

**DESPITE SUPREME COURT'S DECISION,
DEMJANJUK FOES VOW DEPORTATION**
By Matthew Dorf

WASHINGTON, Oct. 4 (JTA) -- Without uttering a word or issuing a document, the U.S. Supreme Court has thrown a wrench into the judicial machine that will decide John Demjanjuk's fate.

But the Justice Department, members of Congress and Jewish leaders, disappointed by the court's decision not to hear the case involving the man accused of Nazi atrocities, have vowed to step up their campaign to fight for a second deportation.

The rejection of the Demjanjuk case was one of more than 1,600 cases the court turned down on its opening day Monday. Without comment, the Supreme Court elected not to review an appeals court finding that Justice Department officials had mishandled the case of Demjanjuk, who was accused of being "Ivan the Terrible," the brutal guard at the Treblinka concentration camp in Poland.

With the Supreme Court's decision, the focus now shifts to Cleveland, where a district court judge is considering new deportation proceedings.

Demjanjuk was extradited to Israel in 1986, where he spent seven years in prison until the Israeli Supreme Court overturned his conviction there, paving the way for his return to the United States last year.

This week's decision by the Supreme Court marked the latest twist in the roller coaster ride that has characterized Demjanjuk's prosecution for nearly two decades, and it prompted immediate -- and strong -- reaction.

'A Perversion Of American Justice'

Rabbi Avi Weiss, an activist who has led demonstrations outside Demjanjuk's home in Seven Hills, Ohio, called the decision "a perversion of American justice."

And the Anti-Defamation League, which was one of four Jewish organizations that had filed an amicus brief in July urging the Supreme Court to review the case, called the move "unfortunate."

"This lets stand erroneous findings critical of the U.S. Justice Department's Office of Special Investigations, which has engaged in no misconduct," said Ruth Lansner, chair of ADL's Legal Affairs Committee. OSI investigates suspected Nazi war criminals and seeks to bring them to justice.

"There is no question that Demjanjuk should be stripped of his American citizenship and deported from the United States as soon as possible," Lansner said.

Despite their disappointment, Jewish observers of the case as well as legal scholars say the court's decision, or non-decision, will not affect deportation proceedings already under way by the Justice Department.

Carl Stern, spokesman for the Justice Department, expressed disappointment over the court's decision, but vowed that the Justice Department would continue with its deportation proceedings.

"The decision has no bearing on whether Demjanjuk has a right to be in the United States under the law that excludes individuals who took part in Nazi persecution during World War II," Stern said.

Elan Steinberg, executive director of the World Jewish Congress, said he is "confident" that Demjanjuk will be deported.

He called the appeal to the Supreme Court a "longshot that never affected the core question of deportation."

A Ukrainian-born retired autoworker, Demjanjuk, 74, was stripped of his citizenship and deported to Israel in 1986 after Holocaust survivors testified that he was "Ivan the Terrible."

Following well-publicized and lengthy legal proceedings, an Israeli court convicted Demjanjuk of being the sadistic Nazi guard and sentenced him to death in 1988.

Last year, however, the Israeli Supreme Court overturned the conviction, saying there was "reasonable doubt" that Demjanjuk was the Treblinka guard. Israel's decision paved the way for his return to the United States.

Another Deportation Hearing Sought

But the Israeli court, in its decision, said it found compelling evidence that Demjanjuk was a guard at the Sobibor death camp and at the Flossenburg and Regensburg concentration camps.

Since his return in September 1993, the Justice Department has made clear it would seek to have him deported again for lying about his wartime activities when he entered the United States in 1958.

An appeals court ruled last year that Justice Department prosecutors had committed fraud by withholding evidence while obtaining Demjanjuk's extradition order to Israel.

It was that ruling that the Justice Department was appealing to the Supreme Court.

In its petition, lawyers for the Justice Department's OSI argued that the government had acted in good faith at Demjanjuk's 1985 deportation trial before the 6th U.S. Circuit Court of Appeals in Cincinnati.

Observers suggested at the time that if the Supreme Court overturned the fraud charges, the government would have a better chance of deporting Demjanjuk a second time.

With the Supreme Court's refusal to hear the case, however, all eyes are now focused back on the original district court in Cleveland, and on the original judge who had first ordered Demjanjuk's extradition in 1985.

U.S. District Judge Frank Battisti in Cleveland had stayed the current round of deportation hearings pending the outcome of the Justice Department's appeal to the Supreme Court.

A government source close to the case believes that Battisti will open the hearing now that the basis for his stay no longer exists.

At the same time, the source said it is likely that Demjanjuk's attorneys will use this week's Supreme Court decision to cast doubt on the Justice Department's charges against him.

But the source predicted that following

another extended legal battle, Demjanjuk would once again be deported.

Some members of Congress agreed.

"It's a shame that the Supreme Court isn't going to hear the case," said U.S. Rep. Charles Schumer (D-N.Y.). But it is, he added, "good because we can get on with the deportation hearings."

"This ruling does not change the fundamental fact that John Demjanjuk served as an SS guard and lied about his Nazi past to illegally enter the United States," said U.S. Rep. Nita Lowey (D-N.Y.).

"John Demjanjuk has no legal or moral claim to American citizenship and he must not be allowed to remain here," she said.

COURT CLEARS WAY FOR DISPATCH OF VOLUNTEER POLICE FORCE TO HAITI By Hugh Orgel

TEL AVIV, Oct. 4 (JTA) -- After temporarily blocking the move, Israel's High Court of Justice this week unanimously approved sending a 30-member police contingent to assume peacekeeping duties in Haiti.

The court's decision, combined with the Cabinet's approval of the mission last week, cleared the way for the departure of the 28 men and women who volunteered to help restore stability in Haiti.

The volunteer force was expected to leave Israel by the end of the week.

In reaching its decision, the court rejected an appeal by former Kach activist Noam Federman, who had questioned the legality of sending Israeli police on an overseas mission.

While the court said it would issue the reasons for its ruling at a later date, the expanded five-judge panel apparently accepted the arguments put forward by State Attorney Dorit Beinisch, who argued that sending the police volunteers to serve as part of an international force did not contravene the country's laws.

In a statement, Police Minister Moshe Shahal applauded the court's ruling as an "important one."

Rabin authorized the contingent on Sept. 11, after President Clinton telephoned for Israeli assistance in the multinational effort to bring democratic rule to Haiti.

LABOR MINISTER UNLEASHES FURY BY SUGGESTING 'SELECTIVITY' IN ALIYAH By Cynthia Mann

JERUSALEM, Oct. 4 (JTA) -- Labor and Welfare Minister Ora Namir has unleashed a fury here by suggesting Israel be more "selective" in the immigrants it absorbs from the former Soviet Union.

In an interview published Sunday in the Israeli daily Ha'aretz, Namir criticized the wave of immigration in the past 18 months for including a disproportionate number of old and handicapped people.

She said many of these individuals are sent by family members who do not want to take care of them and who take advantage of Israel's generous social welfare policies.

Government and immigration officials condemned her remarks, saying her ideas ran counter

to fundamental Zionist principles which call for Israel to be a home and haven for every Jew who wants to make aliyah.

But Namir said these dependents are a heavy burden on Israel's social security system.

"I wouldn't say a word if the family came together, but they send their (elderly relatives) to relieve themselves of their care, and they go to the United States," she said.

In the interview, Namir appeared to be suggesting that Israel limit the number of dependents by a selection process. But when pressed, she stopped short of calling for a policy to bar the entry of those considered undesirable.

"I didn't say to deny them entry," she said. "I just said we have to check (the situation) more carefully."

Her comments provoked a sharp rebuke from Prime Minister Yitzhak Rabin, who said he completely rejected Namir's remarks.

Other leaders also lashed out at Namir.

Immigration advocate and former refusenik Natan Sharansky said he was "shocked" at Namir's "call for the selection of immigrants. Only the government of the British Mandate would do this."

Interviewed on the radio from outside the country, the acting chairman of the Jewish Agency, Yehiel Leket, called Namir's remarks very serious. He said it is not feasible to scrutinize the "contribution each immigrant can make to the state," and proposing to do so "alters the basic principles of the State of Israel."

Namir Holds Her Ground

The principle of Israel as a Jewish homeland "will rise or fall over the question" of whether to adopt Namir's ideas or "to keep the gates of this country open to Jews wherever they are," said Absorption Minister Yair Tsaban.

For her part, Namir held her ground under fire. "What I said is part of the public agenda," she said in a radio interview. "It's difficult and very severe, but I don't regret anything."

She said that Israel wants the elderly and infirm immigrants to come, "but with their whole families."

Namir maintained there has been a big drop recently in the number of young, working people who have emigrated to Israel.

Among the immigrants who came to Israel in the last year and a half, about one-third are old, one-third are handicapped and one-third are single parents, she said.

Tsaban disputed her figures. He said the most surprising thing about immigration in the past few years is how consistent the demographic breakdown has been. Fifteen percent are elderly, 10 percent are single parents and "a lot less" are handicapped, he said.

"This inaccurate demography stigmatizes and distorts the picture of aliyah," he said. In fact, he added, the new immigrants have contributed to Israeli science, the economy and society.

Last month, according to figures of the Absorption Ministry, 6,800 olim came to Israel. Of that total, 5,600 came from the former Soviet Union.

The year-to-date totals are down roughly 3 percent from the same period last year, with 56,800 immigrants, of whom 46,100 came from the former Soviet Union.

NEW URBAN LEAGUE CHIEF REACHES OUT TO JEWS, MEETS WITH NJCRAC LEADERS

By Debra Nussbaum Cohen

NEW YORK, Oct. 4 (JTA) -- The newly installed chief of the Urban League is making good on his promise to hold dialogues with Jewish groups, meeting this week with 150 members of the National Jewish Community Relations Advisory Council's Executive Committee.

Hugh Price, who took the helm of the civil rights group in July, said in his remarks to members of the Jewish umbrella group that he is dedicated "to an agenda of racial inclusion," and is focusing his agency's efforts on young people.

His goal, said Price, is to help young black Americans get the adult attention, education and employment that they need.

The assembled NJCRAC members came to the daylong meeting held Monday at the headquarters of the Anti-Defamation League from national Jewish organizations and community relations councils around the country.

Teaching black parents to be more effective advocates for adequate resources and higher standards in public education is one area on which Price said he plans to focus.

NJCRAC Chair Lynn Lyss, in an interview following Price's remarks, said that public education is a good "bridge issue," on which NJCRAC and Urban League members can work together.

"It can be a true partnership between local (Jewish) community relations councils and chapters of the Urban League to try and get over barriers to parental involvement in public schools," said Lyss. Price "knows that we're ready to work with them on bridge-building," said Lyss.

Collaboration With 'Whomever Is Useful'

During the question-and-answer session, Price was asked the inevitable: How will the Urban League respond to Nation of Islam leader Louis Farrakhan and the statements he makes, which are widely regarded as anti-Semitic?

Price responded that the Urban League "will collaborate with whomever is useful."

We "have to dialogue, which does not mean embrace or work with" Farrakhan's Nation of Islam, said Price. He noted the "extraordinary job" the black nationalist group is doing in "saving young people from prison and driving drugs from public housing projects."

"We have to learn from that," he said.

Price also voiced the hope that he will not have to spend half his time on the job talking about Farrakhan.

"The first couple of months, I thought I might have to make a career out of it. I spent July talking about Farrakhan and August talking about the NAACP," he said.

The National Association for the Advancement of Colored People was under fire that month, after its leader, the Rev. Benjamin Chavis, was ousted under a cloud of controversy. Among other controversial issues, Chavis had invited Farrakhan to the group's leadership summit earlier in the summer.

"In September, finally, I got to talk about the Urban League," said Price, with great relief.

Quipped former NJCRAC Chair Maynard Wishner, "That's because the Jewish holidays were in September and we were all busy."

SYDNEY'S JEWS BURY TORAH SCROLLS DESTROYED IN MAJOR SYNAGOGUE FIRE

By Jeremy Jones

SYDNEY, Australia, Oct. 4 (JTA) -- More than 1,500 members of Sydney's Jewish community attended a special burial service this week for Torah scrolls and other holy books burned in a Sept. 25 fire that destroyed the sanctuary of the city's Orthodox Central Synagogue.

All 17 of the synagogue's Torah scrolls, including 15 stored inside a recently installed fire-proof safe, were decimated in last week's blaze after the intense heat caused the safe to buckle.

Arson was originally suspected, but police and fire officials have indicated that the blaze was caused by a malfunction in the air-conditioning unit.

Sydney's Orthodox rabbis had declared that this country's Labor Day, which fell Monday, would be a day of public fasting.

Many in the crowd at the cemetery, and among the hundreds of worshipers at a specially convened afternoon service at the surviving synagogue hall, were observing the fast and devoting the day to religious study.

At the burial, rabbis and communal figures, joined by Israeli Ambassador Yehuda Avner, recited Psalms. They also buried sacks containing the charred remains of the scrolls, which the synagogue's Rabbi Selwyn Franklin announced would be reinterred in the foundation of the shul's Holy Ark when it is rebuilt.

Franklin said he had been told that the fire resulted in the largest single number of Torahs being destroyed at any one time since the Holocaust.

Support messages from leading political and religious figures were read at the synagogue service after the burial.

In New York on Monday, Rabbi Avi Weiss led a group of demonstrators holding Torah scrolls in front of the Australian Consulate to show solidarity with Sydney's Jewish community.

HOLLAND JEWRY HALTS AID TO REFUGEES

By Henriette Boas

AMSTERDAM, Oct. 4 (JTA) -- The Jewish Social Welfare Foundation here has announced it will no longer give legal assistance to refugees from the former Soviet Union seeking political asylum in Holland.

Explaining its decision, the foundation said it believes that many of those arriving from the former Soviet Union have attained forged documents to back up claims of their Jewish origin.

About 1,000 people with false documents arrived in Holland during the past year-and-a-half, the foundation said.

The organization also noted that others claiming to have arrived directly from the former Soviet Union in fact arrived from Israel.

Holland offers political asylum only to people who were persecuted in their own country, but not to those who arrive via Israel.

The foundation noted that the total number of people seeking political asylum in Holland during the first eight months of 1994 stood at 35,000, the same as the total number of applications received in all of 1993.

NEWS ANALYSIS:**AS ISRAEL AND PLO TALK ON ELECTIONS, HAMAS SAYS IT MIGHT PUT UP OWN SLATE**

By David Landau

JERUSALEM, Oct. 4 (JTA) -- As Israel and the Palestine Liberation Organization opened new talks in Cairo this week concerning Palestinian elections, the fundamentalist Hamas movement has injected new questions into the equation by announcing it will participate in the elections under certain conditions.

PLO sources say they are confident of a sweeping victory for Chairman Yasser Arafat, the head of the Palestinian Authority, and his pro-peace Al Fatah faction.

But they expect that if the fundamentalists do participate in the election, groups such as Hamas could win up to 40 percent of the votes in Gaza, and a lower, but still substantial, percentage in the West Bank.

A Hamas leader in the Gaza Strip, Ismail Haniye, told Israeli and Palestinian newspapers over the weekend that his organization will run a slate of candidates in the elections if the voting is for a Palestinian legislature rather than an executive body.

The question of what kind of body is to be elected in the elections is one of the central issues of dispute between Israel and the PLO, which began meeting in Cairo on Monday to discuss the elections.

According to the Declaration of Principles signed by the two parties in Washington in September 1993, the Palestinians will vote for a "council" that is to be "empowered to legislate, in accordance with the Interim Agreement, within all authorities transferred to it."

The formulation was left intentionally vague, since the parties at the secret Oslo talks that led to the signing of the self-rule agreement could not agree on the composition of the "council."

The Palestinian negotiators envisaged a quasi-parliament of 100 delegates; the Israelis, in turn, wanted a small Cabinet-like group of department heads.

A Major Problem Looming For Cairo Talks

This fundamental difference in viewpoints has not been narrowed since last year's signing, and it looms as a major problem for the Cairo talks.

Another issue left unresolved since last year is whether Palestinians living in eastern Jerusalem will be eligible to run as candidates and to vote.

The Declaration of Principles left this issue vague as well, noting that the Palestinians of Jerusalem "who live there will have the right to participate in the election process, according to an agreement between the two sides."

That "agreement" still needs to be worked out in Cairo. Israel's position is that Palestinians from eastern Jerusalem can vote -- only outside the city limits -- but cannot run as candidates. The Palestinian leadership, however, believes that eastern Jerusalem should be considered part of the West Bank and Gaza autonomous areas for the purposes of the election.

The two sides also need to resolve the issue of Israeli redeployment from the West Bank.

While the Declaration of Principles specifically states that this is a matter for Israel to

decide for itself, the document specifies that the redeployment must occur no later than the eve of the election, and that in redeploying, "Israel will be guided by the principle that its military forces should be redeployed outside populated areas."

The apparent purpose of this principle is to remove Israeli troops from the vicinity of Palestinian polling stations so that the elections are conducted in a non-occupation atmosphere.

It was with this in mind that the Declaration of Principles stated that the election be held "under agreed supervision and international observations, while the Palestinian police force will ensure public order."

Both the extent of the redeployment and the nature of the supervisory and observer forces remain to be negotiated in Cairo.

Ehud Barak, Israel Defense Force chief of staff, has already said the army cannot pull out of any area unless -- and until -- it is confident that there is an efficient force to take its place.

The PLO has drafted a detailed proposal on methods for holding the election that is being presented to Israeli negotiators this week.

The PLO plan provides for hundreds of small polling stations throughout the West Bank and Gaza, with no more than 1,000 voters casting their ballots at any one station.

The plan also calls for three weeks of campaigning, with all parties to enjoy fair access to Palestinian radio and television and to the Palestinian press.

Jihad: 'Never Participate In Such Elections'

While Israel and the PLO thrash out the issues surrounding the elections, Hamas sits in the wings, a potential participant in the voting.

The Hamas leader, Haniye, said categorically in his interviews that Hamas would boycott the election if it was merely for an executive body, since this would be bowing to Israel's wishes.

But if the purpose of the election were to create a legislature, Haniye said that Hamas would take part. Its goal, he said, would be to unite all Islamic forces in a single political movement.

This goal was quickly contradicted, however, by another, smaller Islamic fundamentalist organization in the territories, Islamic Jihad, which declared that it would boycott any election held as a result of Israeli-PLO negotiations.

"We will never participate in such elections," a Jihad leader declared, "even if they are held in a fair and democratic atmosphere."

The same arguments over whether to take part in the election are said to be raging within the secular opposition movements in the territories, namely, the Popular Front for the Liberation of Palestine and the Democratic Front for the Liberation of Palestine.

Democratic Front leader Nayef Hawatmeh, who operates from Damascus, insists the only democratic vote would include all Palestinians -- in the diaspora as well as in the territories.

Meanwhile, a polling organization based in Nablus reported over the weekend that some 78 percent of Palestinians in the West Bank and Gaza Strip support the holding of elections. Some 65 percent said they would take part in the voting, while 20 percent said they would not.

Questioned about political preferences, 39 percent favored Fatah, 14 percent Hamas, and another 7 percent supported other Islamic groups.