



CLINTON NOMINEE FOR HIGH COURT SEEN AS SHARING JEWISH CONCERNS

By Susan Birnbaum

NEW YORK, May 15 (JTA) -- Judge Stephen Breyer, President Clinton's nominee for the U.S. Supreme Court, might not end up fulfilling what traditionally has been thought of as a "Jewish liberal's role" on the bench.

But the nomination, if confirmed by the Senate, will likely be good for Jewish interests, say legal experts and those who know the highly respected judge.

Breyer, 55, who currently serves on the 1st Circuit U.S. Court of Appeals in Boston, was selected by Clinton last Friday evening to replace retiring Justice Harry Blackmun.

It is unlikely that Breyer will carry on the legacy of Blackmun, who is currently the high court's most liberal justice, Professor Morton Horowitz, a former colleague of Breyer's at Harvard Law School, told The New York Times.

But Breyer's brilliance and his knack for building consensus rather than dissent will outweigh any such unfulfilled expectations, legal scholars say.

And Breyer could be expected to "look in a liberal direction," said his colleague and friend of 32 years, Harvard Law School Professor Alan Dershowitz.

Both Dershowitz and Breyer clerked for another Jewish justice, Arthur Goldberg.

If confirmed, Breyer would become the second Jewish justice on the nine-member bench, and the second appointed by Clinton, following his selection last year of Justice Ruth Bader Ginsburg.

And Breyer is Jewish in more than name only. He does participate in Jewish religious life, Dershowitz said Sunday.

"I know that he has come to ADL dinners," said Dershowitz, recalling Breyer's attendance at an Anti-Defamation League dinner where Dershowitz was honored several years ago.

"I know he does a seder," Dershowitz said. And "he has been to our break fast" after Yom Kippur. "He comes and he identifies with Jewish activities. I have seen him at Harvard Hillel services on Yom Kippur," he added.

Concern For Justice, Liberty

Dershowitz, a colleague of Breyer's at Harvard Law School who has also argued cases before him, strenuously opposes having a so-called "Jewish seat" on the high court. But he believes nevertheless Breyer will be "good for the Jews."

"Steve shares, I think, many Jewish concerns for justice and liberty," Dershowitz said. "He is not going to rule theologically as a Jew. But his upbringing surely is relevant."

Breyer was born and raised in San Francisco, attended Lowell High School there and got an A.B. degree from Stanford University and a B.A. from Oxford University in England, where he was a Marshall scholar. He returned to this country and received his LLB from Harvard.

He is married to a British woman, Joanna

Hare, a non-Jew and daughter of a former Tory parliamentarian, Lord John Blankenham. The couple have two daughters and a son.

Despite being intermarried, Breyer remains tied to his Jewish roots, Dershowitz said. In fact, he remarked, Breyer could be even more pro-Jewish than Ginsburg.

"The one thing that distinguishes him from Ginsburg," said Dershowitz, "is I believe she bends over backward to show that she is fair, not biased in favor of Jews, as in the (Jonathan) Pollard case.

"I think Steve would have come out the other way on the Pollard case," said Dershowitz.

Ginsburg was one of a panel of three appeals court justices that rejected Pollard's contention that the government had violated a plea bargain by seeking a life prison sentence.

'A Keen Sense Of Fairness'

"Steve has a keen sense of fairness," Dershowitz said.

He said that although Breyer is "not coming to the court as a liberal, he is coming to the court as a centrist, and I think he will look in a liberal direction."

"He is somebody who knows how to bring people together. He is a master at achieving consensus and using his intellect in a subtle and constructive way."

Dershowitz also believes Breyer will sail through his congressional hearings.

But Dershowitz said he regrets "that Justice Goldberg did not live long enough to see one of his clerks serve on the Supreme Court."

Should Breyer join Ginsburg on the bench, it would not be the first time there were two Jewish justices serving concurrently.

This occurred with Justices Louis Brandeis, who served from 1916 to 1939, and Benjamin Cardozo, who served from 1932 to 1938.

Dershowitz could not say where Breyer stands on church-state cases, as he ruled on only one such case. But he said he is "convinced that he will be pro-choice" on the abortion issue and "generally favorable to civil rights.

"On the other hand," Dershowitz said, "I have no idea where he would stand on affirmative action or quotas.

"He is not somebody who is full of surprises," Dershowitz said. "You can read his opinion and understand where it came from."

PALESTINIANS TAKE OVER CONTROL OF JERICHO, PROMPTING A PROTEST

By Dvorah Getzler

JERUSALEM, May 15 (JTA) -- When Israel handed over control of a 24-square-mile area surrounding Jericho to Palestinian authorities last Friday, residents of the West Bank town were jubilant.

The move brought an end to 27 years of Israeli administration of the area.

But within two days the celebrants had a head-on confrontation with the realities of the region, when Israeli settlers marched on the

ancient synagogue in Jericho and vowed that the Israeli flag would soon fly over the building again.

Despite the festivities, few if any municipal services were available in Jericho, and local leaders of the Palestine Liberation Organization said the problems with services would not be resolved until PLO Chairman Yasser Arafat finished providing the list of officials who would take charge there.

Arafat's problems with forming the 24-member Palestinian Authority were highlighted over the weekend, when one of the people he named last week to the governing body, former Palestinian spokeswoman Hanan Ashrawi, turned down the offer to be part of the body that will oversee Palestinian affairs in Jericho and the Gaza Strip.

Ashrawi, who resigned from the PLO's Washington negotiating team last December, said over the weekend, "My order of priorities dictates that I stay with the independent Palestinian Committee for Civil Rights to which I was recently elected."

But it is widely believed that her refusal is a protest against what is seen as a preference Arafat is giving to PLO personnel at the organization's Tunis headquarters over local Palestinian leaders when naming those who will be part of the Palestinian Authority.

Confrontation At Jericho Synagogue

Friday, the day of the transfer of responsibilities to the Palestinians, was a day of wild rejoicing among the residents of Jericho.

PLO flags were run up flagpoles where the blue-and-white Israeli flag had flown only hours earlier. Women ululated noisily with tears of joy coursing down their faces.

Youngsters who had thrown stones at Israeli soldiers walked among the ranks of the newly installed force of 400 Palestinian police and enthusiastically kissed the cheeks of the men who will have the responsibility of maintaining law and order in the streets of Jericho.

The only note of discord last Friday occurred when a Palestinian boy, playing with the rifle of a policeman, accidentally shot and killed his brother and wounded two other people.

Brig. Gen. Haj Ismail, Jericho's new police chief, later said the policeman had been arrested for violating an order that ammunition clips be removed from the rifles during the celebrations.

Saeb Erekat, a former Palestinian negotiator who was a newly named member of the Palestinian Authority, later said that there would be no leniency for the police officer.

"We must prove to the Israelis that we can take care of our affairs," he said.

By Sunday there was further tension in the air, when Israeli settlers marched on Jericho's ancient synagogue.

They arrived on the same day that a contingent of journalists, who had been barred from the town in the days preceding the hand-over, were allowed to visit Jericho.

The settlers, many armed with Uzi sub-machine guns, arrived at the synagogue under the leadership of Hanan Porat, a Knesset member representing the National Religious Party who is a prominent settler activist.

"We are horrified," said Porat, "to find that Palestinian police have put their equipment in the

building and hung a photograph of PLO Chairman Yasser Arafat alongside the Ark of the Law."

"The Israeli flag will yet fly again here," Yehuda Ernest, the head of a yeshiva housed in the synagogue, vowed as he stood just three or four yards from a Palestinian policeman.

"This is a Jewish place, acknowledged as such even in the agreement, and the flag ought to be up there," he said.

Few Regrets In The Army

Asked why he and his fellows had arrived armed, Ernest explained: "In this so-called peace, they station terrorists as if to protect us, until one day, when they decide, the whole thing will blow up in our faces. Anyway, they are only behaving properly today because you, the press, are here."

The troubles involved in implementing the autonomy agreement became obvious some minutes later when the commander of the police at the synagogue ran over to his superior officer to check whether it was in order for the settlers to be armed.

The Palestinian officer and his Israeli counterpart, out together on a joint patrol, soon agreed that this was permitted under the terms of the Gaza-Jericho agreement signed earlier this month.

In Gaza meanwhile, civil administration of the area was handed over to the Palestinians on Sunday.

That same day, a contingent of 400 Palestinian police arrived and the Israel Defense Force began its withdrawal from the center of the strip, the southern area having been handed over Friday.

The evacuation of each installation was a low-profile affair, with no advance notice leaking out as the IDF sought to avoid any conflict with the local population.

Maj. Gen. Matan Vilnai, the top Israeli commander in Gaza, had few regrets about leaving the region when he spoke with reporters over the weekend.

"I spent five years here," the Israeli daily Yediot Achronot quoted him as saying. "It is completely evident to me that we have to leave, and I am happy to be doing it."

YEMENITE JEWS SAFE SO FAR, DESPITE WAR

NEW YORK, May 15 (JTA) -- The civil war in Yemen has not so far threatened the 500 Jews remaining in that country, according to Gideon Taylor, director of special projects for the American Jewish Joint Distribution Committee here.

"They are in villages north of the capital of Sana," Taylor said last week. "There are no reports that the area has been directly impacted by the fighting, as yet."

After decades of isolation, half of the 1,000 Jews who remained in Yemen after the mass aliyah of the 1950s have left in the past two years.

Until the recent suspension of commercial flights because of the war, the departures of Yemenite Jews had continued at a slow pace without government interference.

REMINDER: The JTA Daily News Bulletin will not be published Tuesday, May 17.

SYRIA MAY BE READY TO ACCEPT A GRADUAL ISRAELI WITHDRAWAL

By Dvorah Getzler

JERUSALEM, May 15 (JTA) -- Syria may now be prepared to accept a gradual Israeli withdrawal from the Golan Heights as part of a package that would establish a framework for peace between the two countries.

Lending some grounds for this belief, the Syrian government newspaper Tishrin reported this weekend that Damascus was ready to accept an Israeli withdrawal from the Golan if it were carried out within a "reasonable" or "acceptable" time period.

Although the paper did not spell out what the Syrian government regarded as reasonable or acceptable, the report was more favorable than previous Syrian press accounts regarding Israeli proposals made earlier this month for resuming the long-deadlocked Israeli-Syrian negotiations.

The article appeared as U.S. Secretary of State Warren Christopher arrived in Damascus on Sunday for what was his second round of Damascus-Jerusalem shuttle diplomacy this month.

At the beginning of May, Christopher conveyed a package of proposals from Israeli Prime Minister Yitzhak Rabin to Syrian President Hafez Assad for establishing peace between the two countries.

Among the proposals was a call for a phased Israeli withdrawal from the Golan Heights over a period of eight years in exchange for the establishment of a full peace between Israel and Syria, complete with open borders, free trade and the exchange of ambassadors.

Syria countered at the time with a public and private rejection of the plan. It also rejected the notion of exchanging ambassadors before Israel would fully withdraw from the Golan.

Christopher Plays Down Expectations

Before departing for Syria this week, Christopher attempted to play down expectations for this new round of diplomacy.

"This is a long process, a long road," he said in Geneva over the weekend before departing for Damascus. "I hope to help get the parties move a little closer together, but I don't have any great ambitions for this trip."

Christopher was scheduled to arrive in Israel on Monday. He was also planning to visit the West Bank town of Jericho later in the week to see firsthand how the transfer from Israeli to Palestinian authority is proceeding.

Rabin, meanwhile, is said to have told U.S. officials that he is not prepared to make any further proposals to Syria over and above those he made earlier in the month.

Israeli officials say the prime minister's earlier proposals represent a considerable concession on his part. All that Syria has done, they charge, is adhere stubbornly to the demand that Israel mount a total withdrawal from the Golan.

Foreign Minister Shimon Peres echoed Christopher's cautionary signals that the latest round of shuttle diplomacy will not necessarily produce any change in the Syrian-Israel negotiations.

"There's nothing earth-shattering about Syria's latest responses. But there is a certain dynamic at work, and we've simply got to carry on and try to push the negotiations," said Peres.

GERMANY INCHES CLOSER TO ENACTING TOUGHER MEASURES AGAINST FAR RIGHT

By Gil Sedan

BONN, May 15 (JTA) -- Germany inched closer this weekend to enacting tougher measures against right-wing radicals, following attacks by neo-Nazis in the eastern German city of Magdeburg last week.

Six people were injured, three of them seriously, when a band of young Germans roaming the streets of Magdeburg on May 12 attacked five Africans and began beating them up.

When a group of young Turks living in Magdeburg rushed to help the victims, the incident developed into a series of fistfights throughout the center of town.

During the disturbances, right-wing skin-heads rampaged through the city, harassing foreigners, smashing windows and damaging property. They also broke into an ice cream parlor and a steak house owned by Turks, vandalizing the property.

Although a 300-strong police force was rushed to the scene, it took police until the late hours of the day to put an end to the fighting.

But on the next day, in a move that led to widespread criticism of their actions, the police released all 49 suspects who had been arrested.

The releases prompted quick and sharp condemnations from German officials, including President Richard von Weizsacker and Rudolf Scharping, the chairman of the Social Democratic Party, who is a leading contender in the elections for the chancellorship to take place in October.

Ignatz Bubis, chairman of the Jewish community, also criticized the Magdeburg police.

Government To Ask For Longer Sentences

Apparently bowing to public pressure, a senior official at the office of Chancellor Helmut Kohl announced Sunday that the government would initiate legislation calling for five-year prison sentences, instead of the current three-year maximum, for anyone "causing (even) simple bodily harm" as a result of hate-inspired attacks.

Explaining the move, the official said "it is time for action rather than embarrassment."

Roman Herzog, the presidential candidate of the ruling Christian Democratic Party, warned Sunday that the growing tide of xenophobic hate crimes was harming Germany's reputation abroad.

By Sunday, the Magdeburg police arrested one 19-year-old suspect on charges of organizing and leading last week's disturbances.

In a related development, Kohl's center-right governing coalition agreed last Friday to seek legislation that would make Holocaust denial a criminal offense punishable by up to three years in prison.

The Central Council of Jews in Germany welcomed the proposed legislation, which is expected to be approved later this week by the lower house of Parliament, the Bundestag.

In a statement, the council supported the new proposal, stating that "freedom of expression ends where the dignity of other people is violated."

The proposed legislation followed a ruling last month by Germany's highest court that freedom of speech does not extend to those espousing the so-called "Auschwitz lie."

Part 1 Of A Series:**KRAKOW EXPERIENCES RENEWED INTEREST IN JEWISH CULTURE -- BUT WITHOUT JEWS**

By Deborah Kalb

KRAKOW, Poland (JTA) -- Poland has been described as a country having "anti-Semitism without Jews."

The country's once-flourishing Jewish population of about 3.5 million, destroyed by the Holocaust, has dwindled to a number estimated to be somewhere between 7,000 and 30,000.

But here in Krakow, once a center of Jewish learning boasting an estimated 300 synagogues, a new phrase springs to mind: "Jewish learning without Jews."

With American and outside Jewish support, a small group of non-Jewish Poles dedicated to preserving Jewish culture have created a Jewish study center here in the middle of the Kazimierz district, for centuries the heart of Krakow's Jewish community and now a shell of its former self.

And across town, a public school classroom composed of non-Jewish Polish high school students, sparked by an enthusiastic teacher, has embarked this year on a pilot program to learn Hebrew.

The situation in Krakow, as far as Jews are concerned, is paradoxical.

Jews used to account for about a quarter of Krakow's residents. But today, there are only two functioning synagogues in the city, one of which is used only on special occasions.

The second, known by the name of the scholar with whom it is most associated -- the Rama, Rabbi Moshe Isserles -- dates back to 1553. Today it is guarded by old men who say that after they die, Jewish life in Krakow will go with them.

A few blocks away, Krakow's oldest synagogue is now a Jewish museum -- a fitting transformation in a city where only 150-200 Jews remain, most of them elderly.

'No Rational Explanation'

Unlike the pattern in a few other Polish cities, the most notable example of which is Warsaw, there has been little success so far here in interesting young Poles of Jewish ancestry in their Jewish heritage.

"Warsaw is a success story. Krakow is not," said Konstanty Gebert, a journalist in Warsaw who has been a leader in Poland's small Jewish renewal. "We tried and tried."

"The only young Jew in Krakow is over 40 years of age," said Joachim Russek, a non-Jewish Polish academic in Krakow.

The picture is bleak for a city that before the war had a population of 56,000 Jews, out of a total of 300,000 inhabitants.

But in the mind of Russek, a lawyer by training who says there is "no rational explanation" for his interest in things Jewish, Jewish culture could once again flourish in Krakow.

Russek is the executive director of the Center for Jewish History and Culture, a sister organization of the Research Center on Jewish History and Culture at Krakow's historic Jagiellonian University. The research center opened in 1986.

Back in the early 1980s, Jozef Gierowski,

also a non-Jew, then the university's rector and now the center's director, decided that Poland needed such a research institute, because of the contribution of Jewish culture to Poland.

But in 1983, before the fall of Poland's Communist government, Russek recalled, the "idea was still a hot potato."

Today, the original center is doing well, and its younger offshoot, the cultural center, is newly housed in a modernistic building, once the site of a synagogue, in the middle of the Kazimierz district.

The cultural center, which opened last November, offers lectures on Jewish themes, films, and art exhibits, and also publishes its own material. It is designed to serve visitors from abroad and non-Jewish Poles in Krakow.

'An Address Was Needed'

With the growth of tourism from Israel and elsewhere, the organizers realized "an address was needed in Kazimierz for the growing number of visitors," Russek said.

"This should be the first place for everyone coming to Krakow," said Janusz Makuch, the center's program director.

Makuch, who also is not Jewish, is organizing a Jewish music and film festival in Kazimierz, to take place in June. It will be the fourth such festival since 1988, and will include American klezmer groups.

Most of the money for the center's creation came from the Polish-American Joint Commission for Humanitarian Assistance, a congressional project sponsored by Sens. Barbara Mikulski (D-Md.) and Edward Kennedy (D-Mass.). The commission funds projects in Poland through the sale of surplus American commodities.

Mark Talisman, the former longtime Washington representative of the Council of Jewish Federations who has long been involved in Eastern European Jewish issues, has been instrumental in the center's development. He currently serves as a member of the joint commission and a vice-chair of both Krakow centers.

Talisman, who visits Poland regularly, said from Washington that the center's purposes include briefing visiting groups on "the history and culture of Jewish life that was and is," and also on Auschwitz-Birkenau, the former concentration camp located about an hour away from the city.

Meanwhile, another sign of interest in Jewish culture can be found across town at a public high school here, where the first Hebrew class in a Polish school has had an apparently successful opening year.

Recently, the students there played host to a joint Jewish-Palestinian group, and the Polish students might visit Israel for a study session that would include a stay at a kibbutz. They are also being trained to work as guides to the Jewish areas of Krakow.

The students, none of whom are Jewish, know no Jewish people except for their Israeli visitors.

When asked why they chose to study Hebrew -- the class is an elective for which families pay a fee -- one student responded in Polish through an interpreter that she wanted "to learn tolerance. A number of people here are not exactly of that view."