once the campaign against APN began focusing on her past activities, she wrote, "I felt that discussion of my leaving the presidency would be misconstrued as bowing to outside pressure."

Sources familiar with the deliberations of APN confirm that Pressberg's resignation was not

a result of the controversy surrounding her position.

APN is currently seeking a successor to Pressberg. Her resignation will be effective as soon as one is found.

And at least one staunch opponent of APN does not see the move as significant.

"The problem is not Gail Pressberg. The problem is the positions Peace Now is taking," said Morton Klein, president of the Philadelphia chapter of the Zionist Organization of America and leader of the effort to prevent APN's admission to the Conference of Presidents.

At the conference, Executive Vice Chairman Malcolm Hoenlein said the move would have no impact on APN's functioning within the umbrella group, since Pressberg had not personally attended its meetings.

Pressberg told the Jewish Telegraphic Agency her new APN post, as yet unnamed, will enable her to spend more time writing and speaking.

"I'm not going to have a lower profile at all," she said.

ARAB GROUPS RALLY ACROSS COUNTRY TO PROTEST ADL'S ALLEGED ESPIONAGE

By Lisa Mann

WASHINGTON, June 22 (JTA) -- A coalition of at least eight minority group organizations, led by the American-Arab Anti-Discrimination Committee, rallied this week throughout the country to protest the Anti-Defamation League's alleged nationwide spying and surveillance network.

A rally was held Tuesday outside ADL's Washington headquarters, one of many such demonstrations being held countrywide in an effort to draw public attention to ADL's supposed espionage operation, said Gregory Nojeim, ADC's director of legal services.

No formal charges have been lodged against ADL, although the San Francisco Police Department is investigating the Jewish defense agency on suspicion of carrying out illegal information-gathering activities.

The San Francisco police suspect ADL of obtaining information illegally through a variety of means, including wiretapping and the purchase of confidential police files. Police executed search warrants at ADL's Los Angeles and San Francisco offices in April.

On Tuesday, some 30 protesters here paraded with picket signs for an hour, chanting, "No more lies, no more spies, ADL apologize" and other similar phrases.

ADL staff remained out of sight during the rally.

"It appears that ADC is seeking to exploit a situation that doesn't exist. We believe the charges that they are alleging are groundless," Jess Hordes, ADL Washington representative, said later Tuesday.

At a news conference following the rally, ADC President Albert Mokhiber asked "whether the police department of Washington, D.C., or the FBI have locally furnished information protected by the law to ADL, as was done by the police in San Francisco and in a number of other states."

In April, Mokhiber claimed that documents released in conjunction with the police searches of ADL's offices indicated that ADL kept files on "thousands of ADC members."

According to Mokhiber, the demonstrations will continue on a weekly basis. "We're not going to stop until ADL stops," he said.

NEWS ANALYSIS:

CHARGES BROUGHT AGAINST SHAS LEADER CLOUD FUTURE OF PARTY AND GOVERNMENT By David Landau

JERUSALEM, June 22 (JTA) -- The corruption charges announced this week against Interior Minister Aryeh Deri have pushed a long-simmering crisis into its final stages, threatening the stability of the government, Deri's own meteoric career and the future of the Sephardic Shas party he has made powerful.

The latest development in the nearly 3-year-old investigation of Deri's alleged financial wrongdoings occurred earlier this week when Attorney General Yosef Harish presented Deri, who heads the fervently Orthodox party, with a draft copy of a charge sheet drawn up against him.

Harish said he intended to press formal charges against Deri shortly.

Facing charges of bribery and fraud, Deri said he hoped to "persuade" Shas' spiritual leader, Rabbi Ovadia Yosef, to permit him to resign from the Cabinet.

Deri told an Israel Radio reporter he believed that Yosef would agree with him "within a few days" that "the best way for me to conduct my struggle to prove my innocence is as a private citizen."

The Deri affair is being watched closely here, since it threatens the stability of the governing coalition, led by the Labor Party, with Shas and the left-wing Meretz bloc as junior partners.

According to Deri, Yosef objects to his resigning, or even temporarily stepping down, as interior minister at this stage of the legal proceedings.

Political commentators interpreted Yosef's position as coming from his fear over the future of the fervently Orthodox Sephardic political movement, which Deri has led, in effect single-handedly, for the past several years.

Deri says his readiness to resign immediately and forgo his right of a preliminary hearing with the attorney general rests on the condition that the charge sheet against him contains all the offenses that the state prosecutor's office and the police suspect him of committing.

But in a letter to Deri accompanying the draft charge sheet, the attorney general said he retained the right to file further charges and that some were still under consideration.

Deri argues that this represents an attempt to drag out the criminal proceedings against him and to maintain recourse to further trials if the first one does not result in a conviction.

Wants Everything 'On The Table'

Sources close to the interior minister have said he would even forgo a possibly awkward and acrimonious parliamentary debate over removing his immunity, as long as the prosecutors "lay everything they have on the table."

Labor and Meretz would certainly be relieved if a debate over Deri's immunity were avoided, since they fear such a fracas in the Knesset would end with Shas' secession from the coalition.

Shas members would naturally look to their political allies for support in the debate, but would be unlikely to obtain it.

The possible secession of the six-member Shas faction, which must now be regarded as a cloud hanging over the coalition, would leave the

government dependent on the votes of the Arab parties in the Knesset.

Prime Minister Yitzhak Rabin and other key Labor figures have always made it clear they would not regard themselves as having a mandate to cede land for peace in negotiations with the Arabs unless they were supported by a "Jewish majority" in the legislature.

Both Deri and Rabin, who met in private Monday, said publicly they earnestly desire the continued existence of the present coalition.

Deep Resentment Within Shas

Deri brushed aside a call from one of his fellow Shas Knesset members, Rabbi Aryeh Gamliel, to pull the party out of the government on the grounds that the legal action against the interior minister stemmed from ethnic prejudice against Sephardim.

"There is no real difference between Likud and Labor. Both are the establishment, and both want to stamp out any nascent ethnic party," Gamliel declared.

While Gamliel's suggestion to pull the party out of the government was not shared by his fellow Knesset members, the sentiment he articulated certainly is.

The chairman of the Shas Knesset faction, Shlomo Benzeri, and one of his colleagues, Deputy Finance Minister Yosef Azran, expressed the same sense of victimization and resentment.

Shas' official newspaper, Yom Leyom, argued in an editorial that the legal campaign against Deri, accompanied throughout the long police investigation by press leaks, arose out of political vindictiveness -- Likud never forgave Shas for seeking to form a government with Labor in 1990 -- and continued for "personal reasons."

These reasons, the paper implied, affected key ministers, and legal and police officials.

Yom Leyom voiced confidence that justice would be done and that Deri would be acquitted. But Gamliel and the hard-liners in Shas say openly they have no confidence in the judiciary and do not necessarily expect their leader to get a fair trial.

Deri himself, in a personal interview with the Ma'ariv newspaper, said his hardest moment this week was a phone call from the father of missing Negev teen-ager Haggit Kikus.

"He made me swear not to crack under pressure. 'You are the leader of the Sephardim,' he told me," Deri recounted. "To think that in his circumstances he had the heart to call and encourage me."

TEL AVIV GARBAGE HAULERS END STRIKE

TEL AVIV, June 22 (JTA) -- Striking sanitation workers in Tel Aviv caved in to the loud complaints of the public and returned to work at dusk Tuesday after six days of strike left heaping mounds of malodorous garbage baking in the summer heat.

With temperatures hovering in the low 90s, garbage had cooked slowly in giant heaps alongside the restaurants and cafes that form the backbone of social life in this city.

On Monday, the municipality had hired private trash haulers to make inroads clearing away the unhealthy, unsightly and smelly giant plastic bag dumps.

But they were driven back by the strikers, who stoned any vehicle trying to clear the sidewalks and roadways.