

**IDF NOT PREPARED FOR MASS ATTACK
IN WEST BANK, COMMANDER TESTIFIES**

By Dvora Getzler

JERUSALEM, March 21 (JTA) -- Israeli forces in the West Bank had no contingency plans for dealing with anything of the order of the Hebron massacre, according to testimony by a former army commander of the West Bank.

"Jews don't do such things," Brig. Gen. Moshe Ya'alon told the five-man commission investigating the Feb. 25 killings of at least 29 Palestinians at a Hebron mosque by a Jewish settler.

Ya'alon also said Monday that there was "clear discrimination" in the army's standing instructions never to open fire on Jews. The army's open-fire directives do not take the same tack when it comes to dealing with Palestinians.

Testifying later in the day, the head of the Civil Administration in the territories, Brig. Gen. Gadi Zohar expressed dissatisfaction with the work of the police and said that Hebron's Palestinian population had the impression that Jewish settlers were above the law.

Zohar said that the Tomb of the Patriarchs, the site of last month's mass slayings, had for years been a source of friction between Jews and Arabs.

Another officer who testified Monday, intelligence officer Lt. Col. Moshe Zarka, was the first to do so behind closed doors. Most sessions of the commission, which is headed by Chief Justice Meir Shamgar, are open to the public in the new High Court building in Jerusalem.

The commission's open sessions are also broadcast live on radio and television.

Ya'alon, commenting on testimony already given to the commission about the army's controversial open-fire instructions, said it was now obvious to him that the orders needed clarification and had not been properly understood.

But he nevertheless confirmed that Israeli soldiers had indeed been ordered not to shoot at Jews. Ya'alon added, however, that he would have expected that a soldier seeing an obvious crime being committed by an Israeli would still shoot at the perpetrator.

Fears For The Security Of Jews

Jews had been permitted to take their guns into the Tomb of the Patriarchs, Ya'alon said, because there were fears for their security.

Even after the Hebron massacre, he said, he would hesitate to change those orders.

On Sunday, the commission heard testimony from settlers praying at the Tomb of Patriarchs at the time that Dr. Baruch Goldstein opened fire on a crowd of Muslim worshipers praying in another location at the site.

None of the settlers who testified believed that Goldstein had had an accomplice.

Last week, two Israeli soldiers who were on guard duty when Goldstein opened fire at the mosque gave testimony that supported Palestinian accounts that more than one man had been involved in the massacre.

**BEHIND THE HEADLINES:
SOUTH AFRICAN JEWS ARE NERVOUS
BUT HOPEFUL AS ELECTIONS APPROACH**
By Suzanne Belling

JOHANNESBURG, March 21 (JTA) -- South African Jews face the country's first democratic elections on April 27 with a mixture of fear and faith in the future.

The fears among the approximately 100,000 members of the South African Jewish community primarily relate to the widespread increase in criminal violence, particularly in Johannesburg, where over half the country's Jews live.

The Jewish community here has also reacted with sharp concern to recent politically related violence and, to a lesser extent, to the economic uncertainty facing the country.

Only a few years ago, the Jewish community here numbered 120,000, but many have since emigrated and settled in such countries as Israel, Australia, Canada, New Zealand and the United States. Were it not for the recent influx of several thousand Israelis, the community would be even smaller.

Jewish political and communal leaders interviewed acknowledge the fears but remain cautiously optimistic about the future.

"The Jewish community is currently 'holding its breath' to see if the historic election next month will produce a stable democracy," said South African Chief Rabbi Cyril Harris.

"Despite the violent African National Congress-Zulu conflict and the threat of white right-wing extremism, the two major parties -- the ANC and the Nationalists -- have negotiated an acceptable way" into the future, he said.

No Such Thing As A 'Jewish Vote'

Harris and spokespersons across the political and communal spectrum share the view that there is no such thing as a "Jewish vote" that will substantially affect the outcome of the elections.

But the president of the South African Jewish Board of Deputies, Gerald Leissner, said Jews are "likely to reflect the trends that would apply in the areas in which they live -- urbanized communities which constitute the bulk of the Jewish community."

Leissner, who was the victim of an armed car hijacking outside his Johannesburg home a few weeks ago, mentioned crime as the primary issue facing voters.

"The issue that concerns almost all individuals is the level of crime, which is becoming almost endemic in many of the residential suburbs where the community lives. It is hoped that a new legitimate government will be more successful in enforcing law and order," he said.

Harris and Leissner, as well as the chairman of the South African Zionist Federation, Abe Abrahamson, said the Jewish community will vote center to left-of-center -- with the likelihood that many will support the ruling National Party.

They also indicated there will be strong support for the left-of-center Democratic Party, which has some 10 percent of the seats in the

present Parliament, and limited Jewish support for Nelson Mandela's ANC.

The shared opinion of those interviewed is that the far-left Pan African Congress and the far-right Conservative Party will probably receive hardly any Jewish votes.

Abrahamson reported an increase in inquiries about making aliyah, much of which is largely due to the unsettled climate here.

Abrahamson, a Cabinet minister in the former Rhodesia, now Zimbabwe, moved to South Africa for family and business reasons several years after Zimbabwe achieved independence in 1980.

The South African Zionist Federation is "putting a greater effort into aliyah work," he said, but he feels it is too soon to draw generalizations.

"We should not overreact. Jews have their own antennae, which are part of their historical experience and part of their genes," he said.

"We will have to get over the hurdle. There is a whole new world opening with the elections. There will be plenty of opportunity and plenty of problems, both for the individual and for the country as a whole. But where aren't there problems?" he said.

Ronnie Kasrils, former intelligence chief of the ANC's armed wing, Umkhonto weSizwe, and one of two Jews in the top 10 of the list of ANC national parliamentary candidates, said that "it is the black vote that will bring the ANC to power."

The ANC does have the support and empathy of quite a number of whites, he said, "but this does not translate into votes."

He attributes the nervousness of the white community to both fears and racism.

Racial Prejudice Still Prevalent

"Most whites in South Africa still have racial prejudices. They still have fears, although the situation has changed in practice," Kasrils said.

He believes that when whites have an opportunity to see the record of the ANC, they will become more open-minded.

But he expressed bitter disappointment with the Jewish community.

"Most Jews are right-wing and not very tolerant," Kasrils said. "They are not really moving with the times. I haven't seen a positive or welcoming response, except from a few and I can count them on the fingers of my two hands.

"The Jews here are totally self-involved and narrow and don't appreciate the aspirations of all the people of South Africa," he said.

Lester Fuchs, a member of Parliament whose Democratic Party has more Jews on its election lists than any other party, said he was well aware of the nervousness of South Africans as the elections approach. But he added that he found on the campaign trail a "prevailing enthusiasm among voters and in the Jewish community in particular.

"Jews can appreciate what freedom and liberation mean to people who have been deprived and discriminated against," said Fuchs.

He said he was perturbed by the ongoing violence and by the release of many prisoners following a widespread amnesty.

"Law and order, as we know it, have all but broken down. One of the contributing factors is

that the National Party and the ANC have colluded to empty our jails. This includes murderers and common criminals," he said.

He voiced hope that the situation would improve drastically after the election and that the police under the new government would have the confidence and support of the general population.

Fuchs believes that despite current emigration trends, the Jewish community on the whole will opt to stay and contribute to making South Africa a peaceful and democratic country.

"The role of the Jewish community is very important in this regard. Jews can, as in the past, play a role out of all proportion to their numbers," he said.

"Jews make up three-tenths of 1 percent of the general population of South Africa, yet the contribution they have made has been enormous -- economically, in the arts, medicine, sport, culture and welfare," he said.

"This goes to show that it is not the size of a community or the size of a political party which counts, but rather its determination to make things succeed."

Issy Pinshaw, a member of Parliament representing the National Party said the Jewish community has an important stake in the outcome of current constitutional developments as well as in the impending election.

"As part of the broader community, the Jews here are going through a period of uncertainty with regard to the elections and the formation of a new government. They share the extreme concern about the prevailing violence and crime," he said.

He believes one of the major causes of the violence is political, "as there is a power struggle, especially within the black communities and between the two major predominantly black political parties -- the ANC and Inkatha," which is led by Zulu Chief Mangosuthu Buthelezi.

He added that the situation will likely stabilize after the election. "South Africa cannot afford continued violence, as it hampers business confidence and foreign investment, which are two essential elements in the socioeconomic development of the country," he said.

2 ISRAELI SOLDIERS KILLED IN LEBANON

By Dvorah Getzler

JERUSALEM, March 21 (JTA) -- Two Israeli soldiers were killed in the southern Lebanon security zone on Monday in an ambush by gunmen of the Islamic fundamentalist Hezbollah movement.

The soldiers were killed in the eastern region of the security zone near the village of Ayshiya. An officer with the South Lebanon Army, Israel's ally in the region, was killed in a separate incident.

In retaliation, Israeli and SLA forces opened up heavy fire along an entire front, pounding the area to the north of the security zone where there are known Hezbollah bases.

In the West Bank on Monday, a bus en route to the settlement of Ateret was shot at as it was passing near the town of Ramallah. Three Israelis were injured.

The bus driver, despite being injured, managed to increase his speed and drive his vehicle to safety in the settlement. An Israeli soldier accompanying the bus returned fire.

STUDENTS TURN TALK ON 'SCHINDLER' INTO CHALLENGE ON GERMAN ASYLUM LAW

By Miriam Widman

BERLIN, March 21 (JTA) -- A session designed to give 350 Berlin high school students the chance to talk with the head of Germany's Jewish community about the film "Schindler's List" and the Holocaust turned into a charged political debate, as students questioned a local politician about Germany's new asylum law.

Students at the Martin Buber High School attended a recent showing of the Steven Spielberg movie about a Czech Nazi who saved more than 1,000 Jews during World War II.

The film, which has attracted sellout crowds since it premiered in Germany earlier this month, is being used by some schools as a teaching tool.

At the screening last week, Ignatz Bubis, leader of the Central Council of Jews in Germany, offered to talk with the students after the movie.

The initial part of his two-hour talk focused on Bubis' reaction to the movie and on his experiences in World War II, during which members of his family, including his father, were killed in concentration camps. Bubis himself was interned in a work camp.

But then, in a sharp departure, one of the students asked the head of the Department of Education -- which is a top government post in Berlin -- if the government had not, in fact, contributed to anti-foreigner feeling in Germany by pushing for a change in Germany's asylum law.

Bubis had strongly opposed the law, which was hammered out last summer.

Jurgen Klemann, the Berlin senator for schools, at first tried to duck the question, saying the forum was for discussing the film. "I think there should be another time to speak about politics," he said.

But Bubis and the students pressed Klemann, who is a member of Chancellor Helmut Kohl's Christian Democratic Union, which pushed heavily for a more-restrictive policy in the asylum law.

Blames All Parties For Asylum Law

The new law prohibits individuals arriving in Germany from a so-called "secure" nation from applying for asylum in Germany.

Bubis, who is a member of the Free Democratic Party, the junior partner in Kohl's coalition government, said all German political parties, including his own, were to be criticized for adopting the asylum law.

When Klemann tried to end the discussion once again, a woman in the audience yelled, "It's damn embarrassing. You're implicating yourself."

When the talk returned to the film, students wondered why a German had not made the movie.

Bubis said a German did apply to the Berlin Film Board for a \$530,000 subsidy to make the film but was rejected because officials thought the movie would not be a commercial success.

According to Bubis, the projected German film was to be called "Angel in Hell."

Elmar Kampmann, the director of Martin Buber High School, noted that Germans like to see themselves in the victim's role, so they make films that portray them in that manner.

Bubis added that the German film industry is simply not capable of launching a grand-scale production like "Schindler's List."

JEWES EXPRESS OUTRAGE AT GERMAN COURT FOR REVERSING CONVICTION OF REVISIONIST

By Miriam Widman

BERLIN, March 21 (JTA) -- The Jewish community and survivors of World War II are outraged by a ruling issued last week by German's highest appeals court, which said that repeating another person's denial that the Holocaust occurred was not in itself a punishable offense.

In its March 15 ruling, the Federal Court of Justice reversed the decision of a lower court against Guenter Deckert, the chairman of the extreme right-wing National Democratic Party.

At a rally in 1991, Deckert had served as translator for Fred Leuchter, an American who promotes the theory that the Holocaust never took place.

In addition to translating comments by Leuchter, who tried to cast doubts on whether Nazi war crimes ever took place at the Auschwitz-Birkenau and Majdanek death camps, Deckert said he supported Leuchter's theories.

Under German law, which has been supported by the courts for many years, it is a crime to display the swastika, cast doubt on Nazi war crimes or publish neo-Nazi propaganda.

After the rally, Deckert was arrested and given a suspended one-year sentence by a state court.

Leuchter, who was held in jail, immediately went to Frankfurt upon his release and boarded the next plane for the United States.

Deckert's suspended sentence was appealed by both sides.

The state prosecutor was seeking a tougher sentence.

Deckert's attorney wanted the case dropped.

An Attack Must Be Proved

Last week, the appeals court reversed the lower court decision and ruled that merely stating the "Auschwitz lie" -- that Jews were not gassed in concentration camps -- is not in itself a punishable act.

For a crime to have been committed, it must also be proved that the person has attacked a religious or racial group, according to a spokesman for the appeals court, Joachim Seol.

The prosecutors did not demonstrate that this had occurred when they filed the appeal.

Thus, the court decided that Deckert could not be found guilty of inciting racial hatred.

The crime carries a penalty of between three months and five years in prison.

Ignatz Bubis, head of Germany's Jewish community, was upset at the decision but accepted that the ruling was based on a technicality.

"It was a procedural mistake by the court," said Bubis.

Nevertheless, he said, "it is still shocking."

Seol said that the case will now go back to the lower state court.

He predicted that Deckert would get a tougher sentence.

Politicians from various parties said the decision would only encourage neo-Nazis and the radical right.

Jerzy Kanal, the leader of Berlin's Jewish community, told a local paper that "such a decision delivers the justification for right extremist groups."

PROGRESS ON CIVIL RIGHTS ACTIONS IS SEEN WITH PATRICK'S NOMINATION

By Steven Weiss

WASHINGTON, March 21 (JTA) -- President Clinton's nomination of Deval Patrick to head the civil rights division of the Justice Department has Jewish groups hopeful that the administration's focus on civil rights issues will now grow sharper.

Jewish organizations, which breathed a collective sigh of relief after Patrick's nomination on Feb. 1, welcomed him as an intelligent and capable candidate likely to make strides in improving race relations and in other civil rights matters.

And after a year during which the top post at the civil rights division remained vacant, Jewish groups were pleased that Clinton had finally chosen someone to lead the fight against bigotry and hatred.

"There is now a sense of relief that we can get on with the business of the day at the civil rights division," said Michael Lieberman, associate director of the Anti-Defamation League's Washington office.

Jewish groups hope that Patrick will provide strong leadership for the civil rights division on several matters, including an investigation of the riots in Crown Heights, Brooklyn, and religious rights cases.

Clinton entered office amid expectations that his policies on personal rights issues, such as abortion and school prayer, would be markedly different from his predecessor.

Most Jewish groups eagerly anticipated this change, which they hoped would extend to the civil rights arena.

Clinton's expected approach promised to strengthen federal civil rights laws, which many Jewish groups thought were weakened under the Reagan and Bush administrations.

"There was a conscientious downgrading of civil rights issues in the last 12 years," said Rabbi David Saperstein, director of the Religious Action Center of Reform Judaism.

Groups Hope For Action

Richard Foltin, legal counsel for the American Jewish Committee, called the previous 12 years a period in which civil rights laws were narrowed, thus making it more difficult for victims of discrimination to prove their cases in court.

But despite the prospect that Clinton would advocate for broad application of the civil rights laws, the post responsible for that duty remained unfilled.

Clinton appointed Lani Guinier, a University of Pennsylvania law professor, to the position last year, but later withdrew her nomination following controversy about some of her writings. Some Jewish groups expressed concern over Guinier's nomination and welcomed her withdrawal.

Following Guinier's withdrawal, there was a sense of disappointment that the position had not been filled "but not a detection of abandonment" of Clinton's civil rights policy, Saperstein said.

Now, with a nominee who is expected to be confirmed, Jewish groups hope for action on a variety of fronts, including the prosecution of those suspected of participating in the Crown Heights riots.

"It is most important (for the civil rights division) to raise civil rights issues to a higher level," Saperstein said, and Foltin agreed.

The Senate Judiciary Committee approved Patrick's appointment by voice vote last Thursday. The matter was expected to come before the full Senate sometime next week.

In his confirmation hearings before the Senate Judiciary Committee on March 10, Patrick emphasized the need for the civil rights division to combat bigotry.

"I hope to use what's been described to me as the bully pulpit of this post, if I am confirmed, to speak out as unequivocally as humanly possible to bigotry, wherever it comes from," Patrick said at the hearing.

These comments "make civil rights a matter of general concern to all rather than a special concern" applicable only to those affected by hate crimes, said Marc Stern, co-director of legal affairs for the American Jewish Congress.

A Potential Role In Crown Heights Inquiry

Patrick, a Boston civil rights attorney who graduated from Harvard Law School, previously worked for the Legal Defense and Education Fund of the National Association for the Advancement of Colored People.

His potential involvement in the Justice Department investigation of the Crown Heights riots is of particular interest to Jewish groups.

Lieberman said the division will likely get involved in the investigation into the death of Yankel Rosenbaum during the 1991 riots.

Last January, Attorney General Janet Reno said the Justice Department would empanel a federal grand jury to investigate Rosenbaum's death.

Jewish groups welcomed the move but said the investigation should also focus on the riots themselves.

Abba Cohen, Washington representative of Agudath Israel, called the investigation a top priority matter that he has urged the Justice Department to address since the riots.

"I hope that Patrick will continue to conduct a serious investigation and keep the Crown Heights case in the national spotlight," he said.

At the confirmation hearing, Patrick was questioned about his views on voting rights laws, which Jewish advocates agree is significant.

According to Lieberman, the federal Voting Rights Act, as originally enacted, made obstacles to voting, such as literacy tests, illegal. But critics charge that such laws have been too broadly applied, resulting in legislative districts drawn so as to ensure minority representation.

Lieberman said voting rights laws are meant to guarantee minorities the opportunity to vote but do not guarantee proportional representation.

Patrick, asked at the hearing about the issue of race in redistricting plans, deferred to the Supreme Court, which he said allows race to be a factor in redistricting, but not the sole factor.

Foltin said that if Patrick is confirmed, he will be called upon to assess the reach and application of the Voting Rights Act.

And while acknowledging that the Jewish community "might not agree with him all the time," Foltin said he is confident that Patrick "will be capable and conscientious in thinking about these issues."