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**JEWISH GROUPS LEARN PAINFUL LESSONS
IN AFTERMATH OF CROWN HEIGHTS RIOTS**

By Debra Nussbaum Cohen

NEW YORK, July 21 (JTA) -- The lessons learned from the debacle in Crown Heights in August 1991 will no doubt be considered and reconsidered by New York City officials for a long time to come.

It was those officials -- from Mayor David Dinkins and then-Police Commissioner Lee Brown on down to Herbert Block, then the mayor's liaison with the Jewish community -- who were blasted in a state report for their mishandling of the rioting that raged out of control in the Brooklyn neighborhood.

The report, released Tuesday, was commissioned by Gov. Mario Cuomo immediately after Lemrick Nelson, a black teen-ager, was acquitted last year in the murder of Yankel Rosenbaum, a Hasidic scholar killed during the four days of rioting. It was authored by Richard Girgenti, the state's director of criminal justice.

But city officials are not the only ones who have learned difficult lessons from the Crown Heights crisis.

Jewish organizational representatives, too, some of whom had been criticized by the Jews of Crown Heights, have considered what they will do differently next time a crisis involving a Jewish community in New York City erupts.

The New York Jewish Community Relations Council has fundamentally altered the way it handles emergencies.

On Aug. 19, 1991, when Gavin Cato was accidentally killed by a Lubavitch driver and long-simmering tensions in Crown Heights exploded into rage, the two senior professionals at the New York JCRC were in Israel.

There they were leading a trip of city officials and influentials, as they do each year, and, according to Michael Miller, the organization's executive director, they did not get the impression that they needed to rush home.

Miller returned to New York the following Sunday, days after the crisis had ended, and his associate, David Pollack, returned the next day.

In the meantime, the agency's president was in Crown Heights, as was Philip Abramowitz, director of the group's Task Force on Missionaries and Cults, trying to assist the Lubavitch community.

'Wish You Could Turn The Clock Back'

"Lessons have been learned" from the experience, according to Miller. "I wish you could turn the clock back and we wouldn't have taken that trip. But things don't work that way."

As a result, he and Pollack now have an "unwritten policy" to never be out of town at the same time.

And soon after the riots, the JCRC implemented a new crisis-management plan.

It establishes a plan of operations and several contingency plans, and enables Miller to categorize crises from the most urgent to the least.

Oct. 30, 1992, the day Lemrick Nelson was cleared of charges that he was one of Yankel Rosenbaum's murderers, was classified as "red,"

or most urgent. This classification enabled the JCRC to quickly schedule meetings, issue statements and mobilize key players.

One of the meetings was with the deputy mayor for public safety "to alert him to our concern regarding police readiness to ensure the safety of Jewish residents of Crown Heights," said Miller.

The JCRC's communications technology has also been updated so it can now issue a press release from a computer-fax to 200 recipients simultaneously.

Abraham Foxman, national director of the Anti-Defamation League, said that since the Crown Heights crisis, his organization has consciously built relationships with the Lubavitchers.

"Before, it was a relationship of respect but not engagement," said Foxman. "Now we talk to each other and see each other on a non-crisis basis. Since the crisis we have developed channels of communication which did not exist before."

The American Jewish Congress and its executive director, Henry Siegman, were particularly criticized by some of Crown Heights' Jews for the organization's support of Mayor Dinkins.

AJCongress ran an advertisement in the New York Times on Dec. 10, 1992, defending Dinkins against the charges of anti-Semitism that some in Crown Heights were wielding against him.

The ad was titled "Enough!" and signed by Siegman and AJCongress President Robert Lifton.

'Caught With Our Pants Down'

Jacob Goldstein, a Lubavitcher who is chairman of Brooklyn's Community Board 9, which covers Crown Heights, criticized AJCongress's position.

Mainstream Jewish groups including the AJCongress "say they help Jews all over the world. So they should have been standing shoulder to shoulder with us, left their pool parties and come to Brooklyn," said Goldstein.

"We're the victims, and I haven't seen them out there. They're so decoupled and detached it's unbelievable. They have 90 percent of the money and represent no one. The grass roots don't know who they are or care," he said.

Goldstein's advice to the secular Jewish groups: "Get involved with Jews, the poor people in the boroughs. You may not subscribe to our politics, but help us. And don't try to assimilate us," he said.

Siegman responded: "I think those are inaccurate statements and do not reflect reality."

"It is not at all clear that there is anything Jewish organizations could have done had they acted differently. The responsibility for law and order rests with the police, not Jewish groups."

The responsibility that Jewish groups like AJCongress do have to help the Jews of Crown Heights is to monitor the city agencies responsible for safety to make sure that they implement remedial action, said Siegman.

A fundamental part of the problem, according to Phillip Saperia, the newly appointed mayor's liaison with the Jewish community, is that the mainstream groups and New York City's fervently Orthodox communities "really don't know each other."

"All of us were caught with our pants down,

partially because we didn't know what to do or who to contact" in the Crown Heights Jewish community, said Saperia, who worked as executive director of the New York metropolitan region of AJCongress until taking the job with Dinkins last month.

Saperia succeeded Herbert Block, who was criticized by the state report as not being "credible" in his assertions that he was unaware of the severity of the situation until late on the third day.

The report presented numerous instances in the first two days of disturbances in which Jewish leaders and more junior mayoral aides told Block and other top advisers that the violence was raging out of control.

In an interview, Block, now political director of Dinkins' re-election campaign, said, "In hindsight you can always learn from your experience. I think I did the best job I could at the time."

The fervently Orthodox communities do not fully understand community relations, said Saperia, and repudiate the overtures of Jews involved in that kind of work.

"Those Jewish organizations that had community relations expertise which could have been of considerable help then and now are not welcomed" by the fervently Orthodox, said Saperia.

"There needs to be a whole rethinking about how, in the haredim (fervently Orthodox) of the various communities want to be represented by the Jewish community fully and have them respond with alacrity, both sides have to do the work now, before the crises."

REPORT DESCRIBES INVESTIGATION OF ROSENBAUM'S DEATH AS INEPT

By Tova Mirvis

NEW YORK, July 21 (JTA) -- The investigation into the stabbing death of Hasidic scholar Yankel Rosenbaum was mishandled from beginning to end, making it unlikely that anyone will be convicted for the crime, according to a state report on the Crown Heights riots of August 1991 that was released Tuesday.

The report, authored by Richard Girgenti, New York state's director of criminal justice, strongly criticizes action by the police and prosecutors, from the initial investigation minutes after Rosenbaum was stabbed to the subsequent prosecution of Lemrick Nelson, a black teen-ager who was acquitted of the crime.

Rosenbaum had been attacked by a mob of black youths on the first night of rioting, hours after a black child, Gavin Cato, was accidentally killed by a Hasidic driver. Nelson, 17, was the only person prosecuted for the murder.

The state report details the ineptitude of the investigation by the police and the Brooklyn District Attorney's Office, headed by Charles Hynes.

Shortly after Rosenbaum was attacked, police apprehended at least four men and showed them to Rosenbaum. Two were released without police recording their names, and one was arrested and later released.

Although scores of people, both civilians and police officers, were at the scene of the stabbing, police did not record the names of those present, making it difficult to identify witnesses later, according to the report.

Eight days later, police failed to remedy this earlier error by canvassing only a one-block area east and west of the scene.

In the three hours before Rosenbaum died,

he was not questioned by police. He was lucid at the time and could have provided a detailed account of his attack and a description of his attackers, according to the report.

Additionally, there was a significant delay in taking a statement from Nelson. Detectives testified that they obtained a confession from Nelson but did not properly document and record his statements. Nelson later refused to give a videotaped statement to the prosecution.

Police also mishandled critical physical evidence, such as a knife stained with Rosenbaum's blood that was found on Nelson. The knife was apparently passed among three police officers and then commingled with other bloodstained evidence found on Nelson. The result was that the value of the evidence was compromised at trial, the report says.

Petitions Presented To Justice Dept.

Another important piece of physical evidence, Nelson's pants, which were also stained with Rosenbaum's blood, were handled improperly.

Because police did not document whether Nelson's pants contained the stains when he was first caught, testimony at the trial questioned whether the blood could have resulted from his being shown to Rosenbaum later by police.

As a result of problems with evidence and inconsistencies in testimony by prosecution witnesses, the jury had ample basis for acquitting Nelson, the report states.

Based upon available information, not all of which was presented to the jury, however, the report states that "it is most probable that Lemrick Nelson participated in the attack that resulted in Yankel Rosenbaum's death."

Although many jurors were not convinced that Nelson inflicted the fatal stab wounds, most believed that he was present at the scene of attack and probably as a participant.

According to the jurors, if the judge had better explained the legal principle of "acting in concert," they might have reached a different verdict.

The report criticizes the manner in which Judge Edward Rappaport presided over the case, saying comments he made during the trial appeared to have influenced the jury's decision-making.

In light of the state report, Jewish leaders and other activists have called on U.S. Attorney General Janet Reno to step up the federal investigation into Rosenbaum's death.

A federal inquiry by the Justice Department into the rioting and possible violations of the victims' civil rights was initiated last year, but that investigation has been stalled for months.

Reno, who received a hand-delivered copy of the report Tuesday morning, pledged to oversee the investigation personally.

U.S. Sen. Alfonse D'Amato (R-N.Y.) and Norman Rosenbaum, the brother of Yankel Rosenbaum, along with approximately 30 other people, marched on the Justice Department in Washington on Wednesday to deliver a petition containing 50,000 signatures calling for a full federal investigation into the Crown Heights riots.

"The government's first and foremost role is to protect its citizens. When it fails in this responsibility, everything else becomes meaningless," D'Amato said in a statement.

"What happened at Crown Heights was a disgrace. We need a full federal investigation into these riots."

U.S. IS COMMITTED TO RETAINING CURRENT FORMAT FOR PEACE TALKS

By Deborah Kalb

WASHINGTON, July 21 (JTA) -- Despite talk in recent days about changing the format of the troubled Middle East peace negotiations, the United States reaffirmed its commitment this week to the so-called "Madrid formula" governing the talks.

"We're going to continue to pursue the Madrid accords," Secretary of State Warren Christopher said at a news conference Wednesday prior to his departure for Asia and the Middle East. "I don't think we need any change in the process."

Instead, the United States will work within the rules set up in advance of the October 1991 peace conference in Madrid, to try to help Israel and the Palestinians reach an agreement on establishing an interim self-government authority in the administered territories, Christopher said.

The secretary also spoke out on another issue affecting the peace talks: the recent violence in southern Lebanon. He said the United States was continuing to "urge restraint on all the parties involved there, because it's not conducive to successful negotiations to have that kind of fighting going on."

Because progress in the bilateral talks Israel is holding separately with the Palestinians, Syria, Lebanon and Jordan has been excruciatingly slow, various parties involved in the talks have suggested breaking away from the original Madrid format.

One major issue hindering progress in the talks has been the issue of Jerusalem. The Palestinians want to discuss Jerusalem's status at this stage of the talks, while the Israelis do not.

On the issue of Jerusalem, the secretary made the point that the city is "one of the most sensitive aspects of the negotiation."

He added that Jerusalem is "a final status matter," reserved for a later stage of the peace talks. But he had little else to say about the controversial topic.

U.S. Role Has Changed

Some Palestinians, frustrated by the current rules, have suggested that the system governing the talks be changed.

And last month, Israel's ambassador to Washington, Itamar Rabinovich, who also serves as Israel's chief negotiator with the Syrians, suggested, for different reasons, that the rules could be changed at a later point if no progress were made.

But one Middle East expert said that, in fact, the rules of the talks have already been changed.

The American role in the talks has changed, said Robert Satloff of the Washington Institute for Near East Policy, and the relative significance of the bilateral negotiations may also have changed from that envisaged in the original format.

If Christopher and other high-ranking U.S. officials continue making frequent visits to the region, Satloff said, the actual negotiating rounds in Washington will decrease in significance.

But other aspects of the Madrid format, including the fact that the Palestine Liberation Organization is not officially a part of the talks, are "inviolable," Satloff said. "They won't be changed."

Throughout Christopher's wide-ranging news conference, which focused on other world trouble spots in addition to the Middle East, the secretary refused to discuss various specifics on which the parties to the peace talks are currently negotiating.

As is traditional for a secretary of state about to depart for the Middle East, Christopher played down any expectations for quick progress as a result of his trip.

He will be in the region from July 31 to Aug. 4, with brief stops in Egypt, Israel, Syria, Israel again and Jordan.

'I Don't Expect Any Breakthroughs'

"I don't expect any breakthroughs," Christopher said, adding that the purpose of his trip is to try to "make it easier" for the parties to communicate with one another.

Christopher also had little to say about an old idea that has taken on new life in recent days: an eventual confederation between Jordan and the Palestinians.

He said that at this stage, discussions should be focusing on the so-called interim self-governing authority, rather than plans for the longer term.

He also commented that the United States had not changed its policy on the question of whether or not the West Bank and Gaza Strip are occupied territories.

The question arose after the Group of Seven leading industrialized nations issued a document earlier this month, which the United States endorsed, referring to "the" occupied territories.

The article "the" was viewed by some as possibly representing a change in U.S. policy by being more specific about which territories are seen as occupied by Israel. By contrast, U.N. Security Council Resolution 242, which calls for Israeli territorial concessions, refers more generally to "territories occupied in the recent conflict."

ALLIES APPROVE PLAN TO FACILITATE PASSAGE OF SHIPS TO PORT OF EILAT

By Hugh Orgel

TEL AVIV, July 21 (JTA) -- The Persian Gulf War allies have agreed to a plan that will facilitate the passage of ships to the port of Eilat, which have been intercepted by U.N. forces responsible for enforcing the naval blockade of Iraq.

Under the new procedure, Israel will give U.N. forces five days' notice for cargo ships passing through the Straits of Tiran that weigh over 8,000 tons, and the vessels will then be permitted free passage to Eilat.

Smaller ships would still be inspected.

On Tuesday, the U.S. State Department informed the Israeli Embassy in Washington that the plan had been accepted by the other nations participating in the U.S.-led naval blockade: Australia, Britain, Canada and France.

The five countries are part of the coalition assembled under the auspices of the U.N. Security Council after Iraq's August 1990 invasion of Kuwait, which led to the Persian Gulf War.

The allies agreed that it was "unjust and absurd" to halt Israeli ships bound for Eilat on the pretext that they might be smuggling military contraband to Iraq, Israel's archenemy.

With the new plan, Eilat is expected to receive a new lease on life.

GINSBURG ENDORSES COURT DOCTRINE ON SEPARATION OF CHURCH AND STATE

By Deborah Kalb

WASHINGTON, July 21 (JTA) -- Supreme Court nominee Ruth Bader Ginsburg indicated during her confirmation hearings this week that she favors maintaining, at least for the time being, a legal doctrine dealing with church-state separation that is supported by many Jewish groups.

The doctrine, known as the "Lemon test," is named after a 1971 high court case called *Lemon vs. Kurtzman* and has been under siege by some current justices.

Many Jewish groups, which expressed concern earlier this year that the court would eventually overturn *Lemon*, breathed a sigh of relief that the doctrine survived the recent court term.

The Lemon test states that a law must 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.

In questioning before the Senate Judiciary Committee both Tuesday and Wednesday, Ginsburg said she would maintain the Lemon test unless there were a reason to replace it.

"What is the alternative? It's very easy to tear down, to say that -- to deconstruct. It's not so easy to construct," Ginsburg said Tuesday evening in response to questioning from Sen. Howard Metzenbaum (D-Ohio).

"So I, as a general matter, would never tear down unless I'm sure that I have a better building to replace what's being torn down," she added.

On Wednesday morning, during questioning by Sen. Patrick Leahy (D-Vt.), Ginsburg acknowledged that she had little experience in judging this type of church-state case, and that she had no "satisfactory alternative" to the Lemon test to offer.

Ginsburg said Wednesday afternoon that she would "devote very careful thought" to studying the "Establishment Clause" of the First Amendment barring government entanglement with religion.

"The United States is a country of many religions," the nominee said. "We have a pluralistic society."

Yarmulka Case Raised

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 it, contending that it has created a climate hostile to religion.

On another church-state issue, the free exercise of religion, Ginsburg was asked Wednesday about her 1984 dissent in the case of *S. Simcha Goldman*, a Jewish member of the armed forces who was barred from wearing a yarmulka while on duty.

Ginsburg, who currently sits on the U.S. Court of Appeals here in Washington, had wanted the full appeals court to hear Goldman's case, but the majority of the court ruled the other way.

Her dissent did not necessarily indicate that she would have supported Goldman had the court heard the case.

In response to questioning Wednesday morning from Sen. Leahy and later from the committee chairman, Sen. Joseph Biden (D-Del.), Ginsburg was not forthcoming in explaining exactly what she thought about the issue.

But in noting Wednesday morning that Congress had eventually passed legislation "that said that the Air Force can accommodate to the yarmulka," she added that "this body was implementing the Free-Exercise Clause in an entirely proper way, in my judgment."

Leahy also asked Ginsburg about another church-state case that had come before her court, in which a man who rejected Social Security numbers for religious reasons had a problem applying for a District of Columbia driver's license because they use Social Security numbers.

Ginsburg and the majority of the court sent the case back to a lower court, arguing that there had to be a compelling justification to not accommodate someone's religious beliefs.

SOME 100 JEWS REMAIN IN BEIRUT, AFRAID TO IDENTIFY THEMSELVES

By Henriette Boas

AMSTERDAM, July 21 (JTA) -- About 100 Jews remain in Beirut, living in an oppressive atmosphere in which they are often afraid of identifying themselves as Jews, according to a report published in the Dutch daily *Trouw* by a correspondent who recently visited Lebanon.

As recently as 1975, some 1,000 Jews lived in the city. In the mid-1950s, about 7,000 Jews lived there, according to the report.

The large-scale exodus took place starting in 1985, when 11 prominent Jews were kidnapped by the Shi'ite Hezbollah militia. Four of the kidnapped Jews are known to have been killed. Nothing has ever been heard of the other seven, who are presumed to be dead as well.

The Jewish cemetery lying in the border area between West and East Beirut is sorely neglected. During the past two or three years, only two people have been buried there in ceremonies attended by only about six persons, the *Trouw* article said.

The great synagogue in West Beirut is likewise in shambles. In the Wadi Abu Jamil quarter, where once many wealthy Jews lived, only two Jews remain -- a brother and sister who are both married to non-Jews.

The former houses of Jews, who were often forcibly evicted, are now often occupied by Shi'ite families from southern Lebanon.

Jews now living in East Beirut are often afraid of identifying themselves as such. One Jew told the *Trouw* reporter that the position of Jews in Syria is in some respects better than in Lebanon since they can identify themselves as Jews.

STRIKE BY CIVIL SERVANTS ENDS

TEL AVIV, July 21 (JTA) -- A two-week-long strike by over 60,000 government employees that has disrupted services in many sectors finally ended Wednesday, after almost two days of continuous intensive negotiations between union and Finance Ministry officials.

The end to the strike came with a carefully worded document that enabled all parties to claim victory -- and left many sticky points to be resolved in a calmer atmosphere.

The settlements calls for wage increases of between 19 and 20 percent, spread out over three or four years, with the exact amount and period still to be worked out.

The consensus at dawn Wednesday was that everybody won -- except the public, which suffered for two weeks.