



Daily News Bulletin

Vol. 80, No. 225

Wednesday, December 4, 2002

85th Year

TOP NEWS IN BRIEF

Al-Qaida claims Kenya attack

Al-Qaida claimed responsibility for the Nov. 28 terror attacks against Israelis in Kenya.

An announcement attributed to the terrorist network was released Monday on the Internet, and experts who analyzed it said the language was characteristic of previous Al-Qaida messages.

The statement called last week's suicide bombing in Mombasa, which killed three Israelis and 10 Kenyans, a Ramadan greeting to the Palestinian people.

The statement also claimed responsibility for a failed missile attack on an Israeli charter plane that occurred minutes before the deadly suicide bombing.

U.S. finds P.A. noncompliant

President Bush determined that the Palestinians are not living up to agreements signed with the United States and Israel.

Just the same, the White House on Monday waived sanctions against the Palestinians in the interest of national security.

Despite the waiver, this marks the first time a U.S. president has found the Palestinian Authority and PLO noncompliant since the Oslo accords were signed in 1993.

In another development, the State Department issued a report saying the Palestinians have not complied with several elements of its agreements, including recognizing the right of Israel to exist in peace and security. [Page 4]

State Dept. blasts Israeli action

The U.S. State Department criticized Israeli forces for destroying a U.N. food warehouse Sunday in the Gaza Strip.

"We think it's critical that the Israelis investigate the circumstances of that incident and take immediate steps to ensure that civilians and humanitarian facilities are not harmed," State Department spokesman Philip Reeker said Tuesday.

He urged Israel to "keep in mind the consequences of their actions."

Israel's army acknowledged that soldiers struck the warehouse.

An army spokeswoman said Israeli soldiers in Gaza had not been informed of the warehouse's existence and had therefore not known they should steer clear of the building.

U.S. Supreme Court intervenes to allow menorah in Cincinnati

By Joe Berkofsky

NEW YORK (JTA) — Chabad's annual campaign to light menorahs in public has ignited a new legal battle.

The battleground this time is Cincinnati, where the Supreme Court last week allowed Chabad of Southern Ohio to light an 18-foot menorah in the city's downtown Fountain Square.

Minutes before Shabbat — and the first candle — last Friday, Justice John Paul Stevens ruled that the city could not ban the menorah and other religious displays from the square.

The decision came after weeks of legal wrangling, moving first to U.S. District Court, which overturned the city ban, then to the 6th Circuit Court of Appeals, which reversed the lower court.

It was the first time in more than 10 years that the Supreme Court got involved in a Chanukah menorah case.

Lubavitch Rabbi Sholom Kalmanson, regional director of Chabad of Southern Ohio, called the ruling a "miracle."

Speaking in a telephone interview just after lighting the candles on Monday, he said the legal battle evoked a sense of "deja vu. It was the same story, different date."

In fact, Chabad menorah-lighting has ignited nearly seasonal constitutional struggles over church-state lines in Cincinnati and other cities around the country for years.

The battlegrounds have ranged from public buildings such as Atlanta's state Capitol building to city buildings in Grand Rapids, Mich., and White Plains, N.Y.

But in many places, opponents have given up the fight, and the giant Chabad menorahs have become as seasonal as latkes and dreidels.

Over the years Chabad has erected about 1,000 public menorahs nationwide, a group spokesperson said, with about 25 percent of them standing on government property.

It is not clear whether this case will re-energize opponents of religious displays on public grounds or, given the Supreme Court's ruling, quell the battles once again.

Washington attorney Nathan Lewin, who took the Cincinnati case to the high court last week, said the struggle replicates the 1989 Supreme Court battle he waged — and won — for Chabad in Pittsburgh, which allowed an 18-foot menorah outside the City-County building alongside a 45-foot Christmas tree.

In that landmark ruling, the high court allowed privately funded religious displays on public grounds as long as the displays are identified as privately backed and that all religions have equal access.

Ironically, Stevens, who opposed the Pittsburgh menorah 13 years earlier, struck down the Cincinnati menorah ban this time, calling the square a "traditional public forum" open to privately funded displays.

Stevens "has seen the light," Lewin said, and now "history repeats itself."

For 18 years, Chabad has lit menorahs in various Cincinnati city venues, including the mayor's office.

Last Chanukah, Chabad was told to apply for a permit for the menorah in Fountain Square, Kalmanson said, and he did so.

But in the spring, the city decided to reserve use of the square for seven weeks, from mid-November through early January, amid concerns that the Ku Klux Klan would try to install a cross there as it had for years.

While barring private, unattended overnight displays, the city put up two large

MIDEAST FOCUS

Officer: Israel had Africa warning

Israeli intelligence had general information of a possible Al-Qaida attack in Africa, but nothing specific, according to an Israeli intelligence officer. Brig. Gen. Yossi Kuperwasser said authorities had information before the Nov. 28 attacks in Kenya suggesting that Al-Qaida intended to carry out an attack in Africa, with Mombasa as a possible site, Israel Radio reported.

The official said the information did not say Israelis would be targeted, the report said. Kuperwasser made the comments in response to questions from a Knesset committee, following reports that Germany and Australia had warned their citizens about traveling to Mombasa because of possible terror attacks.

Palestinian woman killed

A 95-year-old Palestinian woman was killed by army gunfire north of Ramallah on Tuesday.

Fattier Mohammed Hassan and another woman, Kifaya Ra'fat, 41, were in the back seat of a car approaching a checkpoint on the outskirts of Ramallah, The Associated Press reported. According to army sources, soldiers opened fire when the car, traveling on a road closed to Palestinians, refused to stop. Hassan was described as the oldest Palestinian killed in the intifada.

World Jewry declining

The world's Jewish population is declining, according to a survey carried out by an institute affiliated with the Jewish Agency for Israel.

According to the institute, which convened a session in Jerusalem this week to address what it called the "demographic crisis," the number of American Jews dropped by 300,000 in the last decade, while other major Jewish communities around the world also declined. Only Israel's Jewish community is growing, the institute said.

evergreens for the holidays. That meant the city was "squelching" Chabad's free speech and violating the constitutional ban on government establishment of religion, Kalmanson said.

By blocking anything but the trees, Lewin said, the city "was monopolizing all the speech" in Fountain Square.

Neither Cincinnati City Solicitor Rita McNeil or other city officials returned calls seeking comment.

But the American Israelite, Cincinnati's Jewish paper, reported that Mayor Charlie Luken was "disappointed" with the Supreme Court's ruling.

City Councilman James Tarbell was quoted as saying that any citizen, "including the rabbi," would have been free to decorate one of the city trees rather than erect a menorah.

Much of the city's focus, however, seemed to revolve around a stated campaign to prevent overcrowding in a busy holiday shopping area.

The city decision also appeared to be part of a quieter effort to block the KKK from resurfacing — in a city rocked by racial rioting in recent years.

Rabbi Michael Zedek, chief executive officer of the Jewish Federation of Cincinnati, predicted the Chabad menorah could well spark the "ugliness" the city was trying to hide by inviting the KKK to "jump in" and plant a cross.

"The public display of a chanukiyah is all well and good," he said, using another word for menorah. But "if, God forbid, I were a member" of the KKK "wanting the publicity that it would generate for them, I would jump on it."

"In terms of the mitzvah — wonderful. In terms of the loss for the entire community, it's a great loss."

Marc Stern, assistant executive director of the American Jewish Congress, which has long spearheaded efforts to remove religious symbols from government property, criticized Chabad's tactics.

"One has to question the sanity of Chabad. They're so hellbent on putting up menorahs that they're willing to run the risk" of KKK actions, Stern said.

But Kalmanson said the city — not Chabad — is guilty of "fear-mongering" by continually raising the KKK flag as an issue.

Kalmanson said he tried for weeks to negotiate various solutions with city officials over the Fountain Square ban, but the talks stalemated.

Michael Rapp, director of the Jewish Community Relations Council of Cincinnati, said the city had created what soon became a free speech battle with national implications.

"I'm not sure how the city can take a public forum, and say that for part of the year, it's not going to be one."

That's exactly the argument that Chabad made in court.

U.S. District Court Judge Susan Dlott echoed that reasoning, saying the ordinance "discriminates against religious speech" during the holiday season.

But when the 6th Circuit Court of Appeals issued a stay of the city ban, Chabad spokesmen said, they decided to make their case to the Supreme Court because they had won the war before.

For his part, Lewin predicted that the latest high court opinion will not extinguish future legal battles over public Chanukah displays.

"There's no end to these challenges," Lewin said. "The ingenuity of the people who oppose menorahs is limitless."

Stern of the AJCongress said it remained far from clear just what legal impact the Supreme Court ruling would have.

Stevens' opinion was "cryptic," Stern said, and did not even cite free speech or Establishment Clause law.

Instead, referring to an area of law called "over breadth," Stern said, Stevens' opinion termed the local law too sweeping because it banned not just religious displays, but all speech.

Just whether the menorah debate will end this week remained uncertain as well.

While the full Supreme Court did not move to add to Stevens' ruling, on Monday the city of Cincinnati asked the 6th Circuit Court of Appeals for a "clarification" of its ruling upholding the city's religious display ban, keeping the issue alive for now.

The court denied the request. □



Daily News Bulletin

Norman H. Lipoff, President

Mark J. Joffe, Executive Editor and Publisher

Lisa Hostein, Editor

Michael S. Arnold, Managing Editor

Lenore A. Silverstein, Finance and Administration Director

Paula Simmonds, Marketing and Development Director

JTA DAILY NEWS BULLETIN is published five days a week, except holidays, by the Jewish Telegraphic Agency Inc., 330 Seventh Ave., New York, N.Y. 10001-5010. For information about how to subscribe by e-mail, fax or regular mail, call (212) 643-1890, or visit our Web site at www.jta.org.
© JTA Reproduction only by previous arrangement.

JEWISH WORLD

Jewish Republican gets key post

The only Jewish Republican in the U.S. House of Representatives has been chosen for a key leadership position in the next Congress.

Rep. Eric Cantor (R-Va.) was selected Monday to serve as the chief deputy to incoming Majority Whip Roy Blunt (R-Mo.), making Cantor the highest appointed leader in the House Republican caucus.

Both men have been strong supporters of Israel.

Official to eye Mideast conflict

A figure in the Iran-Contra scandal was named the National Security Council's director for Near East and North African affairs. Elliott Abrams will deal with the Israeli-Palestinian conflict and other Middle Eastern issues for the NSC, and will be based at the White House.

Abrams formerly ran the NSC's office of democracy, human rights and international operations. After the scandal broke, he pled guilty in 1991 to two misdemeanor charges of withholding information from Congress, but was later pardoned by the first President Bush.

German politician may get booted

Germany's Free Democratic Party announced it is launching legal proceedings to eject from its ranks a politician who distributed a campaign flier that critics call anti-Semitic.

Party officials made the announcement Monday after Jurgen Mollemann said he would not decide until early next year whether to leave the party. In September, facing allegations that his anti-Israel, pro-Palestinian positions were responsible for the Free Democrats' poor electoral showing in the national elections, Mollemann resigned as the party's national vice president.

A month later, he resigned as the party's leader in his home state of North Rhine-Westphalia after allegations about the flier surfaced.

The controversial flier, issued days before Germany's Sept. 22 federal elections, repeated Mollemann's past accusations against Israeli Prime Minister Ariel Sharon and German Jewish leader Michel Friedman.

Latvians get Shoah monument

A Holocaust monument was unveiled near Riga, Latvia, after a controversy was resolved.

The memorial dedicated Monday commemorates the 1941 murder of 27,000 residents of the Riga Ghetto in a nearby forest.

After pressure from Jewish groups, the Riga municipality agreed to note in the monument's inscription that members of the Latvian security police participated in the slaughter.

Priceless 14th-century Haggadah on permanent display in Sarajevo

By Ruth E. Gruber

ROME (JTA) — For the first time in its turbulent history, the world-famous Sarajevo Haggadah is now on permanent public view.

The 14th-century Haggadah went on display Monday in Bosnia in a secure, climate-controlled room in the Sarajevo National Museum.

"Tonight the odyssey of the Sarajevo Haggadah has come to an end. It is home. It is safe," said the head of the U.N. mission in Bosnia, Jacques Klein. "It remains the symbol of hope, of tolerance, a symbol of Sarajevo that has endured."

Klein spoke at a gala ceremony Monday night inaugurating the exhibition of the priceless manuscript in the Sarajevo museum.

The U.N. Mission, along with the Bosnian Jewish community, the American Jewish Joint Distribution Committee, and the Yad Hanadiv and Wolfenson foundations, facilitated the \$150,000 project to restore the Haggadah and prepare the new exhibition room.

"It's like a Chanukah present," Jakob Finci, the president of the Bosnian Jewish community, told JTA by telephone.

"One of the reasons we organized the inauguration at this time is because of Chanukah, to find a reason for celebration," he said. "It's an event that's important not just for us Jews, but for all the people in Bosnia."

Owned by the Sarajevo National Museum since 1894, the 109-page manuscript, illustrated with exquisite illuminated paintings, long has been the symbol of the Jewish presence in the Balkans.

During the Bosnian war of the 1990s, it became a symbol of the shattered dream of multiethnic harmony there. Its return to public view is regarded as a symbol of hope for the future.

The Haggadah is being displayed along with valuable religious texts from Bosnia's other faiths: Islam, and the Catholic and Orthodox churches.

Representatives of the other religions, including the chief imam of Bosnia, Mustafa Ceric, took part in the ceremony.

The inauguration was treated as a major public event, and big banners advertising it swathed the outside of the museum.

The Haggadah has rarely been shown publicly and has never been on permanent display.

It was handwritten in Spain and brought to Sarajevo after the expulsion of the Jews from Spain in 1492. Wine stains and children's scrawls on its calfskin pages provide proof of its use during centuries of traditional Passover Seders.

Legends grew up about where and how it managed to survive.

During World War II, just before the Germans entered Sarajevo in 1941, the director of the National Museum smuggled it to a Muslim professor who hid it in a mountain village.

Its whereabouts during the 1992-95 Bosnia war were a matter of rumor. The National Museum was bombarded and badly damaged, but the Haggadah survived unscathed, either in a bank vault or in secret private custody.

In 1995, Bosnia's then-President Alija Izetbegovic displayed it briefly at a community seder during Passover — partly to dispel speculation that the government might have sold it to purchase weapons.

Throughout the Bosnian war, Bosnia's Jews were perceived as being outside the framework of the bloody ethnic conflict: neither Serb, nor Croat, nor Muslim. The Jewish community won widespread respect as a key provider of nonsectarian humanitarian aid.

Passover seders in Sarajevo became public events promoting tolerance. Senior Christian, Muslim and political leaders, as well as diplomats and visiting foreigners, attended.

"Jews are still regarded here this way," Finci said. "We are the only group trying to play this positive role, and it is highly appreciated. Jews and the Jewish community are still regarded as being helpful and not locked inside any struggle for power." □

U.S. finds Palestinians in violation, but waives sanctions noted in law

By Matthew E. Berger

WASHINGTON (JTA) — For the first time, the White House has officially determined that the Palestinians are not in compliance with the agreements it has signed with the United States and Israel.

But despite the determination, President Bush immediately waived any sanctions required by law, invoking national security as the reason.

The president's findings coincide with the release of the State Department's semiannual report on Palestinian compliance.

The report, obtained by JTA on Tuesday, says the Palestinians have not complied with several elements of its agreements, including recognizing the right of Israel to exist in peace and security, solving all disputes through negotiation and peaceful means and renouncing the use of violence.

Because of the sanction waiver, Monday's actions have no concrete effect.

Some American Jewish organizational officials and lawmakers are nonetheless praising the symbolic gesture of chastising the Palestinians for their noncompliance, but are criticizing the president's waiver of the sanctions.

"This finding is an important recognition by the U.S. government of Palestinian Authority involvement in and support for terrorism," said Abraham Foxman, national director of the Anti-Defamation League.

"The frank assessment of this report reflects the administration's broad commitment to speak the truth about terrorists and their supporters."

At the same time, Foxman said, "given the severity of the evidence affirming the P.A.'s non-compliance, we are disappointed that the White House chose to waive the sanctions."

The 12-page State Department report found that "the PLO has not complied with its commitments to assume responsibility over all PLO elements and personnel to assure their compliance with the renunciation of the use of terrorism, prevent violations, and discipline violators."

It also found that P.A. officials have supported violence "as a proper path towards an acceptable end to the conflict, even as they called for renewed negotiations."

However, it says there is no conclusive evidence linking political officials to terrorist acts or any direct links to Palestinian Authority President Yasser Arafat.

"There is strong evidence that some members of the P.A. security forces were allowed to continue serving even though their participation in terrorist incidents was well known," the report said.

"The P.A. and PLO senior leadership made only sporadic and ineffective efforts to issue clear instructions to refrain from violence or to assume responsibility over violent elements."

The smuggling of weapons to the West Bank and Gaza has continued, the report found, mostly over the Gaza-Egypt border.

It also criticized Israeli retaliatory attacks on Palestinian security sites, saying it had a "profoundly negative effect" on the Palestinians' ability to carry out their security responsibilities.

With this report, the Bush administration is delving into uncharted waters, but it is not doing so on its own free will.

Instead, a new law passed earlier this year requires the president to make a more stark determination about the Palestin-

ians' compliance with the Oslo accords, as well as subsequent agreements. The Middle East Peace Commitments Act, sponsored by Rep. Gary Ackerman (D-N.Y.) and included in the State Department Authorization Act that was signed this year, changed the process for assessing Palestinian compliance.

The previous legislation, the Palestinian Liberation Organization Commitments Compliance Act, only required that the State Department evaluate Palestinian compliance twice a year, without requiring a strict conclusion from the president on whether the P.A. was upholding its commitments.

That led to vague reports that often cited Israeli officials and did not independently determine what actions the Palestinians had or had not taken.

The last Compliance Act report, issued in July, found there was no conclusive evidence that senior leaders of the Palestinian Authority or PLO were directly involved in acts of violence, but "some leaders of Palestinian security forces were involved in planning and/or supporting violent attacks on Israelis."

While the wording is similar to this week's report, it did not conclusively find the Palestinians noncompliant. The new language makes it harder for the Bush administration to avoid doing that.

To avoid issuing sanctions against the Palestinians, Bush would have had to find the Palestinians to be in compliance with all signed agreements, which would be hard to justify and would have had a high political cost.

To get around that, the president, in issuing his assessment on Monday in a memorandum to Secretary of State Colin Powell, imposed the sanction of downgrading the PLO office in Washington, but immediately waived that sanction.

However, even with the waiver, the finding that the PLO was not in compliance comes at a political cost.

Bush is seeking Arab support for possible military action against Iraq, and sanctioning the Palestinians could hinder that.

The Bush administration had opposed the new provisions when it was debated in Congress this year, arguing that it essentially tied its hands in peacemaking.

The White House is engaged with the United Nations, European Union and Russia in formulating a road map towards a Palestinian state in 2005.

The plan, which would also require Israeli withdrawal to the boundaries it held before the intifada began in September 2000, will most likely be unveiled after Israeli elections next month.

Some Jewish leaders said Bush's waiver signaled an appeasement of terrorism.

It goes against the "principle of fighting a war against terrorism by making it clear there will be consequences for the promotion of terror," said Morton Klein, national president of the Zionist Organization of America.

Klein said he believes Bush's actions contradict his June 24 speech, in which he called for new Palestinian leadership that was not associated with violence, and for movement toward a Palestinian state within three years.

Rep. Eliot Engel (D-N.Y.) agreed. "While I am glad that sanctions were imposed against the PLO office in Washington, D.C., I am concerned that the president has sent a mixed message by waiving the sanction."

But the report defends the waiver. "Downgrading or closing the PLO office would make it more difficult for us to continue to stay in contact and support Palestinian reformers who share" goals with the United States, the report said. □