



NEWS AT A GLANCE

■ Israel closed off the territories and threatened to enter the Palestinian self-rule areas to seize terrorists if Palestinian Authority Chairman Yasser Arafat fails to do so. An aide to Arafat called the decisions taken by Israel in the wake of the suicide bombings in Jerusalem "a declaration of war against the [Palestinian] Authority." [Page 2]

■ New York City police arrested three men in a Brooklyn apartment after they found explosive devices and bomb components. The police were tipped off by a man who said his roommates were planning to follow up on yesterday's attack in Jerusalem. One of the men arrested expressed support for the suicide bombings. [Page 3]

■ Top U.S. Middle East advisers met at the White House today to discuss the peace process in light of the suicide bombings in Jerusalem. Secretary of State Madeleine Albright, Middle East envoy Dennis Ross and National Security Adviser Sandy Berger attended the meeting.

■ U.S. Secretary of State Madeleine Albright announced that she may soon make a trip to the Middle East. She also said the United States could not verify whether the Palestinian Authority was complying with its accords with Israel. Albright said the conclusion had been reached before yesterday's bombings in Jerusalem.

■ The House of Representatives passed an amendment to the foreign aid bill in a move aimed at suspending all U.S. aid to the Palestinian Authority for 90 days. The measure, which was sponsored by Reps. Jim Saxton (R-N.J.), Michael Forbes (R-N.Y.) and Jon Fox (R-Pa.), has to pass numerous legislative hurdles before becoming law. The Senate version of the bill includes a provision sponsored by Sen. Arlen Specter (R-Pa.) that would end direct American assistance to the Palestinian Authority.

■ Republican National Committee chairman Jim Nicholson left today with a National Jewish Coalition delegation for his first trip to Israel. The group is scheduled to meet Israeli Prime Minister Benjamin Netanyahu next week.

BEHIND THE HEADLINES

Justice Brennan's legal legacy provided 'more rights' for Jews

By Daniel Kurtzman

WASHINGTON (JTA) — Former Supreme Court Justice William Brennan will long be remembered as a towering figure of American law and a champion of individual rights who dramatically influenced American life.

Less well-known is that he is the only justice ever to wear a camouflage yarmulke in chambers.

The year was 1986. The high court, ruling in an important religious liberty case, had just held that the military — in accordance with its dress code — could bar an Orthodox Jew from wearing a yarmulke while performing his duties in the Air Force.

Brennan wrote a characteristically eloquent dissenting opinion. Shortly thereafter, Congress adopted legislation effectively overturning the court's decision.

Lawmakers who worked for the bill's passage sent Brennan a thank-you note, along with a camouflage yarmulke used in efforts to enact the measure.

Brennan, as Washington lawyer Nathan Lewin tells it, happily put the yarmulke on his head and promptly forgot about it.

His clerks and secretaries were too timid to say anything, and it wasn't until he arrived home that his wife asked him what that thing was on his head.

"It was very comfortable," Brennan later recalled to Lewin.

Brennan, who died last week at the age of 91, had a unique kinship with the Jewish community. During his 34-year court tenure, which ended in 1990 and spanned eight administrations, Brennan was the architect of pivotal rulings that strengthened both religious freedom and the principle of church-state separation, enhanced free-speech and free-press protections and expanded the rights of women and minorities.

Throughout his years on the courts presided over by Chief Justices Earl Warren and Warren Burger, he also supported abortion rights and expanded the rights of individuals often forgotten by society.

Rabbi David Saperstein, the director of the Religious Action Center of Reform Judaism, who also teaches church-state law at Georgetown University, said that the vision of liberty and justice that Brennan helped create "shaped a new order in America that provided Jews and others with more rights, freedoms and opportunities than they have ever known in Diaspora life."

His views on church-state separation were neatly encapsulated in a 1976 opinion, in which he wrote: "The discrete interests of government and religion are mutually best served when each avoids too close a proximity to the other."

During the 1960s, Brennan played major roles in Supreme Court decisions that banned officially sponsored prayers and Bible readings from public schools.

Court chipping away at legacy

"He was part of majorities that built up a very strong wall of separation that the court has just been chipping away at since he left," said Steve Freeman, director of legal affairs for the Anti-Defamation League.

Brennan argued with equal force in favor of religious liberty. "In terms of the free exercise of religion, he was the strongest advocate on the court," said Lewin, who has argued numerous religion cases before the high court and served as a court clerk during the 1960s.

In one of the most important rulings this century for the free exercise of religion, Brennan wrote the majority opinion for a 1963 case, *Sherbert vs. Verner*, stating that only a compelling state interest could justify limitations on religious liberty. That guiding principle remained intact until 1990, when the court, ruling in *Employment Division vs. Smith*, said laws that were neutral toward religion could be valid even if they infringe on some people's religious beliefs.

It was that ruling which prompted Congress in 1993 to enact the Religious Freedom Restoration Act — a law, molded after the Brennan view,

that made it harder for government to interfere with religious practice. A divided court struck down the law as unconstitutional in June.

Brennan, whose opinions were often moving, was particularly eloquent in his defense of religious freedom.

In his dissent in *Goldman vs. Weinberger*, the yarmulke case, he wrote: "Through our Bill of Rights, we pledged ourselves to attain a level of human freedom and dignity that had no parallel in history. Our constitutional commitment to religious freedom and acceptance of religious pluralism is one of our greatest achievements in that noble endeavor."

Some of his opinions on religious matters created considerable controversy within the Jewish community.

Brennan wrote the majority opinion in *Aguilar vs. Felton*, a 1985 ruling that banned public school teachers from offering remedial instruction at religiously affiliated schools.

The decision was widely criticized by the Orthodox and split the Jewish community at the time.

The Supreme Court also overturned that decision in June, saying that the practice does not violate the constitutional separation of church and state.

"We disagree with him on a number of his opinions and decisions," said David Zwiebel, general counsel and director of government affairs for Agudath Israel of America, which represents the fervently Orthodox.

"But on balance, Brennan was always considered a champion of religious liberty and a friend of minority communities."

Brennan's death last week, seven years after leaving the court because of ill health, also struck a personal note for some in the Jewish community.

"It's good that every now and then, we can be reminded that public service can also be a great noble, civil, polite, gracious kind of service," said longtime Jewish activist Hyman Bookbinder. □

Israel authorizes security forces to make arrests in self-rule areas

By Naomi Segal

JERUSALEM (JTA) — The Israeli government has suspended peace talks with the Palestinians and authorized security forces to arrest suspected terrorists in the self-rule areas if the Palestinian Authority does not take action to fight terrorism.

The decisions were taken at an Inner Cabinet meeting hours after two suicide bombers detonated explosions Wednesday afternoon in Jerusalem's crowded Mahane Yehuda market.

At least 15 people died, including the bombers, and more than 170 others were wounded.

All but one of the victims have been identified.

The names of 10 of the victims were released: Lev Deseitnik, 60, of Jerusalem; Simha Fremd, 92, of Jerusalem; Regina Gibber, 76, of Jerusalem; Shalom Golan, 52, of Jerusalem; Valentina Kovalenko, 67, of Jerusalem; Shmuel Sami Malka, 44, of Mevasseret Zion; David Nasko, 44, of Mevasseret Zion; Muhi Adin Othman, 33, of Abu Ghosh; Leah Stern, 50, of Jerusalem; and Rahel Terniataro, 80, of Jerusalem.

While a statement issued after the Cabinet meeting did not explicitly announce a halt in negotiations, it said that Israel was conditioning progress in any future talks on Palestinian action against terrorist groups.

Meanwhile, in Washington, U.S. Secretary of State Madeleine Albright announced — in a conclusion reached before the bombings — that the United States could no longer verify that the Palestinians were in compliance with the accords it signed with Israel.

Israeli security forces arrested 28 suspected Palestinian extremist activists in the West Bank.

The Palestinian Authority was also said to have rounded up about 10 suspected Hamas members in Bethlehem.

But Jibril Rajoub, who is in charge of all Palestinian security forces in the West Bank, said there would be no mass crackdown by his forces as had been carried out after previous terror attacks.

A senior Israeli security source told reporters that the Cabinet had authorized Israeli security forces to arrest suspected Islamic extremists operating out of mosques and charitable institutions operating in areas under overall Israeli security control.

The source also disclosed information underscoring Israel's charge that the Palestinian Authority was behind the violence.

The source said that Israel had solid proof linking Palestinian Police Chief Brig. Gen. Ghazi al-Jabali to planned terrorist attacks against Israelis and that he had personally directed three Palestinian policemen from Nablus who were arrested several weeks ago when they were allegedly on their way to carry out an attack.

The source also said that the head of the Hamas military wing and planner of suicide bus bombings in Jerusalem last year, Mohammad Deif, had at various times received shelter from the Palestinian Authority.

Jabali, in a news conference in the Gaza Strip, dismissed the Israeli charges as "a joke."

Jabali said that if Israeli security forces entered Gaza to arrest him, they would never come out.

He added that Israel did not have the right to issue a warrant for his arrest — and doing so violated the signed agreements.

An aide to Palestinian Authority Chairman Yasser Arafat called the decisions taken by the Israeli Cabinet "a declaration of war against the [Palestinian] Authority."

"Instead of fighting terror, they decided to fight the Palestinian Authority," said Arafat spokesman Nabil Abu Irdeineh.

Meanwhile, Israeli security forces continued their investigation into the identities of the two suicide bombers.

Police Commissioner Assaf Hefetz said pathologists were working from fingerprints and blood samples to identify the men, but both he and Public Security Minister Avigdor Kahalani said no significant progress had been made in identifying the them.

Palestinians pressure Arafat

In the West Bank town of Ramallah, the pressure on Arafat from Israel was heightened by a vote in the Palestinian legislative council giving him one month to dissolve his Cabinet and appoint a new one.

The decision came in the wake of an internal probe that pointed to financial mismanagement and corruption in all of the Palestinian Authority's 18 Cabinet offices.

In Jerusalem, funerals for the victims were held throughout the day.

The Mahane Yehuda market reopened after bulldozers and crews worked overnight to clean up the rubble from the previous day's attack.

At one end of an alleyway, a scooter for the elderly — which apparently had been used by one of the victims — turned into an impromptu memorial, as passersby lit memorial candles around it.

Security was heightened in the market, but as one stall-owner said, it was impossible to insure security in the busy, crowded market of twisting alleys and entrances.

"We can only stay open. We can't ensure 100 percent safety. After all, the [the terrorists] look just like us," one storekeeper told Israel Radio. □

Are Brooklyn bomb suspects linked to Israel suicide attacks?

By Faygie Levy

NEW YORK (JTA) — New York City police are investigating whether a bomb factory found in Brooklyn, N.Y., on Thursday is connected to the twin suicide bombings a day earlier at a market in Jerusalem.

Three suspects, all of whom are of "Middle Eastern origin," according to New York City Mayor Rudy Giuliani, were arrested in an early morning raid on a building in the Park Slope neighborhood of Brooklyn.

One of the suspects expressed support for the Jerusalem bombing, Giuliani said.

Police discovered five pipe bombs and a Jordanian passport in the apartment. It is unclear whether the passport belongs to any of the suspects.

The police launched the raid after a man speaking Arabic told them that his roommates were planning to follow up on the Jerusalem attack, according to news reports.

Two of the suspects were shot by police after one of them lunged for what police said was a bomb activation switch.

Bomb-making equipment and live ammunition were found at the scene, but officials would not confirm whether there were live bombs at the scene.

Giuliani said the heightened state of security that had been established in New York on Wednesday after the Jerusalem bombing would continue.

A joint terrorism task force, including city, state and federal agents, is investigating the incident.

There were no reports of threats against any specific targets, but the task force was expected to investigate whether there was a plan to blow up New York City subway stations.

James Kallstrom, the head of the FBI office in New York, said there are "a lot of leads," but would not comment on any part of the ongoing investigation.

At a press conference, Giuliani attempted to calm a jittery city.

"Life is not secure anywhere," but there is no reason for people to be afraid, he said.

Giuliani had spoken with Jerusalem Mayor Ehud Olmert earlier Thursday to express his sorrow over the bombings.

Giuliani said that as he was talking with Olmert he realized that the "terrible scourge of terrorism can strike anywhere at anytime." □

Clinton makes it official: Ex-Swiss guard granted asylum

By Daniel Kurtzman

WASHINGTON (JTA) — The night watchman who rescued Holocaust-era documents from the shredder of a Swiss bank now has an official home in the United States.

President Clinton this week signed into law a bill unanimously adopted by both houses of Congress granting permanent U.S. residency status to Christoph Meili and his family.

The action came on the heels of an announcement this week by the Union Bank of Switzerland that most of the documents recovered by Meili concern property maintenance and have nothing to do with dormant accounts of possible Holocaust victims.

Meili, 29, was making his rounds as a night watchman at Union Bank of Switzerland in January when he discovered carts of Holocaust-era documents headed for the paper shredder.

He secretly turned over some of them to a Jewish organization in Zurich — a move that created a storm of controversy in Switzerland, cost Meili his job and forced him to flee the country fearing for his life.

After months of refusing to disclose the content of the documents, the bank said Monday that they were records of 31 properties held by a subsidiary bank in Germany, including three whose previous owners might have been Jewish.

Reacting to the bank's announcement at a Capitol Hill news conference convened by Sen. Alfonse D'Amato (R-N.Y.) on Wednesday, Meili accused the bank of failing to disclose the contents of all the files he rescued.

He showed reporters a list of what he said were more than 45 Jewish-owned properties from the 1930s to 1945.

"UBS is not telling the truth," Meili said.

The bank, however, stuck by its assertion Wednesday, saying the records related to properties owned by Eidgenoessische Bank, a Swiss bank it bought in 1945, and bore no relation to customer accounts.

The relevance of the files will ultimately be determined by the Bergier Commission — a panel of historians examining the role of Switzerland during World War II.

Earlier this month, the commission's secretary-general said the rescued documents will help the investigation.

D'Amato, for his part, threatened punitive measures against the Swiss banking giant unless it conducts a full inquiry into the destruction of the documents, drops a criminal investigation into Meili's actions and apologizes to him.

In a letter to Swiss President Arnold Koller, D'Amato, who chairs the Senate Banking Committee, threatened to seek a review aimed at terminating or suspending the bank's authority to operate in the United States.

'Now we are a little more safe'

He also said he might request that the departments of Justice and State investigate whether the bank violated the terms of post-war agreements with the Allies dealing with the return of all German accounts.

"We want to know what actions the Swiss government will take to right this injustice, what actions will be taken to hold him harmless for the fact that he has been without the ability to support his family and has been denied just compensation," D'Amato said at the news conference.

Responding to D'Amato on Thursday, Koller told a Swiss newspaper he sees no need to apologize to Meili. He said the Swiss government has no influence over Zurich prosecutors who are investigating whether Meili broke bank secrecy laws.

Commenting on Meili's new U.S. residency status, D'Amato said, "I hope that this act, signed into law, lets him know that there is a grateful country, a grateful Congress and a president of the United States that recognizes his heroic act."

The legislation, he added, "will permit him the opportunity now to become gainfully employed, an opportunity that was taken from him."

Meili, the father of two young children, reportedly has received several job offers, including one from World Jewish Congress President Edgar Bronfman.

Now that he is a permanent U.S. resident, he said he plans to look at his options.

Accompanied by his wife Wednesday, Meili thanked D'Amato and Clinton, saying, "Now we are a little more safe here in the United States." □

Upcoming Brad Pitt movie sparks uproar over hero's early Nazi ties

By Tom Tugend

LOS ANGELES (JTA) — Only after actor Brad Pitt and his producers completed shooting the upcoming film, "Seven Years in Tibet," did they make an embarrassing discovery.

The hero of the movie — Austrian mountaineer, explorer and human rights activist Heinrich Harrer — is also a one-time member of Hitler's SA storm troopers and his elite, black-clad SS.

The film is based on Harrer's autobiographical book chronicling his stay in Tibet from 1944 to 1951.

While there, Harrer became the favorite tutor of the then-youthful Dalai Lama.

After the Chinese occupied Tibet in 1950, Harrer photographed the conqueror's human rights abuses and continued to agitate for Tibetan freedom even after returning to Austria.

Given Pitt's star power and Hollywood's current infatuation with Tibet and the exiled Dalai Lama — some half-dozen movies on the subjects are in the making — the TriStar studio and its parent company, Sony, were confident that they had the making of a commercial hit.

Plans for marketing the film were well under way, when in late May the German magazine Stern published a startling investigative report.

Basing its story on newly released Nazi Party documents and an interview with the now 85-year old Harrer, the magazine revealed that Harrer's Nazi sympathies were so strong that he had joined the SA brown shirts in October 1933 in Austria, a time when the Nazi Party was actually banned in that country.

In a further step, Harrer joined the SS in 1938, only two weeks after the Anschluss had incorporated Austria into the German Reich, and earned the rank of sergeant.

A photo from the same year shows Hitler personally congratulating Harrer on climbing the Eiger North Face in the Swiss Alps, a feat that made Harrer a German hero.

Also reproduced was a letter from Harrer to SS chief Heinrich Himmler, asking for the required permission to marry, and documenting Harrer's and his bride's pure Aryan family tree all the way back to 1800.

Had Harrer remained in Austria, he most likely would have fought in an SS division during World War II. The SS also ran the concentration camps.

Interned by British in India

Fortunately for him, Harrer embarked on a German expedition to the Himalayas in 1939. When war broke out later that year, he was interned by the British in India.

Harrer escaped in 1944 and made his way to Tibet. He was soon hired as a tutor in English, mathematics, geography and photography for the young Dalai Lama.

After the Stern story appeared, Harrer released a statement acknowledging the facts — though not the implications — of his Nazi background.

He described his membership in the SA and SS as the biggest "aberration" of his life and claimed that his Buddhism-based personal philosophy, shaped during his stay in Tibet, "places great emphasis on human life and dignity."

Back in Hollywood, the revelations caused considerable consternation, followed by damage control by the film's producers and its French director Jean-Jacques Annaud, according to The Los Angeles Times.

Sony executives say the movie takes note of Harrer's Nazi association, but that its focus is on his

seven-year stay in Tibet. They remain committed to the film's original marketing plans and an Oct. 8 release date.

Robert Levin, president of worldwide marketing for Sony Pictures, told the Times, "We knew he was a German hero [for his mountain climbing exploits], but not that he was [such a highly involved] member of the Nazi Party. This was a bump on the road that we didn't expect, but it didn't send the car out of control."

The SS was judged a criminal organization at the Nuremberg Trials, but Harrer was never a war criminal, says director Annaud.

"This movie is the story of a bastard who undergoes a drastic transformation into an incredible human being," he said, adding, "it's a movie about redemption."

The Los Angeles-based Simon Wiesenthal Center is not quite as sanguine about Harrer's "redemption."

Its skepticism stems partly from a meeting between Harrer and Nazi-hunter Simon Wiesenthal in Vienna, held at Harrer's request to smooth over the controversy.

After the meeting on June 30, Rabbi Abraham Cooper, associate dean of the Wiesenthal Center, phoned the Nazi hunter.

"I asked Simon, 'Did Mr. Harrer tell you he joined the SA in 1933?' and he said, 'No,'" Cooper noted in a telephone interview.

"And that is our issue today," Cooper said. "Harrer remained silent about that part of his past for so many years, and even today, remains less than honest."

"Millions of young people will see this movie because Brad Pitt is in it, and we don't want the neo-Nazis utilizing it to try and whitewash any crimes of the Nazi era. That is why Mr. Harrer's clarity is so important. But right now, he still lacks moral clarity and can't hold up a mirror to himself."

The Wiesenthal Center is not planning any formal protests but will monitor the situation. "From his discussion with Simon, or the lack of it, we know Harrer just wants it all to go away," said Cooper. "It won't." □

Netanyahu rejects projections concerning next year's budget

By Naomi Segal

JERUSALEM (JTA) — Prime Minister Benjamin Netanyahu has rejected the Finance Ministry's economic projections for 1998, finding them too downbeat.

In light of the initial figures, Netanyahu this week put off a scheduled Cabinet discussion of the 1998 budget, rescheduling it for mid-August. By that time, according to instructions Netanyahu issued this week, the Finance Ministry was to come up with a new forecast that would include concrete proposals for growth in 1998.

The ministry said last week that it expected growth of only 3 to 3.5 percent in 1998, following a rise in gross domestic product of only 2.5 percent in 1997.

For most of the past decade, annual economic growth has hovered around 6 percent. The ministry also forecast that unemployment would reach 7.7 percent this year, and increase by 0.2 percent next year.

Treasury officials viewed 1998 as a transitional year for economic growth, which they said would be achieved if the government stuck to its budget deficit target of 2.4 percent of the 1998 gross domestic product, widened the tax base, reduced its involvement in the public sector and implemented previous decisions regarding foreign currency regulations.

In a meeting last Friday with Finance Minister Ya'acov Ne'eman and other ministry officials, Netanyahu asked to see the new economic forecast by Aug. 10.

He directed the ministry's economists to come up with proposals to restore growth by next year. □