Review of the Year

UNITED STATES
Intergroup Relations

**The American Jewish Community** faced challenges on a number of fronts in 1992. The presidential and congressional elections forced a shift in priorities on the communal agenda toward an expanding range of domestic concerns. Black-Jewish relations continued along a rocky path: expressions of anti-Semitism in the African-American community accompanied by efforts at reconciliation between the two groups. Support for Israel, relations with the Vatican, church-state issues, and various civil-rights matters also occupied the Jewish community in the course of the year.

**1992 Elections**

As was the case in 1988, the 1992 general elections—particularly the presidential campaign—presented some problems for the Jewish community. Chief among these were the candidacies of conservative columnist Patrick J. Buchanan and former Klan leader David Duke (see “Political Anti-Semitism,” below) and the injection of religion into the political process.

**THE CAMPAIGN**

Pat Buchanan, after garnering 37 percent of the vote in the New Hampshire Republican primary vote on February 17—compared with incumbent George Bush’s 53 percent—received sizable “protest” votes in March 3 primaries in Colorado, Georgia, and Maryland, but none exceeding 36 percent. On Super Tuesday, March 9, Buchanan won sizable protest votes in five southern states and Oklahoma, Missouri, Massachusetts, and Rhode Island; his support all but eliminated the vote for Louisiana state representative David Duke, who received between 2 and 11 percent (9 percent in his home state). But Buchanan faded rapidly thereafter and was not a factor in the nomination process. He resurfaced, however, to the consternation of Jewish groups across the political spectrum, at the Republican convention (see below).

In the Democratic primaries on Super Tuesday, March 9, the Jewish vote split...
between Gov. Bill Clinton of Arkansas, the front-runner, and former Massachusetts senator Paul Tsongas. In a key battleground for Jewish votes, Florida, Clinton narrowly beat out Tsongas, winning half of the overall vote to Tsongas's one-third, and 46 percent of the Jewish vote to Tsongas's 44 percent, while former California governor Jerry Brown took 11 percent of the Jewish vote. (In other races, it is estimated that Tsongas did better among Jews than Clinton.)

In a Connecticut surprise on March 24, Jerry Brown, picking up Tsongas support (Tsongas had dropped out of the race the previous week), was the victor and also edged out Clinton in the Jewish vote. In New York—a state with a much more diverse Jewish community, one more readily responsive to Clinton’s message on urban affairs—the Jewish vote was decisive in a Clinton victory on April 7. Exit polls placed the Jewish vote at more than 50 percent for Clinton, 29 percent for Tsongas (no longer in the race), and a meager 10 percent for Brown. (Overall, Clinton won 41 percent, Tsongas 29 percent, and Brown 26 percent.)

Analysts drew two lessons from the returns: first, through his support of Israel, articulated at length to Jewish groups prior to the campaign, Clinton established himself as a favorite candidate of the community; and second, Jesse Jackson, whom Brown picked as a running mate, remained “an albatross” around the neck of any candidate who embraced him, in the words of David Zwiebel, Agudath Israel of America's government affairs director.

The relationship of Clinton and the Democratic party to the Jewish community was both informed and reinforced by the candidate’s meetings with major Jewish organizations throughout the year. The choice of Sen. Al Gore (D., Tenn.) as vice-presidential candidate—a known quantity to Jews, with a good record on issues of importance, such as the U.S.-Israel relationship—was a plus. And the Democratic national convention, held in New York City in July, drafted and passed one of the strongest pro-Israel party platforms in recent history, one that was free of the rancor over pro-Palestinian resolutions that had plagued the party in 1988. The platform included a plank affirming the “special” U.S.-Israel relationship, admonishing the Bush administration for not being an “honest broker” in the peace process, declaring Jerusalem to be the capital of Israel, condemning anti-Semitism, and calling upon the United States to assist in the absorption of Jewish immigrants into Israel. “It’s a big change from 1988,” observed Stuart Eizenstat, domestic-policy adviser in the Jimmy Carter White House. “The platform represents the work of the National Jewish Democratic Council and other Jewish organizations, and the fact that Jesse Jackson is not a major player.”

The candidacy of Texas billionaire H. Ross Perot raised questions for the electorate as a whole and for Jews as a group. Perot, who was in, then out, and finally in, as an independent candidate, consistently affirmed his support of Israel. But allegations with respect to an anti-Semitic firing from Perot's computer company, Electronic Data Systems, surfaced in early July, and the New York State Division of Human Rights determined that there was “probable cause” to believe that EDS discriminated against an Orthodox Jewish woman who refused to work on Sukkot.
As for Perot's politics, Earl Raab, director of Brandeis University's Perlmutter Institute, offered this analysis: “Perot represents a dangerous tendency that a lot of alienated people find attractive. . . . He represents a counter-revolutionary tendency that should be dismaying to all Americans and especially to Jews. He bypasses the coalition process in favor of the 'participatory democracy' of an electronic town hall. . . . It is the political equivalent of a lynch mob, in which 'Jewish issues' would no longer be a serious part of the equation.”

THE REPUBLICAN CONVENTION

Even before the Republican national convention, held in Houston in late August, Jews were troubled about President George Bush's views on religion and state. In January, one day before he delivered his 1992 State of the Union Address, he told 1,600 delegates to the National Religious Broadcasters, a largely evangelical group, “One cannot be America's president without a belief in God, without a belief in prayer.” The president drew criticism from some Jewish groups for apparently forgetting that the Constitution proscribes a religious test for public office.

At the convention itself, the religious theme was taken up by Bush surrogates, mainly Patrick J. Buchanan and fundamentalist minister Pat Robertson, head of the Christian Coalition. In a speech on August 17, kicking off the convention, Buchanan characterized the campaign as a “religious war” and attacked Democrats' opposition to public funding for private and parochial schools as a deviation from “Judeo-Christian values . . . not the kind of a change we can abide in a nation we still call God's country.” Robertson, speaking to the convention on August 19, reiterated Bush's religious themes in a speech that angered many in both parties, including Jewish Republicans, who backed away from Buchanan's “religious war.”

On August 22, Bush re-injected religion into partisan politics. Speaking before a convention of evangelical religious leaders in Dallas, the president said that he was struck that “the other party [the Democrats] took words to put together their platform but left out three simple letters: G-O-D.” Bush and the Republican party were rebuked by leaders of the National Council of Churches, who stated in an August 25 letter, “It is blasphemy to invoke the infinite and holy God to assert the moral superiority of one people over another, or one political party over another.”

CONGRESSIONAL RACES

The anti-incumbency mood sweeping the nation, together with redistricting and a number of retirements, contributed to a large number of changes in the U.S. House of Representatives and Senate. Among the 55 voluntary departures and 7 involuntary ousters resulting from primary contests were four strong supporters of Israel: Dante Fascell (D., Fla.), chairman of the House Foreign Affairs Committee since 1984; Larry Smith (D., Fla.), a victim of the House bank scandal who was also at risk due to redistricting, and whose decision in late April not to run for reelection
was viewed as a major setback for the pro-Israel community; Mel Levine (D., Calif.); and Vin Weber, a conservative Minnesota Republican who sought to get the GOP leadership to champion Israel's cause.

Among the primary races watched closely by Jewish groups were the Democratic race in Pennsylvania, where political unknown Lynn Yeakel won an upset victory over Lt. Gov. Mark Siegel, largely by attacking incumbent Republican Arlen Specter over the 1991 Clarence Thomas sexual-harassment hearings; and a toughly fought primary in New York's 12th congressional district, in which nine-term Brooklyn congressman Stephen J. Solarz (D.) was fighting for his political life. Solarz's seat was in a district that had been heavily Jewish but was now newly shaped as a Hispanic district to conform to the provisions of the 1965 Voting Rights Act. His five Democratic rivals were all Hispanic. On primary day, September 15, Solarz lost to Nydia M. Velasquez, the Commonwealth of Puerto Rico's former representative in New York. Also in New York, on the eve of the New York primary, Rep. Ted Weiss (D.), a liberal congressman who had represented Manhattan's 17th (newly drawn and renumbered as the 8th) district since 1974, died. Weiss, who won the primary nonetheless, was succeeded in Congress by State Assemblyman Jerrold Nadler. Finally, on primary day in Illinois, March 17, six-term black congressman Gus Savage, considered by observers of the political scene to be the most antiwhite, anti-Jewish, and anti-Israel member of Congress, was defeated by a 2–1 margin by community activist Mel Reynolds.

ELECTION RESULTS

Tuesday, November 3—election day, 1992—had Jewish voters giving massive support to Gov. Bill Clinton of Arkansas, who won an overwhelming majority of electoral votes, even as he received only 43 percent of the popular vote. Exit polls variously placed the Jewish vote for Clinton at from 78 percent (New York Times) to 86 percent (American Jewish Congress). President George Bush received 10–15 percent and independent candidate H. Ross Perot 4–10 percent of the Jewish vote. The lopsided Jewish support of Clinton was the highest Jewish showing for any Democrat since Lyndon Johnson received 90 percent in his 1964 landslide victory over Barry Goldwater. (Estimates of the Jewish vote for Michael Dukakis in 1988 were 65, 71, and 72 percent; similar estimates applied to Walter Mondale in 1984.)

A study conducted by the National Jewish Democratic Council, a political advocacy group, revealed that Jews—who make up 2.4 percent of the population—accounted for 4 percent of the total casting ballots and 7 percent of Clinton's nationwide vote, and possibly provided the winning margin in two key state races, Georgia and New Jersey.

Analysts suggested that many Jewish voters were retaliating against the Bush administration for its position on loan guarantees to Israel rather than positively supporting Clinton. However, according to political analyst Joshua Muravchik, Bill Clinton was able to appeal to many Jewish voters by “distinguishing himself from
liberal orthodoxy,” particularly “on the critical subject of race,” which he did by allowing Jesse Jackson only minimal exposure during the campaign and at the Democratic convention. On welfare reform, military strength (notwithstanding his advocacy of defense cuts), his alliance with the middle class, and other issues, Clinton established his nonliberal persona “and found victory in the center,” said Muravchik.

THE NEW CONGRESS

The Jewish position in the 103rd Congress was slightly enhanced. Jews retained the 33 seats they had held in the House of Representatives of the 102nd Congress, as 11 newcomers replaced some of the well-publicized retirees. The number of Jews in the Senate increased from eight to ten, making Jews a full 10 percent of the upper House. In one Senate race that bucked a pattern of incumbent triumph, conservative Republican senator Bob Kasten of Wisconsin—one of Israel’s most powerful and devoted allies in Washington—lost to Russell Feingold, a progressive state senator. And highly significant was the victory in California of two Jewish women, both Democrats, Rep. Barbara Boxer and former San Francisco mayor Dianne Feinstein, in the race for two Senate seats.

Two emotionally charged races took place in New York and Pennsylvania. In New York, Sen. Alphonse D'Amato (R.), winning 40 percent of the Jewish vote—the key to his victory—narrowly defeated Attorney General Robert Abrams, a Jew. D'Amato received the lion's share of pro-Israel PAC money. In Pennsylvania, Sen. Arlen Specter (R.), a Jew, defeated Democratic challenger Lynn Yeakel, who had strong support from women. Jews in Pennsylvania were divided over the race, but Specter had strong backing from the organized pro-Israel community, and Yeakel's support for Israel was in some doubt. The unexpected defeat of Rep. Bill Green (R., N.Y.) was mourned by the pro-Israel community; Green had played an important role in crafting the foreign-aid program. Also defeated was Rep. Tom Downey (D., N.Y.), a strong supporter of pro-Israel initiatives and of the emigration of Soviet Jews.

All of the Jewish newcomers in the House and Senate, as well as the incumbents, were vocal supporters of Israel, but they represented a new crop of liberal, domestically oriented political activists. The image of a “disciplined Jewish political community,” in the words of political observer Morris Amitay, appeared to be eroding, because the Jewish vote had become more independent. And Abba Cohen, Agudath

1Jewish senators in the 103rd Congress: Barbara Boxer (D., Calif.), Russell Feingold (D., Wis.), Dianne Feinstein (D., Calif.), Herbert Kohl (D., Wis.), Frank Lautenberg (D., N.J.), Carl Levin (D., Mich.), Joseph Lieberman (D., Conn.), Howard Metzenbaum (D., Ohio), Arlen Specter (R., Pa.), and Paul Wellstone (D., Minn.). The retirement of Warren Rudman (R., N.H.) was more than offset by the election of the three new senators, Feingold, Boxer, and Feinstein.
Israel of America’s Washington representative, said that he was “not optimistic about the new class [of members of Congress] coming in. Although they talk of pro-Israel issues, they have no proven record.”

THE CHRISTIAN COALITION

The election activities of television evangelist Pat Robertson’s Christian Coalition were of concern to Jewish groups and their coalition partners during the campaign. Founded in 1989, the Christian Coalition had eclipsed the now defunct Moral Majority, which had been a force on the political religious right during the 1980s. Robertson’s group, which aimed at electing “pro-family Christians” and achieving “working control” of the Republican party by 1996, became a force on Republican central committees in more than half a dozen states and placed some 300 members as delegates to the Republican convention. The increased visibility of the fundamentalist political movement was manifest in the prominent role played by Robertson and the coalition at the convention, at which Robertson delivered a prime-time address in which he articulated many Christian Coalition themes.

Coalition groups, which claimed 250,000 members in 49 states, worked through the tactic of placing “stealth candidates” in hundreds of local elections around the country. According to People for the American Way, a liberal public-affairs advocacy group, the Christian Coalition elected some 40 percent of the approximately 500 candidates it fielded, mostly to local offices such as school boards. The Christian Coalition also aggressively backed anti-gay ballot initiatives in Oregon and Colorado.

Jewish groups chided Mississippi governor Kirk Fordice for his declaration on November 17, at a meeting of the Republican Governors Association, that “the United States of America is a Christian nation. . . . The less we emphasize the Christian religion, the further we fall into the abyss of poor character and chaos.”

THE NEW ADMINISTRATION

At year’s end, as the president-elect announced the key members of his foreign-affairs team, Jewish groups were generally confident that the U.S. commitment to Israel would remain strong. At the same time, questions were raised about Warren Christopher, named secretary of state, and Anthony Lake, named national security adviser, based on their previously expressed views. Two other Clinton appointments raised questions for the Jewish community. The nomination in December of University of Wisconsin-Madison chancellor Donna Shalala as secretary of human services drew mixed reviews from Jewish groups. Concerns were expressed about Shalala’s support for campus speech codes and an ethnic-studies requirement as well as relaxed admissions requirements for blacks and hiring goals for faculty “of color.” But Steven Morrison, executive director of the Madison Jewish Community Council, asserted, “Shalala is clearly an advocate for the Jewish agenda.” An article in
the English-language *Forward* (December 18), on Johnetta Cole, president of Spellman College in Atlanta, who had been tapped for a key role in the Clinton transition operation and was reportedly a leading candidate for secretary of education, disclosed Cole's past support of hard-line Communist front organizations, including the U.S. Peace Council, reportedly a pro-PLO group. Shalala was ultimately nominated to her post; Cole was not.

**Other Political Matters**

An item on the congressional agenda in 1992 was campaign finance reform, a matter of fierce dispute among Jewish groups, mainly over the question of limitations on political action committees (PACs). The Congressional Campaign Spending Limit and Election Reform Act of 1992, never a favorite among lawmakers, was passed by the Congress in April but vetoed by President Bush in May.

**SOCIAL-POLICY ISSUES**

Jewish groups took positions on various social-policy issues that were not specifically "Jewish" concerns but about which there were strong feelings in the Jewish community.

In the November elections, homosexual rights were on the ballot in two states. Oregon voters rejected Ballot Measure 9, which would have amended the state constitution to require that government discourage homosexuality. Despite the intense efforts of a broad-based coalition—including Jewish groups in the state—43 percent of the voters supported the measure. In Colorado, Amendment 2, denying homosexuals preferential treatment or protection against discrimination, was approved. The National Jewish Community Relations Advisory Council (NJCRAC), acting on behalf of national and community member agencies (with the Union of Orthodox Jewish Congregations of America, a congregational body of the centrist Orthodox movement, dissenting) adopted in September a policy in opposition to sexual-orientation discrimination; however, religious institutions were exempt from the policy.

In the area of reproductive rights, the U.S. Supreme Court decision in *Planned Parenthood of Southeastern Pennsylvania v. Casey* on June 29 generated a furor of activity on Capitol Hill and among pro-reproductive-choice groups—including many Jewish organizations—around the country. In one of the most controversial decisions issued in 1992, the Court, by a 5-4 margin, upheld the constitutionality of nearly all components of a Pennsylvania law requiring a woman to notify her husband before she could have an abortion, parental consent for minors, counseling by the doctor about alternatives to abortion followed by a waiting period of at least 24 hours, and reporting on abortion procedures and patients by health clinics. The bitterly divided Court upheld the challenged provisions of the Pennsylvania law, with the exception of the spousal notification requirement. In so doing, it paved the
way for states to enact laws patterned after Pennsylvania’s that would regulate or restrict access to abortion.

According to Alfred A. Moses, president of the American Jewish Committee, “While claiming to re-affirm Roe... the decision in fact overturns that portion of Roe v. Wade which treated the right to choose as a fundamental right.” Numerous Jewish organizations as disparate as New Jewish Agenda, Hadassah, Women’s American ORT, and the Anti-Defamation League filed amicus briefs challenging the Pennsylvania law. However, Agudath Israel of America’s general counsel, David Zwiebel, representing a view shared by many in the Orthodox community, maintained that abortion is not a fundamental right and that to allow abortions without restrictions is “unwise public policy.” “Laws that undermine the sanctity of life send a message that is profoundly dangerous to society,” added Zwiebel.

The Casey decision served to mobilize support for passage of the Freedom of Choice Act (FOCA), which would prohibit states from restricting abortion prior to fetal viability. But threatened with presidential veto, FOCA came to the floor of neither the House nor the Senate. Other legislation related to reproductive choice fared poorly as well; legislation reversing the “gag rule,” the Bush administration policy prohibiting health-care workers at clinics that receive Title X funds from providing counseling on abortion services, died when the House failed to override a presidential veto.

Jewish groups were disappointed with President Bush’s veto on September 22 of the Family and Medical Leave legislation that had been vigorously supported by a coalition of Jewish and other groups since its first appearance in the 99th Congress in 1986. Advocates of the measure, which would provide for up to 12 weeks of unpaid leave to care for a new baby or a family illness, looked to the new Congress and administration for passage.

Soviet Jewry

Debate continued over Israel’s request to the United States to guarantee, by acting as co-signatory, a loan for $10 billion to assist in the absorption of immigrants—primarily from the former Soviet Union.

In the fall of 1991, President Bush demanded, and Congress agreed to, a 120-day waiting period, to permit movement on the peace process, specifically, the direct Israeli-Arab peace talks in Madrid on October 30. At the beginning of 1992, Jewish groups had urged the president to move on the loan-guarantee request and the second session of the 102nd Congress to act on it. The administration, however, had conditions for approval of the request which did not please the Shamir government (still in power in Israel), namely—as stated by Secretary of State James Baker in February 24 testimony before the House foreign operations subcommittee—linkage of loan guarantees to “a halt or end to settlement activity” in the occupied territories. Subsequent administration proposals, including a plan in March agreeing to $1 billion immediately without linkage, and the rest linked to restriction of settlement
activity, was rejected by the Israelis. Bush further solidified the impasse when he remarked, on March 17, that linkage was a "long-standing policy," directly related to Middle East peace.

The election of a new government in Israel in June dramatically changed the political landscape with respect to the issue. With Prime Minister Yitzhak Rabin at best ambiguous (Rabin said that he opposed "political" settlements), administration officials had, in the words of analyst Morris Amitay, "significant wiggle room." When the Israeli government announced in early August a limit on the building of settlements, the stage was set for an agreement to be reached on the loan-guarantee issue, as it was in a meeting of Bush and Rabin in Maine on August 11. The agreement included a crucial provision consistent with administration policy: the cost of any further settlement construction would be deducted from the guarantees, in order to ensure that the United States would not be in the position of financing settlements in the territories.

In a speech on September 8 to B’nai B’rith, President Bush called on Congress to approve the guarantee of $10 billion of loans. Senate approval of the foreign-aid bill including the guarantee request (FY 93 Foreign Operations Appropriations) came exactly three weeks later by a vote of 87-12. On October 1, the measure was reconciled with the slightly different House bill passed earlier, and President Bush signed the measure into law on October 6. It authorized guarantees of $2 billion over each of the next five years, with discretion to the president to suspend the loan program if he determined that "the terms and conditions have been breached." This signified a U.S. demand for a virtual freeze on the construction of Jewish housing across the Green Line.

On another front, Jewish groups advocated vigorously for refugee legislation—the so-called Lautenberg Amendment—that had implications for Jews and others from the former Soviet Union. The legislation, responding to troubling conditions for persecuted groups, would facilitate the granting of refugee status to Soviet Jews and other groups, including Soviet evangelical Christians, Ukrainian Catholics, and certain classes of Indo-Chinese. The bill, first introduced by Sen. Frank Lautenberg (D., N.J.) as an amendment to the 1990 Foreign Appropriations Act, and valid for that year only, was next included in the 1991 measure, where it again had a "sunset" provision, calling for annual reauthorization. In 1992 the amendment was included as part of both the Foreign Operations Appropriations Act and the Freedom Support Act and was cosponsored by Rep. Howard Berman (D., Calif.). The amendment was extended for two years in October.

**Crisis in Bosnia**

As the crisis in Bosnia-Herzegovina deepened this year, with reports of "ethnic cleansing" evoking memories of the Holocaust, Jewish groups mobilized in response. Even as they were developing stances with respect to issues such as lifting the arms embargo and creating "no-fly zones," 18 Jewish organizations participated
in a “call to action” at a rally held August 5 outside the United Nations in New York. Benjamin Meed, president of the American Gathering of Jewish Holocaust Survivors, one of the rally’s organizing groups, summed up the “call”: “Mankind is divided into three groups: the murderers, the victims, and the bystanders. Murderers can only act if the bystanders permit them to.” The rally was accompanied by an ad placed in the New York Times on August 5 by the American Jewish Committee, the American Jewish Congress, and the Anti-Defamation League, calling for “every necessary step, including the use of force,” in “stopping the death camps” in Bosnia, and calling upon representatives of humanitarian organizations to investigate accounts of conditions in the camps.

In November, the American Jewish Congress was the first Jewish organization to call for the administration to reverse its arms-embargo policy in responding to the Bosnian crisis. Most Jewish organizations held off articulating support for this or other measures at the request of the American Jewish Joint Distribution Committee, which was concerned about the fate of Jewish communities in Bosnia, primarily in the capital, Sarajevo. However, by year’s end, 19 of 24 sponsoring organizations of a rally held on December 22 at the still-incomplete U.S. Holocaust Memorial Museum in Washington endorsed a 12-point statement, “Bosnia, a Plea to the United States,” asking the U.S. government to “formulate and announce an American policy adequate to the crisis in Bosnia.” The statement called for military intervention, if necessary, and the prosecution of those involved in war crimes. As the year drew to a close, Jewish support grew for lifting the arms embargo. Said Kenneth Jacobson, international affairs director of the Anti-Defamation League, “enabling the Bosnian Muslims to become armed is a way of saving Muslim lives.”

While the Jewish community cooperated with Catholic, Protestant, and Muslim groups in activism on the Bosnia issue—the four faith communities joined in a Sabbath for Prayer and Petition for Bosnia on the weekend of December 4–6—Christian groups stopped short of calling for military action. The National Council of Churches, in an August 6 letter to President Bush, urged the United States to give financial and diplomatic support to the United Nations.

Black-Jewish Relations

CROWN HEIGHTS AFTERMATH

The year following the August 1991 events in the Crown Heights section of Brooklyn was a period of attempted healing between blacks and Jews, even as anger and bitterness reemerged because of new developments. Most troubling was a Brooklyn jury’s acquittal in October of the prime suspect in the murder of Yankel Rosenbaum, a young Orthodox Jew who had been set upon, beaten, and murdered on the first night of the Crown Heights riot. (See AJYB 1993, pp. 91–94.)

Tensions in Crown Heights simmered during the months following the riot, and
flared in the aftermath of discrete events—the stabbing murder of a Hassidic woman in February; a late March attack on a Hassidic man; the arrest of a Hassid for participating in the gang-beating of a homeless black man suspected of burglary, in early December; and most notably, the acquittal of Lemrick Nelson. Nelson, a 17-year-old black, had been indicted on four counts—intentional murder, murder by depraved indifference, and first- and second-degree manslaughter—in the August 19, 1991, stabbing murder of Yankel Rosenbaum. On October 29, following a trial in New York State Supreme Court (the trial level in New York State), in which the credibility of the police was repeatedly questioned because of allegedly sloppy investigative work, Nelson was acquitted of all charges.

The reaction of Jewish groups was one of deep disappointment. The verdict, said Judah Gribetz, president of the New York Jewish Community Relations Council, "is a blot on the record of the system of justice." Officials of the Anti-Defamation League, the Union of American Hebrew Congregations, the National Jewish Community Relations Advisory Council, the American Jewish Committee, and other organizations expressed shock and dismay at the verdict and called upon the U.S. Department of Justice to investigate whether Rosenbaum's civil rights had been violated.

Indeed, the day after the Nelson acquittal, Attorney General William P. Barr announced that the Justice Department would conduct an inquiry into the Rosenbaum death in order to determine whether there were civil-rights violations in the case; and on November 17, New York State governor Mario Cuomo ordered a state inquiry into both the Nelson trial and allegations that the New York City police had been hampered by higher-ups in their response to the Crown Heights events, thereby exacerbating the riots. Cuomo ordered his director of criminal justice, Richard Girgenti, to probe the entire incident. On November 20, a class-action suit was filed in federal court by the Crown Heights Jewish Community Council, charging that Mayor David Dinkins and then police commissioner Lee Brown had conspired not to protect Jews from the mob and that civil rights of Crown Heights residents had been violated.

A December 16 meeting in Crown Heights between Jewish leadership and the mayor failed to resolve anything. However, national Jewish groups, in an effort to prevent the further widening of already gaping rifts, defended Dinkins from charges of anti-Semitism leveled by some in the community. In a full-page advertisement in the New York Times (December 10) entitled "Enough!" the American Jewish Congress asserted that the charges were "offensive" and called upon blacks and Jews to "resolve our conflicts and heal our wounds . . . black leaders must reject false charges of racism and condemn anti-Semitism in the black community, just as Jewish leaders must reject racism and false charges of anti-Semitism in the Jewish community."

The implications of the Crown-Heights aftermath for black-Jewish relations were mixed. The Reverend Jesse Jackson, often regarded as an irritant in the relationship, was involved in an "active and constructive" manner in an effort to keep the
controversy from tainting black-Jewish relations nationally, according to Diana Aviv, an official of the National Jewish Community Relations Advisory Council. Although most analysts agreed that Crown Heights was unique, the current tense state of black-Jewish relations around the country could not be ignored. Most observers agreed with American Jewish Committee official Murray Friedman, who said, "We're going to have to realize that the [black-Jewish] alliance cannot be reasserted in the way it once existed. . . . We may need a degree of separation, a cooling-off period."

JESSE JACKSON

Jesse Jackson's activities during the year included an aggressive—"near manic," in the words of one observer—courtship of the Jewish community. In addition to his activities with respect to Crown Heights, Jackson met with numerous Jewish groups throughout the year in efforts aimed at repairing a relationship that was seriously compromised in 1979, when Jackson was photographed hugging Yasir Arafat, and 1984, when, as a presidential candidate, he called New York City "Hymietown" and refused to distance himself from Louis Farrakhan.

In a July 7 speech clearly aimed at reconciliation with the Jewish community, Rev. Jackson told a conference on anti-Semitism and prejudice, convened in Brussels by the World Jewish Congress, that "racism and anti-Semitism are scientifically and morally wrong," and praised Zionism as a "liberation movement." (This was in marked contrast to his 1980 characterization of Zionism as "a kind of poisonous weed choking Judaism.") Calling for "joint action" with the Jewish community, Jackson said, "The shrill voices of the extreme must not take our eyes off the real institutional threats." The reaction of Jewish leaders to Jackson's remarks was a mixture of praise and caution; they suggested that his credibility would be enhanced if he were to deliver his message of opposition to anti-Semitism in black neighborhoods and to black audiences.

Within a week of his July 7 speech in Brussels, Jackson again—this time at the Democratic National Convention—reached out to Jews, speaking movingly about the Holocaust and proffering optimistic observations about Israel's new government. Finally, in December, Jackson and the American Jewish Congress, in a clear attempt to define black-Jewish relations in terms of political action rather than violent reaction, unveiled a joint legislative agenda. Most Jewish leaders praised Jackson's effort to reach out to Jews. "For five years, he has bent himself into a pretzel trying to re-forge the [black-Jewish] alliance," said UAHC president Rabbi Alexander Schindler, and "the reason that it's been more intense recently is that he's finding a response." Other Jewish leaders, while welcoming Jackson's activities, were more cynical in their analyses, suggesting that Jackson was wooing the Jewish community as part of a strategy aimed at securing a position with the incoming Clinton administration.
ANTI-SEMITISM IN THE BLACK COMMUNITY

Prof. Leonard Jeffries, Jr., chairman of the City College of New York's Black Studies Department, who was severely criticized in 1991 for teaching anti-Semitic ideas, was again a focus of controversy. Although Jeffries' term as department chairman had been extended in October 1991 by a probationary one-year period, on January 27 City College president Bernard W. Harleston informed the Board of Trustees of the parent City University of New York (CUNY) of his intention to remove Jeffries from that position. On March 23, the CUNY board voted to replace Jeffries with Edmund W. Gordon, a retired Yale professor, with Jeffries remaining a tenured full professor at the City College. In early June, Jeffries sued the college, claiming that his demotion was punishment for controversial views he had aired and was therefore a violation of his First Amendment right to freedom of expression. Jeffries sought $25 million in damages and reinstatement as chairman. Jeffries v. Harleston was viewed as a potentially seminal case in defining the parameters of professors' rights and responsibilities at a time when campus tensions over "political correctness" and multiculturalism were growing.

Concern was expressed by Jewish organizations over reports from New York, Philadelphia, Pittsburgh, Washington, D.C., and Los Angeles that an arm of Louis Farrakhan's Nation of Islam, an anti-white, anti-Semitic black-Muslim organization, had bid for, and in some cases had been awarded, contracts to provide security at housing projects funded by the federal government through the Department of Housing and Urban Development (HUD). A number of Jewish groups, including the American Jewish Committee and the Anti-Defamation League, called upon HUD Secretary Jack Kemp to scrutinize, and invalidate if necessary, proposed federal contracts if, in the words of the American Jewish Committee (September 22), "the discrimination and religious enterprises of the parent company infect this enterprise." At year's end the matter had not been resolved.

Mayor Sharon Pratt Kelly of Washington, D.C., ignited a firestorm of protest when, on July 11, she issued a proclamation honoring Dr. Abdul Alim Muhammad, "minister of health and human services" and a national spokesman for the Nation of Islam. The proclamation was issued within days of rejection of a similar proclamation by the City Council. Following meetings with Washington Jewish leaders, Kelly issued an "open letter to the African-American and Jewish communities," in which she said that she had sought to acknowledge Muhammad's antidrug and anti-AIDS work and had condemned his anti-Semitic comments. "While we welcome [Kelly's] response," commented the Jewish Community Council of Greater Washington, "it was a serious mistake to honor an individual with a well-documented history of bigotry and anti-Semitism." Similar concern was expressed in October, when Atlanta mayor Maynard Jackson wrote a letter to Minister Louis Farrakhan welcoming him to Atlanta for the Nation of Islam's annual convention. While Jewish groups did not question the right of the Nation of Islam to hold a meeting, they did chastise Mayor Jackson for welcoming and embracing Farrakhan.
Two prominent African-American academics—Henry Louis Gates, Jr., of Harvard and Cornel West of Princeton—published articles analyzing and repudiating anti-Semitism in their community. In a July 20 *New York Times* op-ed article that received significant attention, Gates, a professor of English and chairman of Harvard's Afro-American Studies Department, shot well-aimed arrows at those blacks who spread anti-Semitic canards—charging them with demagoguery and "opportunism"—and argued forcefully that the ultimate damage done by black anti-Semitism is to the political culture of blacks themselves. West, a professor of religion and director of Princeton's Afro-American Studies Department, in an article in *Tikkun*, "Black Anti-Semitism and the Politics of Resentment" (January-February, 1992), argued that black anti-Semitism, by weakening the buffer between racism and social justice, "plays into the hands of the racists, who appeal to . . . the silent depression that plagues the majority of Americans." While Gates and West were praised in Jewish and other white quarters for bringing the issue into the open, they were reviled by a number of African-American spokespersons. Typical was the comment—directed at Gates—of former Harvard Law School professor Derrick Bell, who said, "Blacks should be very careful about criticizing each other because whites love it so much when they do." Gates received a number of death threats as well.

**OTHER MATTERS**

Amid tensions reflecting fundamental—some analysts suggested even inherent—difficulties in the black-Jewish relationship, positive developments were taking place on the local level. In Los Angeles, in the course of the riots that followed the April 29 verdict acquitting four police officers in the beating of Rodney King, a black man, Jewish communal leaders developed action plans to get quantities of food and other necessary goods to riot-stricken areas. In New York, on May 28, the UJA-Federation, a local fund-raising and community-planning Jewish communal umbrella body, joined with five groups representing African-American, Hispanic, Asian, Catholic, and Protestant charities in the Joint Federation of Public Policy Partnership, in an effort to improve the services provided to the city's multiracial and multireligious population. The partnership launched a diversity-training program, viewed by observers of intergroup relations as a model for such programming.

In August, Jewish and black health-care professionals traveled to South Africa to help train blacks in health-care fields. The program, Medical Education for South African Blacks, was funded by a foundation grant. Commenting on black-Jewish activities around the country, Rabbi Lynn Landsberg, associate director of Reform Judaism's Religious Action Center, said, "The [black-Jewish] alliance may be seriously troubled nationally—that's obvious. But you wouldn't know it from the hundreds of programs conducted on the local level in virtually every community."

Two arts events during the year were regarded as efforts to heal the breach between blacks and Jews. A documentary film, "The Liberators: Fighting on Two
Fronts in World War II," released in November and aired on PBS television on November 11, Veterans' Day, tells the story of the all-black army divisions—which themselves had been subject to official discrimination—that liberated the Buchenwald and Dachau concentration camps in the closing months of World War II. The film was viewed by observers of black-Jewish relations as a vehicle for reconciliation. At year's end, however, questions were being raised about the accuracy of some of the historical information.

"Bridges and Boundaries: African-Americans and American Jews," an exhibition at the Jewish Museum in New York, under the joint auspices of the museum and the National Association for the Advancement of Colored People, traced the complex relationships between blacks and Jews in America. While there was some criticism of the show by Jewish groups—the Jewish Labor Committee contended that there were inaccurate portrayals of aspects of the labor movement, including allegations of discrimination—Jewish representatives said that "the positive side of bridge-building outweighs the negative side."

**Anti-Semitism and Extremism**

**ASSESSING ANTI-SEMITISM**

By most major criteria, anti-Semitism continued to diminish. An Anti-Defamation League study, "Survey on Anti-Semitism and Prejudice in America," conducted by the Boston polling firm Marttila and Kiley and released in November, corroborated the long-term downward trend of attitudinal anti-Semitism that has characterized American society for the past 45 years.²

The index of anti-Semitic beliefs used in the Marttila/ADL study grouped respondents into one of three categories—"not anti-Semitic," "middle," and "most anti-Semitic"—based on the number of critical responses they gave to 11 specific questions about Jews. Twenty percent of those surveyed accepted six or more stereotypes, qualifying those individuals as "most anti-Semitic"; 41 percent—the "middle group"—held between two and five stereotypes and "are considered to be neither prejudiced nor unprejudiced—not an audience to be worried about"; and 39 percent held none or one of the critical responses, and were judged to be "virtually free of prejudicial attitudes toward the Jewish community." The study reaffirmed findings from previous polls. For example, as levels of education rise, anti-Semitism declines; and Americans over 65 are twice as likely as those under 65 to be anti-Semitic. With respect to the African-American community, Marttila found that blacks are twice as likely as whites to hold anti-Semitic views, but blacks and whites

alike tend to be less anti-Semitic as levels of education rise.

Some analysts questioned the validity of any study based on an “index of anti-Semitic beliefs,” since respondents placed in the “most anti-Semitic” category by virtue of answering yes to at least six out of the eleven questions may have given up to five pro-Jewish responses as well. Similarly, among those classified as “not anti-Semitic,” some anti-Jewish attitudes may have been expressed. Analysts suggested that attitudinal surveys could not claim more than a marginal few as either “anti-Semitic” or “not anti-Semitic,” and that a more sophisticated conceptual scheme was called for.

The 1992 New York Intergroup Relations Survey, conducted by the Roper Organization for the American Jewish Committee, released in October, had some disturbing findings about attitudes toward Jews in the major center of Jewish population. Forty-seven percent of New York City residents viewed Jews as having “too much influence in New York City life and politics,” with 63 percent of blacks affirming this view. The 47-percent figure was more than twice that for other racial or ethnic groups. The data from the New York study were mixed, however; Roper found that Jews are the most admired group on several characteristics surveyed, including “intelligence” and not being “prone to violence.” The Roper/AJC poll stands in sharp contrast to a 21-percent “too much influence” response in a 1990 national survey conducted by the National Opinion Research Center, and 31 percent in the 1992 ADL poll.

With respect to Jewish perceptions of anti-Semitism, 54 percent of New York Jews said that anti-Semitism is “somewhat of a problem,” and 37 percent asserted that it is a “very serious problem.” These numbers are slightly higher than, but generally consistent with, national data in this area.

One traditional index of anti-Semitism, the number of discrete incidents of anti-Semitism, declined for the first time in six years, according to the annual audit of anti-Semitic incidents compiled by the Anti-Defamation League (ADL). The total of 1,730 incidents was 8 percent lower than the record number of 1,879, recorded in 1991. Cases of vandalism against Jewish institutions and property and instances of “harassment” also declined during 1992.

EXTREMIST GROUPS

The Anti-Defamation League estimated that the total membership of all hate groups around the country was fewer than 20,000, roughly unchanged since 1990. Nonetheless, the ADL cautioned that there had been an increase over the past two years in the numbers of young people aligning themselves with violence- and hate-promoting “skinhead” groups (some 3,000–3,500 individuals), groups that were often drawn to associate with more established “hate” organizations, such as Tom Metzger’s White Aryan Resistance (WAR).

Another indicator of the number of “sympathizers” with such groups is the circulation size of Spotlight, the organ of the anti-Semitic and racist Liberty Lobby.
The reported 1992 figure of 80,000, a slight decrease from 1991 (and significantly lower than the 200,000 circulation reported during the 1970s), suggested that there was yet a sizable number of Americans in the penumbra of extremism in the United States.

While passage of hate-crimes legislation was advocated by Jewish groups (see "Legislative and Judicial Activity," below), analysts of extremism suggested that the effect of such laws would be minimal. "Extremism is tautologically extremist," offered Earl Raab, director of Brandeis University's Perlmutter Institute for Jewish Advocacy, "and these groups will act notwithstanding the passage of some law."

Finally, in July, Tom Metzger, John Metzger, and the White Aryan Resistance (WAR) appealed the $12-million judgment secured against them and two Oregon skinheads in October 1990 in an Oregon state trial court. The ADL together with the Southern Poverty Law Center filed an *amicus* brief in the case, *Berhanu v. Metzger*.

**POLITICAL ANTI-SEMITISM**

With the beginning of both the year and the presidential-campaign season, a debate developed within the Jewish community over whether to meet with Republican presidential candidate Patrick J. Buchanan. Buchanan had over the years angered American Jews with his anti-Israel stance, his defense of accused Nazi war criminals, attacks on the U.S. Justice Department Office of Special Investigations charged with prosecuting Nazi war criminals, and his 1990 accusation that only Israel and its "'amen' corner" in America were pressing for war with Iraq. The debate was triggered by a December 24, 1991, letter from Menachem Rosensaft, past president of the Labor Zionist Alliance and founding chairman of the International Network of Children of Jewish Holocaust Survivors, to Shoshana Cardin, chairwoman of the Conference of Presidents of Major American Jewish Organizations, in which Rosensaft praised the 1991 decision of the Presidents' Conference not to meet with white supremacist David Duke, also a Republican presidential candidate. (The Presidents' Conference provides presidential candidates with a public forum to address issues of concern to the Jewish community.) Rosensaft asserted in his letter, "Buchanan is no better than Duke . . . indeed, I believe he is far more dangerous."

Joshua Muravchik, an analyst of political anti-Semitism, sought to distinguish Buchanan from Duke: "If Buchanan would recant [his anti-Semitism], we might be skeptical, but it would be hard for the Jewish community not to accept his apology. With Duke, it would take more than an apology."

Jewish groups were hesitant to identify Buchanan as an anti-Semite until an incident in early March. On March 2, at a campaign rally in Marietta, Georgia, Buchanan told a group of Jewish protesters that his rally was "of Americans, by Americans, and for the good old U.S.A." On March 3, the American Jewish Congress branded Buchanan "as genuine and authentic an anti-Semite as they come
The American Jewish Committee, on March 4, said that Buchanan's suggestion that American Jews who disagreed with him were not patriotic Americans "is plainly anti-Semitic and has no place in the political process." Buchanan's presidential campaign failed, although at the peak of his campaign he gained 37 percent of the vote in the New Hampshire primary.

David Duke was successful in 10 of 14 attempts to get his name onto state ballots for 1992 Republican presidential primaries. However, having failed to win a single delegate, Duke announced on April 22 that he was dropping out of the race. Although he still had a core constituency, for the moment at least, Duke remained outside the electoral arena.

A brief flap erupted in March over a report that Secretary of State James Baker, in a closed meeting with Republican officials, employed an obscenity to dismiss American Jewish claims on the Bush administration. According to former New York mayor Edward I. Koch, writing in the New York Post on March 6, Baker said, "F— them [the Jews]. They didn't vote for us." Baker immediately denied the report, and, in a March 8 letter to the ADL, said that he had been "deeply offended by the false and malicious press story." Baker's denial, which was accepted at face value by most Jewish leaders, did little, however, to reassure American Jewry about the secretary's motives with respect to Israel.

Finally, Chicago congressman Gus Savage (D., Ill.) continued to make anti-Semitic remarks, referring, for example, to the "Jewish money" raised by his primary opponent, Mel Reynolds. A chief federal circuit court judge in Florida, John Santora, Jr., got into hot water over remarks he made about Jewish judges. Santora apologized for his remarks but did not step down.

HOLOCAUST DENIAL

Denial of the Holocaust—styled as "revisionism" by its proponents—was manifest in 1992 in the efforts of Californian Bradley R. Smith to place his 4,000-word essay asserting that the Holocaust did not take place as an advertisement in a number of college newspapers. (Smith claimed that gas chambers were "life-saving" fumigation shelters.) Smith's ads were turned down by college newspapers at Harvard, Brown, Yale, and the University of California and were accepted at Cornell, Duke, Northwestern, and Michigan. Jewish groups suggested that the best approach to the Smith ad was that of the Daily Targum at Rutgers University in New Jersey, which rejected the Smith tract as an advertisement but ran the text in its news columns, along with editorial denunciation and comment by invited authors.

A "summit meeting" of Holocaust revisionists, together with black and white racists, held on February 1 in Los Angeles, failed to live up to its advance billing. Three of the featured 13 speakers—including Willis Carto, founder of the white racist and anti-Semitic Liberty Lobby, and Prof. Leonard Jeffries of the City University of New York—failed to appear, and the 15 listeners who materialized at the
conference were considerably outnumbered by media people. There were new developments this year in a federal case involving free speech, contractual rights, and Holocaust "revisionism": Simon Wiesenthal Center for Holocaust Studies, American Jewish Committee, et al. v. McCalden and McCalden v. California Library Association. In 1984, David McCalden, cofounder in 1978 of the Institute for Historical Review—a pseudo-scholarly organization that claims the Holocaust is a myth and a hoax—contracted for exhibit space at a meeting of the California Library Association (CLA). He also announced plans to give a presentation on the premises entitled "Free Speech and the Holocaust," which he described as "an overview of the severe censorship and intellectual terrorism which inhibits any objective, open discussion of this controversial subject." McCalden alleged that the American Jewish Committee and the Los Angeles-based Simon Wiesenthal Center engaged in contract interference and violated his civil rights by informing the CLA that if the contract were not canceled the conference would be "disrupted." The space granted McCalden for the 1984 meeting was withdrawn. A federal district court dismissed McCalden's original complaint, but in January, the U.S. Ninth Circuit Court of Appeals let stand an earlier appeals-court ruling that overturned the district court's decision.

Jewish groups—the Anti-Defamation League, the National Jewish Community Relations Advisory Council, the American Jewish Congress, and the Jewish Community Relations Committee of the Jewish Federation Council of Greater Los Angeles, in addition to the defendants American Jewish Committee and Wiesenthal Center—petitioned the U.S. Supreme Court for certiorari (review) in the case, asserting that Jewish organizations ought not be punished for exercising their First Amendment free-speech rights—in this case to oppose anti-Semitic propaganda—and that planned demonstrations were lawful so long as there was no incitement to imminent violence. In late May the Supreme Court denied certiorari in the case. Richard Foltin, governmental affairs director of the American Jewish Committee, said, "At stake [in the Court’s decision were] substantial and weighty issues of free speech. The message is that the right to protest is reserved for the Holocaust deniers, and not for those who would oppose them."

**Legislative and Judicial Activity**

By 1992, the federal government, 47 states, and a number of municipalities had passed some form of "hate-crimes," ethnic intimidation, or bias-motivated violence laws. The constitutionality of some of the state and municipal statutes was called into question by a decision handed down by the U.S. Supreme Court on June 22 in R.A.V. v. City of St. Paul. In its first consideration of a hate-crimes statute, the High Court struck down the St. Paul, Minnesota, Bias-Motivated Crime Ordinance, a statute that prohibited the display of offensive graffiti or symbols likely to arouse "anger, alarm, or resentment in others on the basis of race, color, creed, religion, or gender," and specifically cited the swastika and the burning cross. In R.A.V., a
white teenager who burned a cross on a black family’s lawn was prosecuted under the St. Paul ordinance.

While the decision to invalidate the ordinance was unanimous, the ruling revealed deep splits within the court on the issue of hate crimes. Justice Antonin Scalia, speaking for a five-justice majority, said that the St. Paul ordinance violated free-speech rights by singling out certain kinds of offensive expressions for punishment. Justice Scalia asserted that, even within the category of “fighting words,” government may not selectively “silence speech on the basis of its content,” even if that speech or other expression is abhorrent, and permit other forms of speech. Scalia averred that states and cities seeking to legislate against bias-motivated crime would not be able to rely on the “fighting-words” exception if it was applied in a selective manner. Four justices in *R.A.V.* focused on flaws in the St. Paul ordinance itself, which they characterized as “fatally overbroad,” and thus capable of deterring expression deserving of constitutional protection. They suggested that it was possible to draft hate-crimes laws that would avoid the constitutional defect of the St. Paul ordinance.

Jewish defense organizations had mixed reactions to the ruling. The American Jewish Committee acknowledged that the St. Paul ordinance was flawed, and that “speech, however repugnant, should not be susceptible to criminal penalty.” Nevertheless, said AJCommittee legal director Samuel Rabinove, “there’s a line to be drawn, and St. Paul failed to draw that line properly.” The Anti-Defamation League had filed an *amicus* brief in the case supporting a “fighting-words” interpretation of the law. The American Jewish Congress welcomed the decision, albeit with some reservations. AJCongress had filed an *amicus* brief opposing the ordinance.

Jewish groups supported the “penalty-enhancement” approach as more likely to pass constitutional muster under the guidelines articulated in *R.A.V. v. St. Paul*. Hate-crimes legislation introduced in April in the 103rd Congress by Representatives Charles Schumer (D., N.Y.) and James Sensenbrenner (R., Wis.) and by Sen. Paul Simon (D., Ill.) would oblige federal judges to increase the penalty for those found guilty of any crime where the defendant acted because of the victim’s race, religion, national origin, sexual orientation, gender, or ethnicity. Approximately two dozen states had hate-crimes laws with penalty-enhancement provisions.

The day after the ruling in *R.A.V. v. St. Paul*, the Wisconsin supreme court became the first state court to invalidate its state’s hate-crimes law, which called for enhancing the penalty in bias-motivated crimes. Jewish groups welcomed the December 14 decision of the U.S. Supreme Court to review *Wisconsin v. Todd Mitchell*, which would have implications for the 27 states that had penalty-enhancement statutes on their books. The American Jewish Committee, the American Jewish Congress, and the National Jewish Community Relations Advisory Council had

---

'That is, conduct that itself inflicts injury or tends to incite violence. The U.S. Supreme Court has held that “fighting words” do not merit protection under the free-speech clause of the First Amendment. Other exceptions to the clause are libel and obscenity.'
joined an ADL brief asking the Court to grant certiorari in the case. The Supreme Court withheld a decision on review of *Ohio v. Wyant* (see 1993 AJYB, p. 96), pending its decision in *Mitchell*. The Ohio statute, likewise struck down by the state's supreme court, was also based on the penalty-enhancement approach.


The Federal Bureau of Investigation released in early January the first full year's data on hate crimes, as required by the Hate Crimes Statistics Act passed by Congress in 1990, a measure that had broad support among Jewish groups. The FBI reported 4,588 hate crimes for 1991 (the first year for which statistics were kept)—mostly crimes of "intimidation"—with racial bias accounting for the motivation of 60 percent of the crimes, religious bias for 20 percent, and ethnic and sexual-orientation bias, 10 percent each. Of interest to observers of anti-Semitism was the fact that antiblack offenses accounted for 39 percent of the total; "antiwhite" and "anti-Jewish" offenses, 19 and 17 percent, respectively.

### ANTI-SEMITISM ON THE CAMPUS

The number of anti-Semitic incidents reported on college campuses in 1992 numbered 114 at 60 campuses, according to the Anti-Defamation League, a 12-percent increase over the 1991 total of 101, also at 60 campuses. Much anti-Semitic activity continued to occur around well-defined "flash points," such as invited speakers who carried an anti-Semitic message, and was increasingly linked to the debate over "multiculturalism." One such speaker was City College of New York professor Leonard Jeffries, who was on the campus speaking circuit, appearing at Harvard, the University of Michigan, and at campuses in Florida, California, New York, and New Jersey.

One institution of higher learning, the University of Wisconsin, in September repealed its rule against "hate speech," adopted in 1989 and one of the first such codes in the country. The Wisconsin rule, specifically barring speech intended to create a hostile learning environment by demeaning a person's race, sex, religion, color, creed, disability, sexual orientation, or ancestry, was dropped in the aftermath of the U.S. Supreme Court's decision in *R.A.V. v. St Paul* (see above).

### OTHER DEVELOPMENTS

A public discussion of anti-Semitism in opinion magazines, op-ed pages, and the media generally, using Pat Buchanan, among others, as a foil, had been given significant impetus in a December 1991 article by William F. Buckley, Jr., in the *National Review*: "In Search of Anti-Semitism" (see AJYB 1993, p. 94). Debate continued in 1992 when Buckley published "Chapter II: In Pursuit of Anti-Semi-
tism" in the magazine’s March 16 issue, a compilation of responses to the original article. (The two essays, with some additional material, were published in book form in 1992.)

In "What Is Anti-Semitism? An Open Letter to William F. Buckley, Jr." (Commentary, February 1992, and excerpted in Buckley's book), Norman Podhoretz argued for the pivotal role played by Israel in contemporary anti-Semitism. Podhoretz asserted, “Criticisms of Israel based on [a] double standard, rooted . . . in ancient anti-Semitic propaganda, deserve to be stigmatized as anti-Semitic.” Other observers of anti-Semitism in the United States regarded criticism of the policies of the State of Israel—even harsh criticism—as entirely legitimate. The threshold beyond which anti-Israel rhetoric became anti-Semitism, in this view, was anti-Zionism, namely, a basic challenge to the legitimacy of the State of Israel—and therefore the peoplehood of the Jews.

On February 27, in response to the David Duke and Pat Buchanan phenomena, the American Jewish Congress and the Wilstein Institute of Los Angeles convened a scholarly consultation on “The Danger of Increasing Appeals to Anti-Semitism and Racism in Public Life.” In Brussels, July 6–8, the World Jewish Congress convened “My Brother's Keeper: Anti-Semitism and Prejudice in a Changing World: The Common Challenge.” And the Anti-Defamation League, in cooperation with the Nathan Perlmutter Institute for Jewish Advocacy and Brandeis University’s Cohen Center for Modern Jewish Studies, held the Salzburg Conference on Anti-Semitism in Boston on November 6. Internationally, UNESCO, an agency itself long considered a hotbed of anti-Israel polemics, convened a conference in June, “Educating for Tolerance: The Case of Resurgent Anti-Semitism.” The UNESCO conference was sponsored jointly with the Simon Wiesenthal Center.

Jewish groups responded angrily to anti-Semitic and racist remarks made in November by Marge Schott, owner of the Cincinnati Reds major-league baseball team. Schott reportedly used the terms “money-grubbing Jews” and “nigger,” according to a dismissed employee who had filed suit against the Reds for discriminatory front-office practices. After a meeting between Schott and Jewish and black leaders in Cincinnati on November 20, Dr. Michael Rapp, executive director of the Cincinnati Jewish Community Relations Council, said: “Notwithstanding the odiousness of her comments, the hatefulness of her sentiments, Schott was willing to recognize that there were problems in her past expressions, and to work with us in seeking remedies.”

And last, two prominent figures from different worlds—rock star Sinead O’Connor and chess genius Bobby Fischer—made the news with public expressions of bigotry. O’Connor, wearing a Star of David, tore up a photograph of Pope John Paul II during an October 3 national television appearance; Fischer spewed anti-Semitic verbiage at a September press conference in Yugoslavia.
Protestant-Jewish Relations

The relationship of American Protestants and American Jews continued to reflect the bi-axial pattern of the past decade and more: harsh criticism of Israel sometimes emerging from national Protestant bodies; at the same time, evidence of close cooperation in communities around the country.

MAINLINE DENOMINATIONS

A program for Protestant-Jewish relations was outlined in an address delivered by the Reverend Joan Brown Campbell, general secretary of the National Council of Churches (NCC), the umbrella body for Protestant and Orthodox groups in the United States, to the Executive Committee of the National Jewish Community Relations Advisory Council (NJCRAC) on September 21. Campbell called for strengthening relations nationally between Protestant and Jewish groups, citing specific areas—particularly social and economic justice—in which communal interests coincide; and, in a candid call, a joint effort aimed at addressing "the deep concern we have for the growing Christian 'right' and the potential that we see for intolerance."

Campbell's call notwithstanding, Jewish groups were troubled throughout the year by the NCC's role in developing statements on loan guarantees, the peace process, and other issues related to the Middle East. An "Open Statement of Religious Leaders to President George Bush," brokered and passed by the NCC on January 28, called upon the president to "oppose housing loan guarantees to Israel until it halts construction and expansion of settlements in the West Bank, Gaza, and East Jerusalem." Jewish groups had long opposed the linking of humanitarian issues, such as loan guarantees for housing and jobs for immigrants, with the political issue of Israeli settlements. In addition, said (Reform) Union of American Hebrew Congregations officials Rabbis Alexander M. Schindler and Gary Bretton-Granatoor, "no less saddening is the manner in which this 'open letter' came to the fore, without any consultation with the Jewish community," disregarding an established consultative process between the NCC and Jewish organizations. The NCC statement was signed by the Presbyterian Church (U.S.A.), the Lutheran Council, the Episcopal Church, the Mennonites, the American Baptist Church, the United Church of Christ, the Reformed Church of America, and the Unitarian-Universalist Association.

National denominational bodies debated and passed resolutions this year that seemed to betray growing impatience with Israel over lack of movement in the peace process. At the quadrennial meeting of the United Methodist Church, held in Louisville, May 5-15, a draft resolution calling upon the U.S. government "to cease all loan guarantees or aid of any kind that can assist the State of Israel in its illegal building of settlements and its continuing occupation of Palestinian, Syrian, and Lebanese territories" failed to pass the full convention, purely for parliamentary reasons, but did receive strong support.
The General Assembly of the Presbyterian Church (U.S.A.), the main denominational body for Presbyterians in America, in June adopted a statement commending the president and the Congress "for refusing loan guarantees for Israel until the building of settlements on the occupied territories has come to a halt," and calling on the U.S. government to press for an end to the Israeli occupation of southern Lebanon and the West Bank and Gaza. The 1992 Presbyterian statement contrasted with the less harsh and more balanced statement regarding the Arab-Israeli conflict adopted by the body in 1991.

The World Council of Churches, meeting in Geneva in late August, adopted a statement, "Christian-Jewish Dialogue Beyond Canberra 91," which received mixed reviews by Jewish groups. Observers noted positive language in the statement: strong condemnation of "anti-Semitism in all its forms," encouragement of churches to oppose the "emerging anti-Semitism" of Eastern Europe, and a rejection of supersessionism in its affirmation that the Jewish covenant with God "continues" as the "vocation of the Jewish people." At the same time, questions were raised by Jewish groups about statements viewed as critical of Israel.

COALITION ACTIVITIES

A number of interfaith program initiatives in public-policy areas emerged during 1992. The Common Ground for the Common Good, developed from a Ford Foundation study, was announced on October 24. In this program, the National Council of Churches (NCC), the National Conference of Catholic Bishops (NCCB), the Synagogue Council of America (an umbrella of the rabbinic and congregational bodies of Orthodox, Conservative, and Reform movements in the United States), together with the National Jewish Community Relations Advisory Council, undertook to develop public-policy approaches on poverty and social welfare in the United States. The National Religious Partnership for the Environment was organized as a vehicle for education and action on environmental concerns. The partnership, organized in October, consists of the NCC, the U.S. Catholic Conference, the Evangelical Environmental Network, and the Coalition on the Environment and Jewish Life, a consortium of the Religious Action Center of Reform Judaism, NJCRAC, and the (Conservative) Jewish Theological Seminary. In the Interreligious Health Care Access Program, launched in January, the NCC and the Religious Action Center (the public-affairs arm of Reform Judaism) pledged cooperative efforts of Jews and Christians in pressing for equal access to health care. The coalition did not formally endorse any health-care proposal.

Catholic-Jewish Relations

The election in November of Archbishop William H. Keeler of Baltimore, the titular Primate of the United States, to a three-year term as president of the National Conference of Catholic Bishops and of that body's public-affairs arm, the U.S.
Catholic Conference, symbolized the growing cordiality between American Catholics and Jews. Keeler, who had headed Catholic-Jewish relations for the conference's committee on ecumenical and interreligious affairs, was widely regarded as a friend of the Jewish community, and his election to the prestigious presidential post was viewed as validation of the American Jewish community's importance to the Catholic Church. There was also movement this year on the establishment of full diplomatic relations between the Vatican and the State of Israel, on resolving the Auschwitz convent issue, and in other areas.

VATICAN RECOGNITION OF ISRAEL

Some progress was made toward normalizing relations between the Holy See (the formal state and diplomatic entity of the Roman Catholic Church) and the State of Israel, long an issue between American Catholics and Jews. Of significance was the visit of New York's John Cardinal O'Connor to Lebanon, Egypt, Jordan, and Israel from December 27, 1991, to January 7 (in Israel January 5–7), 1992. At a briefing in New York to Jewish groups on his return, O'Connor asserted, "There is a definite change in the Vatican's orientation toward Israel." Specifically and significantly, with respect to normalization of Vatican-Israel relations, O'Connor was encouraging. "The issue [for the Vatican] is no longer the status of Jerusalem," he reported, "but guarantees of free access to Jerusalem's holy sites to Christians, Muslims, and Jews; and the protection of Christian communities in the Middle East." The Vatican had earlier, in 1987, asserted that there was no "theological bar" to full normalization of diplomatic relations, and had throughout insisted that it gave de facto "recognition" to the State of Israel.

A key step in the normalization process was the establishment, in July, of a "permanent bilateral working commission" that would look into "issues dealing with the situation of the Church and its institutions," including the status of Church property; the status of Jerusalem; access to holy places; and other matters. No timetable for normalization of relations was offered, but Dr. Eugene Fisher, secretary for Catholic-Jewish relations of the National Conference of Catholic Bishops, speculated that it would happen "much sooner rather than much later." Jewish groups welcomed the establishment of the permanent working commission.

OTHER MATTERS

The ongoing question of the Carmelite convent at the Auschwitz/Birkenau death-camp site in Poland remained without closure in 1992. Construction of a Carmelite convent on the site of a new "Center for Information, Meetings, Dialogue, Education, and Prayer" in the town of Oswiecim, near the death-camp site, progressed but at year's end was not completed, and the nuns remained in their old convent.

A July mission, constituting the highest-level joint delegation of American Catholics and Jews to visit Poland, addressed a number of issues in Polish-Jewish rela-
tions, including the convent matter, anti-Semitism in Poland, the maintenance of Jewish cemeteries, and educational programs on Jews and Judaism in Polish seminaries. Participants included Archbishop William Keeler and other NCCB representatives; Archbishop Henryk Muszynski, emerging as a leader in Poland's church hierarchy; representatives of the Polish Jewish community; and representatives of American Jewish national organizations, including the Anti-Defamation League, the American Jewish Committee, and the National Jewish Community Relations Advisory Council.

Official Catholic documents were reviewed by Jewish groups in 1992 in terms of their ramifications for Jews. Chief among these was the new Catholic *Catechism for the Universal Church*, seven years in preparation, signed by Pope John Paul II in October and released (in French) in November. (See AJYB 1992, pp. 192-93, for details on the draft catechism considered in 1990.) Interreligious analysts noted, on the positive side, the repeated emphasis on Christianity's roots in Judaism and, incorporating the language of Vatican II, rejection of the charge of deicide, but felt that the catechism language did not go far enough. According to Rabbi Leon Klenicki of the Anti-Defamation League, "It would have been appropriate to include a condemnation of anti-Semitism at that point [i.e., the repudiation of deicide]. It would help educators understand that the anti-Judaism of the New Testament opens the door to anti-Semitism, as it has through the centuries."

Jewish analysts were divided in their views on the catechism's continued use of supersessionism. While some noted that there was no reference in the catechism to Judaism after the coming of Jesus, others, including Rabbi A. James Rudin, the American Jewish Committee's director of interreligious affairs, reminded observers, "This is a Christian document, so of course it states that the ultimate religious truth is Jesus and Christianity." Summing up the views of most analysts, Rudin concluded that the catechism "consolidates, rather than retreats from, Vatican II—it gives final authority to what we've worked on for thirty years—but doesn't break any new ground in Christian-Jewish relations."

Jewish groups welcomed Pope John Paul II's denunciation of anti-Semitism on several occasions. On October 28, the 27th anniversary of the Vatican II document "Nostra Aetate," the pope characterized current expressions of anti-Semitism in Western Europe as "profanations which offend the memory of victims of the Holocaust." The pope reiterated his condemnation in a meeting with World Jewish Congress officials on November 12; and in meetings with German bishops the same month, called upon them to combat anti-Semitism in their country.

The National Conference of Catholic Bishops, possibly responding to the emergence of the Labor government in Israel and expectations of movement in the peace process, did not debate issues related to Israel and the Middle East at its annual meeting in November and did not adopt a stance critical of Israel, as many observers had expected.

Finally, Rabbi Marc H. Tanenbaum, an internationally recognized pioneer in Christian-Jewish relations, died on July 3. Tanenbaum had served as national inter-
religious director for the American Jewish Committee and took a leadership role in Vatican-Jewish affairs. (See "Obituaries," elsewhere in this volume.)

**Church-State Separation Issues**

**"ESTABLISHMENT-CLAUSE" MATTERS**

The constitutionality of prayer at public-school graduations was tested in 1992 by the U.S. Supreme Court in a Rhode Island case, *Lee v. Weisman*. In a 5-4 decision handed down on June 24, the court affirmed federal district and appeals court rulings that delivery of an invocation and benediction by clergy at a junior high-school graduation violated the "establishment clause" of the First Amendment and was therefore illegal. The case originated when a Jewish couple in Providence, the Weismans, protested against prayers offered at the public school graduation ceremonies, several years apart, of their two daughters.

In bringing the case, the Justice Department had seen it as an opportunity for the justices to scrap or at least revise the so-called *Lemon* test of constitutionality. But Justice Anthony M. Kennedy, writing for the majority in *Lee v. Weisman*, said that there was no need to revisit the test articulated in the *Lemon v. Kurtzman* precedent.4 "The controlling precedents as they relate to prayer and religious exercise in public schools compel the holding here that the policy . . . is an unconstitutional one," asserted Kennedy. He rejected the proposition that inclusion of government-sponsored prayer in a graduation ceremony is a legitimate accommodation of religion, stating that an agency of the government may not compel anyone to participate in a religion or in a religious exercise, and that even nonsectarian invocations and benedictions violate the First Amendment.

For the most part, Jewish public-affairs organizations hailed the court's decision in *Lee v. Weisman*. "Secular" Jewish groups—the American Jewish Committee, the American Jewish Congress, the Anti-Defamation League, the National Jewish Community Relations Advisory Council—together with numerous Christian, educational, and civil-liberties groups, had filed *amicus* briefs in support of the Weismans and hailed the ruling. The congregational arm of the Reform movement, the Union of American Hebrew Congregations, supported the Weismans' position as well. Orthodox organizations, however, which have to a greater or lesser degree opposed bans on religious activity in the public schools, expressed disappointment with the ruling. They argued that the *Lemon* test had been used by those intolerant

---

4 As articulated in *Lemon v. Kurtzman* (1971), in order for a law or other governmental activity to be constitutional, it must have a secular purpose, its effect must not advance religion, and it must not foster or result in excessive government entanglement. Violation of any one of the three *Lemon* prongs causes the law or activity to be unconstitutional. While Jewish groups would not like to see *Lemon* replaced, an earlier, simpler test has been preferred: government may not favor one religion over another, or religion over nonreligion.
of religion per se and had welcomed Supreme Court review of the case as an opportunity to reevaluate the test itself.

A number of graduation-prayer cases continued to work their way through the federal courts. Jewish groups were exercised over the November decision by the U.S. Fifth Circuit Court of Appeals to affirm a federal district court ruling in *Jones v. Clear Creek Independent School District*, that a school-district "resolution" permitting a nondenominational prayer offered by a student at the student body's initiative was constitutional. The circuit court's reasoning in *Clear Creek*—a strikingly different conclusion from that in *Lee v. Weisman*—apparently rested on the fact that the school itself was neither supporting prayer nor dictating its content (as in *Lee v. Weisman*) but was merely accommodating the wishes—and free speech—of its students. A petition for U.S. Supreme Court review was pending in *Clear Creek*.

The graduation-prayer issue was viewed with concern by Jewish organizations, which took note of the increasingly widespread practice of such events. "This has become the June version of the 'December Dilemma,'" said ADL legal director Steven Freeman, referring to the problems associated with Christmas-holiday observances in the schools.

Three cases accepted in 1992 for review by the U.S. Supreme Court deal with other aspects of the relationship between religion and government. In *Zobrest v. Catalina Foothills School District*, the question is whether mandated government assistance to a deaf student, under the Individuals with Disabilities Education Act, may be provided constitutionally on the premises of a religiously sponsored school, or only in a public or secular private school. Lower courts had declared the use of the funds in religious settings unconstitutional. Jewish groups were divided on *Zobrest*. The American Jewish Committee and the Anti-Defamation League joined as *amici* on the side of the school district; the American Jewish Congress entered on the side of the deaf student, Zobrest.

*Lamb's Chapel v. Center Moriches Union Free School District* addresses questions of conflict between free-speech, establishment-clause, and free-exercise clause protections. In *Lamb's Chapel*, an evangelical Christian church challenged a New York State school district's refusal to make a high-school auditorium available for a movie with a Christian theme. Lower courts had denied access to the religious group, holding that public schools are limited public forums not open to religious use. The stance of most Jewish groups permitted the fair-market rental of public-school facilities to any community group during evening and weekend hours. Nonetheless, there was no consensus among Jewish organizations on *Lamb's Chapel*. Only two organizations, the Anti-Defamation League and the Union of American Hebrew Congregations, elected to enter the case as "friends of the court" on the side of the school district. (For the third case, *Church of the Lukumi Babalu Aye v. Hialeah*, see below, "'Free-Exercise' Matters."

Although most of the cases denied for review by the Supreme Court in 1992 involved decisions that Jewish groups generally favored, two exceptions were noteworthy. The Supreme Court declined to review, to the disappointment of Jewish
groups, *Cammack v. Waihee*, in which a federal appeals court in 1991 upheld the constitutionality of declaring Good Friday a Hawaii state holiday. And in *Murray v. Austin*, the Fifth Circuit Court of Appeals held that the inclusion of religious imagery in a city seal did not violate the establishment clause because, under the *Lemon* test, it did not have the primary effect of advancing religion.

The 1992 holiday season saw more reports than usual of Christmas- and Hanukkah-related activity—and questionable holiday observances in the schools. In many cases these crossed the limits articulated by the Eighth Circuit Court of Appeals in *Florey v. Sioux Falls School District* (1980), which permit religious material, such as music, for educational purposes, only for the "advancement of the students' knowledge of society's cultural and religious heritage." Complicating the matter was a letter sent on November 17 to all 14,712 school superintendents in the country by the American Center for Law and Justice, written by Jay Alan Sekulow, lawyer for the Christian fundamentalist organization. In his letter, Sekulow asserted that "certain national groups have been pressuring local school districts to censor any religious observances of Christmas," misrepresenting the position of Jewish and other civil-liberties groups and the *Florey* rules as well. Jewish groups engaged school boards around the country on this issue.

The issue of educational "choice"—the term of art for public aid in the form of vouchers to parochial schools—made no headway this year, either in Congress or in state legislatures. Most Jewish groups continued to oppose federal support for private or parochial school attendance.

In the area of kosher food regulation by government, the New Jersey supreme court overturned a lower court ruling that had found New Jersey's Consumer Fraud Act and related regulations governing the sale of kosher food to be constitutional. In its July 22 ruling on *Ran-Dav's Country Kosher, Inc. v. State of New Jersey*, the supreme court, by a 4–3 margin, decreed that, because the New Jersey statute and regulations defined *kashrut* in accordance with a specific religious subgroup (in this case, Orthodox Judaism), and set forth a religious procedure to determine the standards of *kashrut*, the regulation violated the establishment clause. The State of New Jersey appealed *Ran-Dav* to the U.S. Supreme Court. Although Jewish groups have supported "kosher laws" as legitimate protection of consumers against fraud, they were divided on support of the New Jersey statute, because of the "Orthodox" stipulation. With respect to federal legislation on consumer fraud, one bill, spearheaded by Agudath Israel of America, that would require the public disclosure of certification information, made no headway in Congress this year.

There was some action on the Chabad/Lubavitch-menorah front in 1992, as the Lubavitch organization continued to erect Hanukkah menorahs in a number of communities around the country, generally (although not always) in proximity to Christmas trees or other holiday artifacts, in order to satisfy the technical requirements laid down in *Lynch v. Donnelly* (1983) and *ACLU v. County of Allegheny and City of Pittsburgh* (1989). New developments occurred in a case that dated back to the 1990 holiday season, *American Jewish Congress v. City of Beverly Hills* (Californ-
nia). In that year, the city approved a permit for Chabad to erect a 28-foot menorah on public property directly across from city government buildings. The American Jewish Congress filed a lawsuit challenging the constitutionality of the display and of the city's policy.

A federal district court subsequently held that a menorah standing alone would not pass constitutional muster, but that it would be acceptable if a Christmas tree were standing next to it, and if no religious ceremony were held. When Chabad in 1991 did not fully comply with these stipulations, the case was scheduled for trial. A settlement was reached in which the menorah would be displayed if Chabad met a number of conditions, including a disclaimer and a provision that the menorah be moved from the park where city hall was a background, but this settlement fell through at the eleventh hour in December 1991. In December 1992, without any hearing, a U.S. District Court granted summary judgment in favor of the city, permitting Chabad to display its menorah, provided that it was placed in proximity to a Christmas tree and that a disclaimer sign was erected.

In Cincinnati, after a federal judge ruled in December that the city could not prevent Chabad from erecting its menorah on downtown Fountain Square, several Klan groups indicated their intention to erect a cross in the plaza. One group applied for and won a permit, using the same religious-freedom argument employed by Chabad. The ten-foot-high wooden cross stood for less than five hours on December 21 before an angry onlooker damaged it, prompting the police to remove it as a safety hazard. Jewish groups joined in demonstrations of religious leaders protesting the Klan cross.

Most Jewish groups viewed placement of religious symbols—including placement together with other religious symbols or secular artifacts—as a violation of the establishment clause. The Union of Orthodox Jewish Congregations of America (UOJCA), a centrist Orthodox synagogue group, said that, while it agreed with the consensus position on religious symbols, it would not go to court against Chabad.

On the general question of religious symbols in public parks, considered to be "open forums" and therefore arguably different from government buildings such as city halls, a number of other cases were working their way through federal courts in 1992. In May, the full U.S. Seventh Circuit Court of Appeals, rehearing the case of Doe v. Small, reversed its earlier decision that prohibited a display in a public park in Ottawa, Illinois, of 16 large paintings depicting the life of Jesus. The Seventh Circuit now ruled that its previous injunction against the display was overbroad because it amounted to a total ban on religious speech in a "quintessential public forum . . . far removed from the seat of government." A number of Jewish groups had entered the case as amici and were disappointed in the appeals court's ruling.

In July the New York State Court of Appeals upheld a lower court's invalidation of a 1989 state statute that had created a special school district in the Hassidic village of Kiryas Joel. The district was intended to provide remedial education only—no religious study—for handicapped children of the Satmar Hassidic group who live in the cohesive community. The decision in Grumet v. Board of Education of the
Kiryas Joel Village School District, expected to be appealed to the U.S. Supreme Court, was supported by Jewish defense agencies and opposed by Orthodox religious groups.

Finally, in July New York State passed its second “get” law within a decade, going beyond the 1984 law barring the granting of a civil divorce if there was any “barrier to remarriage,” which was understood to include refusal of a spouse to give a Jewish divorce. The new legislation amending the state’s Domestic Relations Law requires judges to take into account a party's refusal to give or accept a get when dividing up the assets of a marriage. Orthodox Jewish groups were divided on the legality and efficacy of “Get II.” Agudath Israel of America opposed the measure, maintaining, among other things, that under Halakhah—Jewish law—the validity of a get given under duress is called into question. Other Orthodox Jewish groups supported the law.

“FREE-EXERCISE” MATTERS

Jewish groups viewed passage of the Religious Freedom Restoration Act (RFRA) as one of the highest legislative priorities of the 102nd Congress. It had been drafted by a broad coalition of groups in 1990 for the purpose of legislatively reversing the U.S. Supreme Court decision in Employment Division of Oregon v. Smith, the “peyote” case. That ruling effectively eviscerated the free-exercise clause of the First Amendment by declaring that the state was not required to prove “compelling state interest” in order to deprive a person of a religious right. (See AJYB 1992, pp. 201–02, and AJYB 1993, pp. 113–14.) Under the sponsorship of Rep. Stephen J. Solarz (D., N.Y.) and Senators Edward Kennedy (D., Mass.) and Orrin Hatch (R., Utah), progress was made during the second session of the 102nd Congress on moving RFRA through the legislative process, despite continued opposition and intransigence on the part of the U.S. Catholic Conference, the public-affairs arm of the National Conference of Catholic Bishops. That body maintained that RFRA would be used to establish a religiously based right to abortion were Roe v. Wade overturned.

RFRA did not come up for a vote by the time the 102nd Congress adjourned, largely because of the reluctance of Sen. Joseph Biden (D., Del.)—who had been slated as an original sponsor, but dropped out—to move the measure through his Senate Judiciary Committee. It was also suggested that the White House, never enthusiastic about RFRA, urged Sen. Alan Simpson (R., Wyo.) to put a hold on the bill in the Judiciary Committee. The wall-to-wall pro-RFRA coalition, “The Coalition for the Free Exercise of Religion,” was able to recruit 195 cosponsors in the House and 27 in the Senate, but these were insufficient to move the legislation. RFRA received a boost for the forthcoming 103rd Congress when, during his campaign, Democratic candidate Bill Clinton articulated support for the measure.

In a related development, the Maryland General Assembly defeated, by a 66–63 vote, “Religious Freedom Restoration” legislation in March. Although the Mary-
land legislation enjoyed broad support, with the Baltimore Jewish Council active in coalition efforts on behalf of the bill, the issue of reproductive choice was instrumental in its defeat. RFRA-type bills were also in play during 1992 in Rhode Island and New Mexico.

According to a publication of the authoritative Congressional Research Service, *The Religious Freedom Restoration Act: A Legal Analysis*, released in April, no fewer than 38 cases in federal and state courts had either been decided using the new *Smith* standard or had in some way been influenced by *Smith*.

In March the Supreme Court accepted for review *Church of the Lukumi Babalu Aye v. Hialeah*, addressing questions of laws specifically targeting a religious group. In 1991 the Eleventh Circuit Court of Appeals affirmed a federal district court decision upholding a series of Hialeah, Florida, ordinances banning animal sacrifice. The ordinance directly targeted religious practices of the Santeria Church (a Caribbean offshoot of Roman Catholicism), including ritual animal sacrifices. Jewish groups joined in a coalition *amicus* brief in the Santeria case, arguing that, unlike the Oregon “peyote” law upheld by *Employment Division of Oregon v. Smith*, the ban was not “religiously neutral” but targeted a specific religion or religious practice.

Two cases involving the Boy Scouts were watched closely by Jewish groups, because of their implications for the ability of Jewish organizations to limit membership or services to Jews and not be charged with discrimination. In *Welsh v. Boy Scouts of America*, a Cub Scout den refused to admit Elliott Welsh because he would not take the scout oath; Elliott’s parents were agnostics and he refused to use the word “God.” A U.S. district court in Illinois ruled in March that the Boy Scouts are not a public “place of public accommodation or entertainment,” and are therefore outside the Title II provision of the Civil Rights Act of 1964, which prohibits discrimination based on race, religion, or national origin in public settings. Elliott Welsh was therefore not protected by Title II.

The second case involved the Randall twins, who were dismissed from the Cub Scouts in Orange County, California, because they refused, as atheists, to recite the scout oath. In *Randall v. Boy Scouts of America*, a California state court in May held that the Boy Scouts of America is a business under the state law, and therefore could not exclude individuals because of their religious beliefs. Marc D. Stern, co-legal director of the American Jewish Congress, articulated the dilemma for Jewish groups: “These are situations in which our deeply held principles on religious liberty and opposition to discrimination need to be tested against the needs of our communal agencies.” Appeals were expected in both cases.

**OTHER MATTERS**

*Garrison* (originally *Teagarden*) *v. Commissioner of Internal Revenue* reached the U.S. Tax Court in 1992. *Garrison*, a case that, according to analysts of tax issues, could affect tax deductibility of payments to synagogues for High Holiday seats and
to churches for pew rentals, was one of a number of cases being litigated by the Church of Scientology. The Scientologists' claims in Garrison were an outcome of the U.S. Supreme Court decision in Hernandez v. C.I.R. (1989), in which the court ruled that payments for "auditing," a central Scientology practice, were not a charitable contribution for a religious sacrament but a quid-pro-quo exchange for a service and therefore not deductible under the tax code. The Scientologists contended that numerous religious organizations, including Jewish groups, require quid-pro-quo payments in exchange for religious services. Jewish groups presented testimony arguing that payments to synagogues are made without specific exchange or tangible benefit.

On September 13-14, leading experts on church-state law and public advocacy gathered at the American Jewish Committee for a national consultation, "Religious Liberty in the 1990s," to consider the current status of church-state law.

Civil Rights

Several cases challenging the creation of a new village, Airmont, by the town of Ramapo, New York, were all still pending this year. The new village's zoning regulations, which forbade holding worship services in private residential dwellings, were clearly intended to discourage Orthodox Jews from living in the community. United States v. Village of Airmont, filed December 17, 1991, alleged violation of the Orthodox residents' rights under the Federal Fair Housing Act (FFHA), claiming that Airmont was formed for the express purpose of excluding Orthodox Jews from its boundaries. It marked the first time the Justice Department had brought action under the FFHA alleging religious discrimination and the first time the Justice Department had moved specifically to protect the rights of Orthodox Jews.

Two cases in an ongoing legal battle involving Jews for Jesus, the proselytizing messianic "Hebrew-Christian" group, and the Jewish Community Relations Council of New York (JCRC) made their way through the courts. In one case, Jews for Jesus v. Jewish Community Relations Council of New York, the New York State Court of Appeals, the state's highest court, ruled that the JCRC did not violate state antidiscrimination laws when it asked rabbis to urge their Christian colleagues not to rent out church space to Jews for Jesus for an interfaith Passover seder. The case had its origins in a 1985 JCRC memo, which also asked Long Island rabbis to alert local caterers to the fact that Jews for Jesus and the Chosen People Ministries (a proselytizing organization formerly known as the American Board of Missions to the Jews) might try to rent space. The Court of Appeals decision ruled that JCRC did not deny Jews for Jesus access to a place of public accommodation.

The New York JCRC did not fare as well in the other case, argued in federal courts, Jews for Jesus v. Jewish Community Relations Council of New York, in which the U.S. Second Circuit Court of Appeals awarded Jews for Jesus the right to go to trial in an antidiscrimination and civil-rights suit against the New York JCRC. The case stemmed from an incident in 1987, when Jews for Jesus was scheduled to
hold its annual "East Coast Ingathering" at the now defunct glatt kosher Stevensville Hotel in the Catskill Mountains. JCRC director Michael Miller reportedly advised the hotel that Jewish groups would not patronize the establishment if it hosted Jews for Jesus; the hotel canceled the Jews for Jesus contract. Jews for Jesus sued the JCRC in 1988, alleging violation of its civil rights. The suit was dismissed by a district court in 1991 on the grounds that the JCRC was exercising its First Amendment rights. On July 9, Jews for Jesus won the appellate court ruling.

VOTING RIGHTS ACT AND REDISTRICTING

At least one Jewish community, that of Greater Miami, was implicated in a federal court case involving reapportionment under the Voting Rights Act of 1965, and redistricting was a matter of concern to Jewish communities around the country during the 1992 election season. Interpretations by the U.S. Supreme Court of the 1982 amendments to the Voting Rights Act of 1965—which eliminated the requirement that discrimination be proved before remedies are applied—enable legislatures and courts to redistrict, or create entire new legislative districts, so that minority-group members are more likely to be elected. In some such situations, other groups, not "protected" under the federal statute, have assertedly been deprived of representation as a consequence.

One of the first cases headed toward U.S. Supreme Court review in this highly sensitive area directly involves the Jewish community of Dade County (Miami), Florida. Wetherell v. de Grandy tests the validity of a redistricting plan for the state legislative seats from Dade County developed by a federal district court in Florida, which created Hispanic districts at the expense of other, including Jewish, communities. The district court's order was stayed by the U.S. Supreme Court, which seemed likely to accept the case for review in 1993.

Jewish groups had mostly supported the Voting Rights Act and many of them the 1982 amendments as well. An exception was the American Jewish Congress, which opposed the amendments and, joined by the Greater Miami Jewish Federation, filed an amicus brief in support of Supreme Court review of de Grandy. Most other Jewish organizations had not adopted positions on reapportionment under the Voting Rights Act and did not enter the case in its early stages.

One Jewish member of Congress, nine-term Democratic representative Stephen J. Solarz, was a victim of interpretation of the Voting Rights Act by the New York State Legislature when it redrew the 12th congressional district based on the 1990 census. The district, originally heavily Jewish but now newly shaped as a Hispanic district—snaking through Manhattan, Brooklyn, and Queens, lurching from neighborhood to neighborhood to take in a Hispanic block or two—was sought by five Democratic rivals, all Hispanic. (The district is in fact approximately 55 percent Hispanic.) On primary day, September 15, Solarz lost to Nydia M. Velasquez, the Commonwealth of Puerto Rico's former representative in New York.

To some observers, the Solarz defeat suggested that the impact of such redistrict-
ing plans would be the continued polarization of politics along racial lines. Duke University law professor William Van Alstyne said, "Inadvertently, we are driving back toward segregation." Jewish groups that had long opposed quota systems of any kind were watching Voting Rights Act developments closely but were generally muted in their responses. They clearly did not want redistricting to turn into a black-Jewish or other minority-group issue, with potential for further damage to relations between Jews and those groups.

OTHER MATTERS

The proposed revival, announced in August, of a New York State mandatory "set-aside" plan for state contracts for selected minority groups was cause for expressions of dismay on the part of the American Jewish Committee and the Anti-Defamation League. The state had suspended the plan in 1989, following a U.S. Supreme Court decision that contractual rights of white contractors were violated under such programs. The Court had said, however, that local governments could revive such programs if they gathered sufficient evidence of past discrimination; governments across the land—including New York State—spent the past three years doing just that. American Jewish Committee governmental affairs director Richard Foltin explained the Jewish groups' opposition: "There is an unquestionable history of discrimination in the city, state, and country, so it is necessary at times to enable these groups to have a fair chance. But the programs can only go so far before they become quotas where merit is not an issue." Jewish organizations were monitoring similar situations around the country.

Jewish organizations were divided over the validity of "race-based" college and university scholarships. The current debate focused on a set of guidelines issued in December 1991 by Education Secretary Lamar Alexander, in an effort to resolve confusion over how to increase campus diversity while adhering to the provisions of Title VI of the Voting Rights Act of 1964, which prohibits any discrimination on the basis of race. Alexander essentially split the difference between extreme positions: the Education Department would prohibit schools from using race as an exclusive factor for awards from their general pool of scholarship funds, but would permit private donors to earmark specified race-exclusive awards.

During the period of public commentary on the proposed rules, which ended in early March, Jewish groups took varying positions. The Union of American Hebrew Congregations, which generally viewed the use of scholarship funds to promote the racial diversity of a campus as appropriate, found the limitation to privately funded awards too narrow a restriction. The American Jewish Congress, which generally held that the allocation of funds on the basis of race constitutes discrimination, backed the guidelines as sufficiently limiting. The Anti-Defamation League argued that even privately funded aid should not be permitted if it is distributed on the basis of race. The American Jewish Committee's national affairs director, Gary Rubin, argued against this view: "Minority-based scholarships aren't that much different
than scholarships set aside for athletes or to increase geographical diversity."

Finally, the Jewish community mourned the passing on September 3 of Joseph L. Rauh, Jr., 81, a leading figure in civil-rights causes and an individual with whom Jewish groups had worked closely, through the Leadership Conference on Civil Rights (a national coalition of some 200 civil-rights organizations), in laying the basis for much of the landmark civil-rights legislation passed during the 1960s. Hyman Bookbinder, former Washington representative of the American Jewish Committee, recalled that Rauh's leadership, through his 40-year service as general counsel of the Leadership Conference, "provided unbroken continuity of co-operation between the major elements of the Jewish and the black communities. Black leadership knew, from Joe Rauh's role, that the Jewish community was always present in every important civil-rights battle." (See "Obituaries" section, elsewhere in this volume.)

Nazi War Criminals

The Office of Special Investigations (OSI) of the U.S. Department of Justice continued its probes of individuals suspected of being Nazi war criminals and who were alleged to have lied about their past when they entered the United States or applied for citizenship. Through 1992, 43 Nazi war criminals had been stripped of their citizenship and 32 deported from the United States, with an additional 86 cases in which OSI had sought removal. Three individuals were extradited to other countries for trial. OSI investigations were in process on 419 suspected Nazi war criminals; 19 cases were active at the end of 1992.

In January the OSI decided to drop the case of Leonid Petkiewytsch, 68, because it felt it could not persuasively prove that Petkiewytsch had engaged in acts of persecution at the Kiel-Hassee labor camp during World War II. A federal appeals court in 1991 had blocked Petkiewytsch's deportation. A federal district court judge in Florida in August entered a deportation order against Antenas Mineikis, who had been denaturalized in January. The government had charged Mineikis with involvement in acts of persecution while serving as a member of a Lithuanian police battalion during the war. A federal district judge in New York on October 8 revoked the citizenship of Sergis Hutyrczyk, 68, who admitted that he had been an SS guard at the Koldyczewo concentration camp in Byelorussia during the war.

The OSI moved in a number of denaturalization cases during the year. In June it commenced proceedings in a U.S. district court in Philadelphia against Jonas Stelmokas, 75, charging that in 1941–42 Stelmokas had been a platoon commander in a Lithuanian Schutzmannschaft (protective detachment) battalion, responsible for the murder of Jews in Kovno. Within days of the Stelmokas proceedings, the OSI began denaturalization proceedings in a U.S. district court in Manhattan against Jakob Riemer, 73, for concealing his Nazi activities in order to gain entry to the United States in 1952 and obtain citizenship in 1959. Riemer reportedly served in the Trawniki SS unit and participated in the murder of Jews in ghettos in Warsaw and Czestochowa in Poland.
Denaturalization proceedings were begun as well against the following: George Lindert, 69, in a U.S. district court in Cleveland, for concealing his service as an SS guard when he entered the United States in 1955 and successfully applied for citizenship in 1962; Nikolaus Schiffer, 72, in in Philadelphia, for concealing his service in a Nazi “Death's Head” battalion when he applied for U.S. citizenship in 1956; Jozsef Szendi, 77, in Nashville, Tenn.; and Anton Bless, 67, in the District of Columbia. Szendi, the first Hungarian to be charged with being a Nazi war criminal, had reportedly been a member of the Royal Hungarian Gendarmerie and had personally transported deported Jewish civilians from Budapest to the German SS in Poland. Bless, who fled the country for Germany before his hearing, was charged with serving in an SS “Death’s Head” battalion in Auschwitz. He concealed this service when he successfully applied for U.S. citizenship in 1964. In December the Justice Department revoked Bless's citizenship. A deportation trial in U.S. district court in Binghamton, New York, against Mikelis Kirstiens opened in December after having been twice postponed because of Kirstiens' ill health. Kirstiens was accused of falsifying his service in a Latvian militia unit that collaborated with the SS. Kacys Palciauskas, who was stripped of his U.S. citizenship for lying about his collaboration—as wartime mayor of Kovno, Lithuania—in the deaths of 10,000 Jews in the Kovno ghetto, died on January 7.

Notwithstanding these proceedings, Jewish groups were concerned that the investigations into the Justice Department handling of the Demjanjuk case (see below) could undermine the Nazi-hunting efforts of the OSI. The American Jewish Committee, the American Jewish Congress, and the Anti-Defamation League, in a joint statement issued on July 1, called for OSI investigations and prosecutions to continue and for the government “not to lose sight of OSI’s vital mission.” OSI director Neal M. Sher, who worked closely with Jewish groups on a number of investigations, expressed concern that the passage of time, as well as the Demjanjuk investigation, could cloud OSI’s activities, even in “a year in which we filed more cases than in any other year.”

Finally, the CIA announced in September that it would unlock its long-secret Nazi files.

**DEMJANJUK CASE**

New questions emerged during the year about the identity—and possible misidentification—of John Demjanjuk, the retired Cleveland auto worker who was tried and convicted in 1988 in Israel for the crimes of “Ivan the Terrible,” the notorious Treblinka death-camp guard. (Demjanjuk was sentenced to death on April 18, 1988, but the sentence was delayed by Israel’s High Court of Justice in 1989, pending investigation of new evidence that Demjanjuk was a victim of mistaken identity. In 1991, the Israeli court rejected a Demjanjuk application but said that it would hear “new evidence” in 1992. See AJYB 1993, pp. 117-18, for details.)

In March, Demjanjuk’s Israeli lawyer, Yoram Sheftel, making use of newly
released evidence from the former USSR, asked Israel's High Court of Justice to release Demjanjuk, based on written documents identifying a man named “Ivan Marchenko,” whose photograph bore no similarity to that of Demjanjuk, as the operator of the Treblinka gas chambers. The new evidence included the testimony of “Wachmanner,” Soviet prisoners of war who worked as concentration-camp guards. (Israeli prosecutors had maintained that “Marchenko” or “Marczenko” was the maiden name of the defendant’s mother, which Demjanjuk sometimes used as his own.) In an effort to verify the claim of mistaken identity, in late April the prosecution sent two representatives to Ukraine to examine KGB archives and files; the files, however, could not be found. On June 1, the High Court of Justice began its final hearing on Demjanjuk’s appeal, concluding on June 9. At year's end the court had not rendered its decision, although Justice Aharon Barak, in surveying the new evidence, said that even if it were questionable, it could raise the reasonable doubt sought by the defense to invalidate the conviction. Barak’s statement was interpreted by observers to indicate that the court did indeed entertain doubts about the identity of “Ivan.”

This viewpoint gained credibility because of events in the United States. On June 5, the U.S. Sixth Circuit Court of Appeals in Cincinnati, on its own initiative, reopened Demjanjuk’s extradition case. Justice Department officials asked the appeals court to let stand the extradition order for Demjanjuk, arguing that an Israeli court was the proper venue for deciding the case. Demjanjuk’s lawyers countered, at a fact-finding hearing held August 11, by charging the Justice Department with withholding crucial evidence that would have prevented their client from being extradited to Israel in 1986.

On August 17, the appeals court took the unusual step of appointing a special master, U.S. District Court Judge Thomas A Wiseman, Jr., to investigate allegations of Justice Department misconduct, specifically, whether the Justice Department had “misled” the court during the 1986 extradition hearings by withholding evidence that Demjanjuk was not “Ivan the Terrible.” In its order, the Sixth Circuit rejected the Justice Department’s contention that the court did not have the jurisdiction to review the extradition case. On August 20, Demjanjuk’s lawyers asked the appeals court to permit him to return to the United States if his conviction were overturned by Israel’s High Court of Justice. On August 31, the appeals court ruled that such an order would be “premature” in the absence of any indication by Israel of any intention to release Demjanjuk. Hearings on the allegations of Justice Department misconduct began on October 15.

Other Holocaust-Related Matters

The Finance Ministry of the German government, in an agreement signed in November with the Conference on Jewish Material Claims Against Germany, pledged to pay millions of dollars to European Jews who had survived Nazi persecu-
tion but were never compensated or who received minimal compensation. Thousands of victims of Nazism who lived after the war in the former Soviet Union and Eastern Europe never received indemnification because they were unable to file applications by the 1965 deadline stipulated in the 1952 reparations agreement. Rabbi Israel Miller, chairman of the Claims Conference, said, "Now that their governments are free, [the survivors] are able to request what others have received in terms of compensation. . . . This historic agreement will make it possible for some of the most severely persecuted victims of Nazism—almost all of them elderly and needy—to live out their days in dignity." The accord was reached under article 2 of the implementation agreement to the German Unification Treaty reuniting East and West Germany, in which the German government agreed to negotiate with the Claims Conference for these payments.

Finally, cartoonist Art Spiegelman, himself a child of Holocaust survivors, was awarded a special Pulitzer Prize for his work. Two books, *Maus: My Father Bleeds History* and *Maus II: A Survivor's Tale. And Here My Troubles Began*, chronicle the life of Vladek Spiegelman, an Auschwitz survivor, from his experiences in Poland to his immigration and new life in America. Much of Spiegelman's work was serialized in the Jewish English-language weekly, the *Forward*.

**The Pollard and Manning Cases**

There were several developments this year in the case of Jonathan J. Pollard. (See AJYB 1992 and 1993 for details on the case.) On March 20, Pollard lost his most recent appeal. By a 2–1 decision, the U.S. Court of Appeals for the D.C. Circuit refused to reverse a 1990 district court decision denying his motion to have his 1986 plea of guilty to espionage set aside. On October 13, the Supreme Court declined to review *U.S. v. Pollard*. In December Pollard filed a petition with the U.S. Department of Justice, asking President George Bush to commute his sentence to time served. Bush rejected the petition.

Throughout the year, activists on Pollard's behalf, including a number of Jewish groups—mostly rabbinic organizations on the local level—were increasingly active in his behalf. Most national Jewish groups, however, chose not to become involved. "For us the threshold issue is institutional anti-Semitism," said Jeffrey P. Sinensky, national civil-rights director of the Anti-Defamation League, articulating the view of many groups. "We have called for full and open exploration of all the factors in this case, but absent a concrete finding of anti-Semitism we cannot intervene in the case." Groups calling upon the organized Jewish community to intervene actively included the (Reform) Central Conference of American Rabbis and (Orthodox) Agudath Israel of America.

In a case that had some resemblance to that of Pollard, supporters of Robert and Rochelle Manning, indicted in January in Los Angeles on murder charges, protested their extradition from Israel to the United States. U.S. authorities sought to try the
Mannings for a 1980 bomb murder related to a business dispute; federal prosecutors believed that Robert Manning could be linked as well to the 1985 bomb murder of American-Arab Anti-Discrimination Committee official Alex Odeh. The Mannings' supporters argued that Jewish law forbade turning over Jews to non-Jewish courts.

Jerome A. Chanes
The United States, Israel, and the Middle East

The Year 1992 was the first in the decades-old Arab-Israeli conflict in which the parties were actively involved in negotiations for peace. It was also a year in which American-Israeli relations took an upward turn following the victory of Israel's Labor party and its leader, Yitzhak Rabin, in June. This change was highlighted by the meeting of Prime Minister Rabin with President George Bush in Kennebunkport, Maine, culminating in a U.S. agreement to approve loan guarantees to Israel. The positive mood was affirmed with the election in November of Bill Clinton to succeed Bush as president of the United States, with Clinton advocating a strengthened relationship. The peace talks that began with high hopes on October 30, 1991, had thus far yielded no tangible results; however, the Israelis continued to assert optimistically that a breakthrough was likely in the months ahead on either the Palestinian or Syrian front.

The Peace Process

As the year began, Arab and Israeli negotiators were expected to begin a third round of talks in Washington, D.C., on January 7. While the earlier sessions in Madrid and Washington had yielded no results and had generally been characterized by rhetorical flourishes and procedural wrangles, the very fact that negotiations were accepted as an ongoing reality was itself astounding.

In the bilateral talks that broke off on December 18, 1991, Israel and Syria, and Israel and Lebanon had been engaged in discussions on substantive issues, though without having begun to bridge their differences. Israel and the joint Jordanian-Palestinian delegation, however, had not resolved their procedural dispute about how to organize their talks and had been meeting in a corridor in the State Department, rather than entering a formal negotiating room. Israel maintained that the Palestinian question had to be settled in conjunction with Jordan, while the Palestinians, in their pursuit of an independent state, argued for meeting with the Israelis alone. Israel offered a compromise proposal, which provided for an opening meeting of the heads of the delegations, then a full session of all three delegations, followed by separate meetings between Jordanians and Israelis and Palestinians and Israelis. At the latter meetings, two Palestinians would attend the Jordanian talks and two Jordanians would attend the Palestinian talks. As the new year began, the Palestinians were said to be considering the proposal.

As usual in the Middle East, nothing came easily. On January 2, five days before the talks were to resume, a Jewish settler was shot to death in the Gaza Strip. This was the fourth settler fatally attacked over a ten-week period. The following day,
Israel’s defense minister, Moshe Arens, ordered the expulsion of 12 Palestinians whom Israel accused of terrorist involvement. Immediately, the Palestinian delegates to the talks announced that in protest they had suspended plans to go to Washington on January 7 and indicated that the PLO, which they called “the legitimate political leadership of the Palestinian people,” would make the final decision as to whether the delay would be temporary or a full-blown boycott. Washington strongly condemned the Israeli action and “urged Israel, at the highest levels, to reconsider and rescind its decision.”

Other participants in the negotiations—Syria, Jordan, Lebanon—announced on January 4 that they were postponing their departure to Washington. None, however, indicated any intention of scuttling the talks. Hanan Ashrawi, chief Palestinian spokeswoman, said it was her “surmise” that the Palestinians and others would end up going to Washington after the U.S. condemnation of Israel’s decision. For its part, Israel rejected Washington’s call to withdraw the deportation order, Arens saying that there was “no room for debate about this,” that Israel was “committed to taking all steps that are likely to spare lives.”

On January 6, in what was characterized as the harshest criticism of Israeli policies ever made at the United Nations Security Council by the United States, the Bush administration joined the other 14 members of the council in backing a resolution that “strongly condemn[ed]” the deportation order. Diplomats noted that previous resolutions used the word “deplore,” a far milder rebuke than “strongly condemn.” The U.S. vote was seen as an effort to bring Arab negotiators back to the table. American ambassador to the UN Thomas Pickering said that the United States voted for the UN resolution, which called on Israel to refrain from deporting any Palestinian citizen from the territories, after having “respectfully urged the government of Israel immediately and permanently to cease deportations.” Observers also noted that Washington did not wait to be prodded by the Arabs to give its support to a resolution highly critical of Israel. This rapid American response, together with the strongest Security Council criticism of Israel approved by Washington, seemed to impress Arab representatives, who indicated the next day that they would resume peace talks shortly. In Damascus, a Syrian government spokesman was quoted as saying that, after consultation among the Arab parties, “it has been agreed that Arab delegates will go to Washington within the next two days.” Not surprisingly, Israeli reaction to the U.S. vote was very different. Yossi Ben-Aharon, head of the Israeli team negotiating with Syria, said in an interview that “we can only express our bitterness, our anger and our regret that the United States continues to pay a price to bring the Arabs to the negotiating table at the expense of Israel and our terror victims.”

As the resumption of talks was awaited, Israel protested to the United States not only because of its support for the resolution but also over the language in the preamble referring to the West Bank, Gaza, and Jerusalem as “occupied Palestinian territories.” State Department spokeswoman Margaret D. Tutwiler explained that the phrase was “merely demographically and geographically descriptive, and not
indicative of sovereignty.” Observers noted, however, that the effort to explain the language raised questions, since the demographic and geographic character of the territories were as much a matter of dispute as their sovereignty, with both sides pointing to demographic and geographic evidence to bolster their competing claims for sovereignty.

THIRD-ROUND TALKS CONVENE

On January 13, talks resumed in Washington. Israel and the Palestinians found themselves in their first ever direct substantive negotiations. This happened after an agreement on a negotiating formula was reached to accommodate both Israel’s demand that the Palestinians be considered part of a joint delegation with Jordan and the Palestinian preference for a separate status and agenda. First, all three delegations met for about half an hour. Then Israelis met separately with Palestinians, with two Jordanians also present; and the following day, Israelis met with a Jordanian delegation, with two Palestinians present. Zalman Shoval, Israel’s ambassador to Washington, summed up the mood: “We have finally left the corridor of the State Department and entered the corridor to peace.” Hanan Ashrawi, claiming victory for her side, said that the Israelis “have recognized the fact that only Palestinians can speak for themselves and negotiate on their behalf.”

On January 14, all four tracks to the talks resumed: Israel-Syria, Israel-Jordan, Israel-Lebanon, Israel-Palestinians. A pattern that was to remain fairly consistent throughout the year was developing. The parties would spend the day talking. Then each would hold a press briefing in which it would give its impression of what took place, whether any progress had been made, and what the other side was doing wrong or right. By the end of the first day, the only reported bright spot was in the Israeli-Jordanian discussions. Jordanian spokesman Marwan Mouasher told the press that his delegation had offered Israel a “vision of peace when the issues between us are resolved,” which he said “would certainly include full cooperation including diplomatic relations.” This delineation of the meaning of peace was important to Israel. Indeed, Israel continued to look for such a statement from Syria before considering proposals about the Golan Heights but, as earlier, none was forthcoming. Syrian negotiator Mowaffak Allaf told reporters that this Israeli request concerned the fruits of the peace process, not the beginning.

Meanwhile, on the Palestinian front, Hanan Ashrawi called on Israel to immediately cease all settlement activities: “If they continue to steal the land literally from beneath our very feet, there is no reason to discuss any arrangements because the land will be gone.” When asked whether the Palestinians would be prepared to suspend the intifada, as the United States had suggested, in return for a suspension of Israeli settlements, she replied: “I think that you should ask the Israelis what they should give. The intifada is a natural and normal reaction, a response to a very abnormal situation which is the situation of occupation.” Israel continued to maintain that settlements were a matter for the final-status negotiations.
At the same time, it was reported that the Palestinians had presented, for the first time, their plan for self-rule in the territories in which, according to Ashrawi, all the powers that were being exercised by the Israeli military or civil administration would "be transferred to the Palestinian authority." Shoval said that this proposal was unacceptable because it was hard to distinguish it from a plan for Palestinian sovereignty and independence; in effect, it asked Israel to cede full control of the territories to the Palestinians.

On January 15, Secretary of State James Baker, ending his detachment from the talks, met separately with the heads of the delegations, urging conciliation. Israeli negotiators, upset with the original delay of the round because the Arabs absented themselves, eager to move the meetings to a Middle East venue, and seeing no progress, agreed to stay for only one day beyond the scheduled end of the talks on the 15th.

The next day saw the end of the four-day round of talks. Not only were there no agreements, there was a general increase in the nastiness between the parties, as reflected in the respective press conferences following the meetings, and uncertainty about when or where they would meet again. The Arabs continued to insist on Washington as the venue, with Israel looking for a spot closer to the Middle East.

Further complicating matters were developments on the Israeli political scene. On January 16, the right-wing Tehiya party, with three Knesset seats, withdrew its support for the government, to prevent it from offering a plan for Palestinian self-rule. A second right-wing party, Moledet, with two seats, followed suit the next day, depriving Prime Minister Yitzhak Shamir of his majority.

On January 27, the Shamir government survived a no-confidence vote, the first since the defection of the two right-wing parties. At the same time, negotiations continued between the Likud and Labor parties over a date for elections, initially set for November. Two days later, a tentative agreement was reached to move elections up to June 23, a compromise between Labor's desire for an even earlier election and Likud's desire to delay.

Meanwhile, the secretary of state sought to revive the bilateral talks. On February 12, the State Department indicated that it had proposed that the fourth round of talks be held in Washington beginning February 24. Within days, Israel, Syria, Lebanon, and Jordan announced their intention to attend. The Palestinians hesitated, claiming on February 18 that they might stay home in protest of Israel's arrest of two West Bank academics—Mohammed Khomani and Jamal al-Shoulaki—recently added to the Palestinian negotiating team. Hanan Ashrawi said the process was on the "brink of collapse." Israeli officials, however, accused the Palestinians of creating tension in the hope that Washington would pressure Israel to release the men, held by Israel as accused organizers of terrorist actions.
FOURTH ROUND OF TALKS

On February 24, the Palestinians appeared at the table, showing once again that none of the parties wanted to appear recalcitrant to their American hosts. The principal development of this round took place on the first day, when Israel presented the Palestinians with a paper outlining Israeli ideas for Palestinian self-rule. This proposal differed markedly from an earlier proposal submitted to the Israelis by the Palestinians. The latter was seen as seeking to create a foundation for a Palestinian state through a virtually total withdrawal of Israeli forces to be replaced by an elected Palestinian government, while the Israeli plan was described as giving Palestinians greater control over regulatory agencies and civil services while depriving them of any ability to lay the foundations for an independent state.

Two days later, the Palestinian negotiators called on Assistant Secretary of State for Near Eastern Affairs Edward Djerejian to say that the Israeli proposal did not treat them as “human beings” with national rights. The Israeli representatives, for their part, asserted publicly that the Palestinians were just interested in scoring propaganda points and trying to draw the Americans into the negotiations, instead of talking about the substance of the Israeli proposal. Despite the contentiousness, it was reported that Baker had no plans to intervene in the talks; rather he would encourage the bilateral talks in the hope that the parties would move away somewhat from opening positions and provide an opportunity for the United States to come forward with what Baker called “bridging proposals.”

On March 3, the Palestinian delegation presented Israel with a more detailed version of its self-government proposal of January. Included were specifics for setting up an election process, complete with international observers; an interim self-government with legislative functions and power over “land, natural resources, water, subsoil, territorial sea, exclusive economic zone and air space”; an independent judiciary and police force; the cessation of all Israeli settlement activity in the territories; the return of seized property; and the release of political prisoners and detainees.

Following discussions about the proposal, Israeli negotiator Eli Rubinstein expressed his government’s negative reaction because, he said, the proposal amounted to a framework for an independent Palestinian state. He added: “The notion of an independent Palestinian state, with all it connotes in terms of our security and national interests, is unacceptable to us.” The gap was evident in the comments by the head of the Palestinian negotiating team, Haidar Abdel-Shafi: “The transition process must lead to a Palestinian state.”

When the fourth round of talks ended on March 4, the parties not only remained as divided on substance as they had been when they began four months earlier, they were also unable to agree on where and when to meet again. Reacting to the lack of progress, Baker summoned each of the parties to his office to urge them to agree to at least one more round of negotiations before the Israeli national election on June 23. It was understood that once the elections took place, it would take time to put
together a new Israeli government, which would soon be followed by a series of Jewish holidays and then the eve of the U.S. election, so that serious negotiations would not be possible until November or December.

As to the talks themselves, the gap between the parties was described as wide, both between Israel and the Arab states and between Israel and the Palestinians. Jordanian spokesman Mouasher summed it up: "I guess it's safe to say that expectation for some progress to take place in this round has been met with disappointment. Although we did explore a lot of ideas in this round on an informal basis, still I find myself repeating what I said at the conclusion of the last round—profound disagreements occur and exist over the principles that underlie the whole peace process." Israel and Syria continued exchanging interpretations of UN Resolution 242 and its disputed applicability to the Golan Heights.

The day after the talks ended, newspaper headlines indicated that Baker, in his meetings with the Palestinians, criticized them for "posturing" and urged them to focus more on negotiating specific proposals with Israel than on their broader goal of establishing an independent state. Officials at the State Department also chastised the Palestinians for presenting a plan on self-rule that it called unrealistic, a thinly disguised vehicle for independence aimed not at the Israelis but at their own Palestinian public. Abdel-Shafi, speaking to the Arab-American Institute, rejected the criticism, saying that it was "not true at all, and the record is straight." In this atmosphere, Djerejian told reporters that, despite the disappointment in the talks, there was hope in that "real substance" was on the table, "even if the parties have not found ways to explore the details to start narrowing the gaps between their positions."

On March 12, King Hussein of Jordan made his first trip to Washington since the Gulf War, meeting with Bush and Baker. Reports indicated that he told Secretary Baker that he and Yasar Arafat were considering declaring a confederation between Jordan and the West Bank as a way to give impetus to the talks and as a way to build pressure on Israel to return land. Some Palestinian leaders in the territories reacted negatively to the reports on the grounds that such an initiative could undercut their efforts to establish the Palestinians as an independent, sovereign party separate from Jordan. Saib Erakat, a member of the Palestinian delegation, called the proposal "premature" at a press conference in Jerusalem on March 16. Meanwhile, an unnamed senior PLO official in Tunis predicted that the PLO Central Council would not endorse the confederation proposal "because it will complicate the peace process." The proposal was seen as an effort to revive, during the Israeli election campaign, Labor's position on a "Jordanian option" for resolving the Palestinian dispute.

**FIFTH ROUND OF TALKS**

Pursuing its goal of having one more round of talks before the Israeli election, the State Department announced on March 30 that the United States had proposed
convening a fifth round in Washington on April 27 but would insist on moving subsequent talks closer to the Middle East. This was a compromise between the Israeli desire to shift the talks to the Middle East and the Arabs’ preferring to stay in Washington.

Three days later, State Department spokeswoman Tutwiler announced that the Arabs and Israelis had agreed to hold a fifth round in Washington beginning on the 27th and had agreed, in principle, to move future negotiations closer to the Middle East. She reported that all the parties had submitted informal lists of proposed alternative sites for the sixth round and that the lists showed some “commonality.”

On April 7, amid the hubbub surrounding the peace process, Yasir Arafat regained center stage when a plane on which he was traveling disappeared from radar screens as it was crossing from the Sudan into southern Libya. The following day, nearly 12 hours after the private plane crash-landed in a sandstorm, the PLO leader was found alive by a Libyan patrol in the Libyan Desert. He was described as bruised but not seriously injured. The State Department insisted that it had played no role in the rescue. It was reported that a Palestinian official had sought American help through former president Jimmy Carter, who called the White House, but that the White House had not reached a decision by the time the plane was found. Unnamed Bush administration officials indicated that there was a feeling of ambivalence about Arafat’s fate, leading to indecision as to whether to use American satellites to find Arafat’s downed plane.

Hani al-Hassan, a PLO Executive Committee member, who only two weeks earlier had distributed a scathing critique demanding that the organization allow wider participation in its decision making, reflected the widespread Palestinian reaction to the survival of Arafat: “We all have something to say about the peace process and in favor of more consultations, but I and everyone else [are] relieved that he is fine.” Another unnamed PLO official noted how feelings of desperation had quickly set in with the news of Arafat’s disappearance, indicating that this accident “proved he was still the most important leader of the organization.” On the Israeli side, Defense Minister Moshe Arens told reporters, before word arrived that Arafat was alive, that if it turned out Arafat was dead, “I don’t think that anyone in Israel is going to mourn. He headed a murderous organization for years that bears the responsibility for the deaths of hundreds, if not thousands, of people.”

The immediate effect of the accident was the PLO decision on April 9 to postpone a crucial meeting of its 94-member Central Committee, which had been expected to challenge the policies of Arafat. The decision apparently reflected the resurgence of support for the PLO chief after the crash and the reluctance of his most vociferous opponents to confront him at that time. For Bassam Abu Sharif, a senior political adviser to Arafat, the crash showed that only Arafat had the power to pick a new generation of leaders, “because his choices will be accepted by the Palestinians inside the Israeli-occupied territories and in the diaspora.” In the days following the incident, however, demands for a wider PLO leadership surfaced within the organization. Nayef Hawatmeh, head of the hard-line Democratic Front for the Liberation
of Palestine, a PLO component, said that the rise of a collective leadership had become "imperative," and that without it, the Palestinian situation "could not be sustained." Chief of the Palestinian delegation to the talks Dr. Haidar Abdel-Shafi said that what was needed was a closing of Palestinian ranks around a mechanism for a democratic process which, he pointed out, "would not be undermined by surprise events."

Meanwhile, in Washington, awaiting the resumption of talks, the State Department announced on April 21 that the parties had agreed to shift the talks to Rome after the fifth round. Tutwiler said that no date had been scheduled for the discussions in Rome, but that the United States believed it was important to "maintain the momentum of the peace process." It was expected, however, that the sixth round would be delayed for some time after the Israeli election.

Two days before the fifth round of talks resumed, Syrian president Hafez al-Assad and Palestinian spokeswoman Ashrawi continued the public war of words with Israel. Assad said in a speech in Damascus that only full Israeli withdrawal from occupied Arab land would bring peace to the Middle East. He added that "if the Madrid and Washington peace talks have proved sterile, this is due to Israeli rulers' intransigence and insistence on placing obstacles on the road of peace." And Ashrawi accused Israel of not really being interested in peace. With the propaganda war apparently winning out over real negotiations, the Bush administration was getting impatient. Djerejian commented that the parties had had "ample time to assess their positions," and now "they have got to get on with it."

As the talks commenced, Israel offered to work with the Palestinians on a mutually agreeable schedule for municipal elections in the territories. Underlying the proposal, it was reported, was the Israeli belief that it would take a long time to reach agreement on a plan for broad self-government powers for the Palestinians and, therefore, giving Palestinians a measure of local self-rule could fill the void, helping to relieve Palestinian frustrations and helping the Israeli public get used to the idea of Palestinians governing themselves. Ashrawi, however, the next day called the Israeli proposal "a public relations exercise" aimed at sidetracking the negotiations from the goal of Palestinian self-rule. She said that her delegation saw the Israeli idea as an attempt to delay indefinitely elections for a Palestinian self-governing authority, while allowing Shamir's government to appear forthcoming. Not wanting to appear intransigent, however, the Palestinians did not reject the proposal outright.

Benjamin Netanyahu, the Israeli delegation's spokesman, explained his country's approach: "In no way does our proposal nullify negotiations over elections, borders and other issues in the territories. We haven't posed [the municipal election idea] as a condition. I think such elections would facilitate the process, but we're not linking the two."

On April 30, the fifth round ended. No progress was reported, but Netanyahu emphasized the positive, while Ashrawi and Syria's chief negotiator, Mowaffak Allaf, were extremely critical of Israel and negative about the accomplishments of
the talks. Observers tended to see these different public stances as partly connected to the coming Israeli elections, with Netanyahu trying to convince the Israeli electorate that it was accomplishing something, while the Palestinians and Syrians were seeking to undercut Shamir's appeal.

Interestingly, unnamed senior administration officials told the Washington Post that the just-concluded round was very positive in tone and content and showed "serious engagement" by all sides. This assessment paralleled that of Israeli officials but was sharply at odds with the views of the Arab participants. One American official stressed how important it was that "this time, the Palestinians put ideas on the table, as well as the Israelis." He emphasized that, among the Palestinian delegates, there was a new tendency to play down polemics and show greater flexibility, in contrast to the previous round when the United States criticized the Palestinians for "posturing" and "playing to the media."

NEW ISRAELI GOVERNMENT

As expected, the peace talks were put on hold by the upcoming Israeli elections. On June 23, the Labor party won a clear victory over Likud, creating the possibility of a center-left coalition committed to a different approach to the peace talks. Early returns gave Labor 45 seats to Likud's 32 (the final count gave Labor 44), with 12 seats going to the left-wing Meretz party, and 5 to Arab parties, adding up to 62 seats, a parliamentary majority and more than enough to block Likud from regrouping the religious-right alliance that it had led for the past two years. The next morning, Rabin pledged that the coalition he would try to create would "include all the positive forces in the nation that identify with our way: further peacemaking while safeguarding our security." Echoing his basic campaign theme, he said, "We will change the order of national priorities," referring to his commitment to shift government money from settlement-building to social and economic needs in Israel proper.

Meanwhile, in Washington, unnamed administration officials expressed satisfaction with the outcome, citing as reasons for believing that the Labor victory sharply increased the prospects for progress in the talks the better personal relations between Rabin and Bush, Rabin's commitment to freezing settlements, and his general willingness to compromise. They indicated that the United States would press for an early resumption of the talks and expected a Rabin visit to Washington soon.

Arab leaders gave a mixed welcome to the Labor victory. Osama el-Baz, senior adviser to Hosni Mubarak, said the change would "give a strong push to peace efforts and the reaping of a golden opportunity to achieve historic reconciliation between Israel and the Arabs." Arafat described the result as a vote "against war and the terrorism of Shamir." Foreign Minister of Jordan Kamal Abu Jahn said the development was "good," but added that "the test now is how serious the coming Government will be about its commitment to Middle East peace." And Syrian foreign minister Farouk al-Sharaa applauded Shamir's defeat but said, "We cannot
judge in advance the policy to be adopted by Rabin on the peace process."

While Rabin worked to form a coalition government and announced that he would slash the special subsidies that the Shamir government had given to Jewish settlers, the Shamir policy became the subject of headlines once again when the Likud leader was quoted in Ma'ariv as saying to a reporter that had he won, he would have pushed to greatly increase the number of settlers while delaying negotiations: "I would have conducted the autonomy negotiations for ten years, and in the meantime we would have reached half a million souls in Judea and Samaria." In contrast, Likud leader and defense minister Moshe Arens announced his retirement, acknowledging that the election showed that a significant part of the public did "not see the slogan 'Greater Land of Israel' as an adequate or sufficient response in grappling with the complexity of problems associated with Palestinians in the territories."

On July 2, in his first public speech since the Labor victory, Rabin called for continuous peace talks that would yield an autonomy agreement with the Palestinians within a year. When and where the talks would resume was uncertain. On July 10, Rabin completed his negotiations with the left-wing Meretz party and the Sephardic religious party Shas, thereby ensuring a Labor-led coalition government. Reports indicated that the agreements left Rabin wide latitude in the peace talks.

On July 12, one day before he was to take over as prime minister, Rabin unveiled his cabinet to a jubilant Labor party conference. The cabinet, which was described as decidedly dovish on peace issues, included Shimon Peres—Rabin's longtime rival—as foreign minister. The government, which controlled 62 seats, consisted of Labor, Meretz, and Shas. It was widely reported, however, that Rabin would continue to seek a broader government to include the hawkish Tzomet party and the Orthodox United Torah Judaism, to offset the heavy leftist character of the coalition.

On July 13, Rabin took over as prime minister. In his inaugural speech, he pledged to waste no time in the search for peace and appealed to Palestinians to take Israeli offers of limited self-rule seriously and not "lose this opportunity that may never return." His was a call for a change in direction, a clarion call to the country to stop thinking that "the whole world is against us." He asserted: "We must overcome the sense of isolation that has held us in its thrall for almost half a century. We must join the international movement toward world peace, reconciliation and cooperation that is spreading over the entire globe these days, lest we be the last to remain, all alone, in the station."

Rabin underlined his appeal for peace by inviting Palestinian leaders and heads of neighboring states to Jerusalem "for the purpose of talking peace," and on his part offered to go immediately to Amman, Damascus, and Beirut. He urged the Palestinians to take up what he called Israel's fair and viable proposal of autonomy. The same day, President Bush called Rabin to congratulate him, indicating that he would send Baker to the Middle East the following week to get the process rolling again and would invite Rabin to visit him in his Maine summer home in early August.
The new momentum generated by the Rabin election and the upcoming Baker visit was bolstered by the announcement on July 16 that Mubarak had invited Rabin to meet with him in Cairo in order to press ahead with talks before Baker’s arrival in Cairo. The meeting would be only Mubarak’s second with an Israeli prime minister, the first having been in 1986, with Shimon Peres, in Alexandria. An Egyptian spokesman said of the meeting: “We never extended the offer to former prime minister Shamir because we never believed he was seriously interested in discussing peace.” The two leaders met in Cairo on July 21 for a 90-minute session. The meeting was described as “informal” by both men, focusing on an exchange of views rather than details. Mubarak praised Rabin’s freeze on new settlements as a “good step.” Mubarak also indicated that Rabin had invited him to visit Israel and said: “Whenever I find it convenient, I will go to Israel. My response is positive to Mr. Rabin.” No date, however, was set for a trip, and Egyptian officials reportedly said that until a date was set, the issue would probably not prompt wide debate.

On July 19, Baker began his five-nation tour in Jerusalem. In a talk with reporters en route to Israel, Baker made clear his feelings: “It’s a pleasure to be going to Israel under circumstances in which I anticipate that we will not be met with the opening of a new settlement or settlements, but rather a suspension of contracts for the construction of new houses or settlement activity—something that I think can only inspire trust and confidence.” Hours before Baker’s arrival, Rabin announced that he was suspending all new building of Jewish settlements in the territories, pending a review by the government of exactly what was being built and where. Following two hours of talks with Rabin, Baker cited the changes in Israeli policy and hoped “that we could begin to hear some new and different signals coming from those on the Arab side.”

On the morning of July 21, Baker left Jerusalem for Amman. In a news conference later that day with King Hussein, Baker declared his opposition to any new Israeli settlements, even those considered important to its security. He called settlements “an obstacle to peace.” He talked as well about the fresh chance for peace offered by the new Israeli government and commented, after his four-hour meeting with the Jordanian ruler, that the parties should and would take advantage of the opportunity.

In Syria on July 23, Baker met with Foreign Minister al-Sharaa. At a news conference afterward, Baker asserted that he had received positive signs in his visits in the region. Sharaa, not surprisingly, focused on the need for Israeli flexibility and, when asked what gesture Syria might make, said the Arab countries had done enough by agreeing to negotiate with Israel. Later in the day, under heavy guard, Baker motored into Lebanon, the first visit to that country by a U.S. secretary of state since 1983. The purpose was to show U.S. support for President Elias Hrawis’s effort to reestablish Lebanese independence by inducing Syria to move its troops out of Beirut. On his last stop, in Saudi Arabia, Baker summed up his message to the parties: “It is time to come together again quickly and actually see some nitty-gritty negotiating.” A senior official accompanying Baker indicated that they knew Israel was ready to be flexible, that this had been confirmed by Rabin, but it remained
uncertain that the Arab side was ready to match Rabin's gestures. As to the issue of where the talks would continue, it was reported that Rabin probably would be willing to return to Washington if the Arab side felt strongly about it.

On July 25, the foreign ministers of Syria, Jordan, Lebanon, and Egypt and Palestinian representatives met in Damascus to assess the Baker visit. In a joint communiqué, the ministers welcomed the Baker tour, saying it had revitalized the peace process. Concerning the new Israeli government, they noted its declared intentions but added that they “await practical proof. . . .”

On July 28, the White House announced that Rabin would visit President Bush in Kennebunkport on August 10–11. In the days leading up to Rabin’s first meeting as prime minister with the president, Israel took several steps that highlighted its new approach. On August 3, it named Itamar Rabinovich, a Tel Aviv University legal scholar, to replace Yossi Ben-Aharon as head of the talks with Syria. This move was seen as reflecting a willingness to be more flexible and to give more importance to the Syrian talks than Rabin himself had earlier indicated. It was also seen as a response to Syrian warnings against leaving the negotiations with Damascus for a later phase. Several days later, Rabin negotiated a compromise with Palestinian leaders to end a strike, without the use of force, by a thousand Palestinian students at Al Najah University in Nablus. And on August 9, the government said it would propose changing a law that prohibited individual citizens from meeting with PLO officials. Deputy Foreign Minister Yossi Beilin said, “We have a deep obligation to change this stupid law.”

On August 10, Rabin arrived in the United States and met with President Bush in Maine. The 24-hour stay at the president’s summer home was intended to signal an end to the tensions in U.S.-Israeli relations, as well as to project the image of a warm, personal relationship contrasting with the obvious tense one that existed between Bush and Shamir. The president said afterward that it was “a true pleasure for Barbara and me to spend this time with the Prime Minister and Mrs. Rabin . . . our time together can best be described as a consultation between close friends and strategic partners.” Bush denied that the meeting would help him in his reelection campaign, though all observers took it for granted that this was an important motivation. Most significantly, the two leaders announced their agreement on the much delayed package of $10 billion in loan guarantees (see below).

Two days later, speaking in Washington at a National Press Club luncheon, Rabin promised to be “more forthcoming” in the pending negotiations with the Palestinians on autonomy, including the commitment to offer the Palestinians general elections the following year for an administrative council that would “run their daily life” in the territories during the interim period. Later in the day, Rabin met with Democratic presidential candidate Bill Clinton for an hour, during which Clinton expressed strong support for the peace process.
SIXTH ROUND OF TALKS

In the intervening period, agreement in principle had been reached among the parties to resume the peace talks on August 24 in Washington. Despite some reservations on the part of Arab foreign ministers over the U.S. decision to move forward on the loan guarantees, Syria's al-Sharaa said that there was no move afoot to boycott the sixth round of talks.

With James Baker leaving his position as secretary of state in order to run the Bush reelection campaign, Acting Secretary Lawrence Eagleburger took over supervision of the talks. Prior to the new talks, he said that they were resuming "in the context of an Israeli Government that is prepared to be far more forthcoming." He predicted that the issue of Palestinian self-rule would be a focus.

As Israel prepared for the next round, its leaders said they were serious about wanting to reach quick agreements, especially on a form of self-government for Palestinians. Yossi Beilin said that the Arabs "won't find a more moderate Government than the current one... for them, this is a moment of truth, and I hope they do not want to postpone it." "To improve the atmosphere" in the territories and the mood in the talks, Rabin on August 23 loosened restrictions on Palestinians entering Israel, revoked expulsion orders issued in January against 11 Palestinians, and freed about 800 prisoners.

On August 24, the talks opened in Washington. On August 25, Israel gave Palestinian negotiators a detailed set of proposals for Palestinian self-rule in the territories. These provided for elections by April or May, 1993, to an administrative council that would allow Palestinians to run many aspects of daily life. The proposal fell far short of the Palestinian desire for a 180-member parliament with full legislative powers, but was consistent with the model of the Camp David accords for the interim period. While Israeli and Palestinian delegates exchanged comments in public, reflecting different approaches but conciliatory in tone, Arafat blasted the United States in a speech in Geneva. "We consider there to be a flagrant bias in favor of the Israeli position and a cause or a reason to abort the peace process," he said, referring to the loan guarantees.

By the end of the first week of talks, the optimistic tone on the Palestinian negotiations had vanished. Ashrawi referred to a "deadlock," criticizing the Israeli proposal for not recognizing the land rights of the Palestinians and not including Jerusalem. Eli Rubinstein, Israel's negotiator, expressed frustration with the Palestinian negotiators, indicating that while the Israeli plan did not offer the Palestinians everything they wanted, "it is a sea change from the existing situation."

In Jerusalem, on September 2, Rabin issued an unusually strong criticism of the Palestinian negotiators for raising issues that could not lead to an agreement and for not considering more seriously the best deal for self-rule they had ever received. Prime Minister Rabin noted that the problem seemed to lie in the tensions between the Palestinian delegation and the PLO in Tunis: "The Palestinians in the territories are more pragmatic than those in Tunisia. Some elements in Tunisia are still an
obstacle to some of the Palestinians in the territories to reach an agreement." The same day, Peres added that when the Palestinians veered from the autonomy question to raise issues like Jerusalem's future status, they were "really endangering the very foundation of the negotiations."

Meanwhile, in the area of Israeli-Syrian negotiations it was reported that, for the first time, Israel acknowledged that UN land-for-peace resolutions applied to the Golan Heights. However, Israeli officials in Jerusalem made clear that their willingness to discuss some territorial concessions did not mean that they were prepared to hand back the strategic heights or to end Israel's presence there.

On the Syrian side, a document submitted to Israel by the Syrian delegation was described by Israeli negotiator Rabinovich as the first tangible sign that the Syrians were really "engaged" in negotiations with Israel. Israeli officials pointed in particular to a line in the Syrian paper stating that the Syrians understood that Israel, like Syria, had "security concerns" and that Damascus was ready to talk about them, provided that they did not compromise Syrian interests and territory. A government newspaper in Damascus in fact asserted that Syria would accept nothing less than a full Israeli withdrawal, because "peace cannot be converted from a sacred cause into a matter for bargaining." Responding to optimistic assessments on the Syrian talks offered by some U.S. and Israeli officials, Rabin on September 7 said that, while the general mood had improved, Syria, in its document, offered to accept a peace agreement but "not open boundaries, not embassies, not commercial and cultural relationships."

Beginning on September 9 and continuing for several days, Rabin made a number of comments in Israel that seemed intended to give new life to the talks. Possibly out of frustration over the lack of progress in the Palestinian negotiations, and sensing a need to focus more on Syria, Rabin indicated that his government would be willing to give back parts of the Golan Heights. On the 9th, in the Knesset, responding to opposition charges that the government was preparing a sellout by announcing its willingness to make concessions to the Arabs, Rabin strongly suggested that Israel was willing to return at least part of the Golan Heights to Syria for peace: "Our purpose is indeed to make the most of the chance. We are not starting from the assumption that in return for peace, we can give only peace when it comes to Syria. The idea of 'peace for peace' (Likud's approach to Syria) does not work where Syria is concerned. I never heard of anyone interpreting the Syrian reading of 242 and 338 as meaning 'peace for peace.'"

Reiterating his position the following day in an interview with IDF Radio, Rabin said that, in exchange for a peace treaty with open borders, diplomatic relations, and normalization, Israel was ready "for a certain territorial compromise." He added, "We've never defined lines and we won't define lines, nor enter [discussions] regarding the territorial issue before we know that Syria is now ready for a peace treaty such as I have described." Meanwhile, Assad told a visiting group of Druse residents of the Golan Heights that Syria sought "the peace of the brave" with Israel. Learning of the Syrian leader's comments, Rabin said that his willingness to talk
openly about peace was a "positive development." And Peres on Army Radio described the recent period as "the best ten days in the relationship between Syria and Israel."

On September 14, after a ten-day recess, Israel presented to Syria a new eight-page outline of its views on peace, including a vision of peace, the terms of peace including a territorial dimension, and a proposed agenda for negotiations. Speaking in Jerusalem, Rabin made clear Israel's key points: First, Israel would not consider withdrawal from the Golan until the real terms of a peace accord with Syria became clear; and second, any peace treaty would have to stand on its own and could not be linked to progress in talks with other Arabs. "As long as these two issues will not become clear to us," he said, "we will not enter into any territorial discussions." Syria's chief negotiator, Mowaffak Allaf, called the Israeli paper insufficient, claiming that there was no mention whatsoever of the word "withdrawal." The talks appeared stuck on each side's requirement that its demands should be discussed first—Syria wanting Israel's commitment to withdrawal from the Golan before discussions on details of peace; and Israel saying Syria must first spell out terms of peace.

In Paris, on September 15, Foreign Minister Roland Dumas of France disclosed that he had paid a surprise visit to Damascus on the 14th in a bid to mediate differences between Israel and Syria. Deputy Foreign Minister Beilin of Israel said in Washington that an informal back channel for discussions with Syria was "vital," naming Egypt, France, or the United States as possible links. He described the prospect of a peace agreement with Syria as so important that "we would be wasting a lot if we were not using all connections," and adding that negotiations "will be very difficult with just formal" arrangements. Rabin, however, reacted against this proposal by the Foreign Ministry for a back channel and sent a public message to the Syrians: "I want to clarify, especially to the Syrians, that the talks are via one, and only one, channel between the Syrian delegation and the Israeli delegation. All sorts of middlemen are not relevant to the negotiations."

Meanwhile, soon after Rabin announced that Resolution 242 would apply to the Golan Heights, Arafat, suspecting a Syrian-Israeli deal, had the Palestinian delegates insist that 242 also be applied to the West Bank and Gaza. Washington was reported to be outraged by this development, and Djerejian told the Palestinians that the issue of Israeli withdrawal was not part of the autonomy talks. By September 21, after consultations with Tunis, the Palestinian delegation abandoned its demand that Israel affirm its willingness to give up land in the West Bank and Gaza for peace.

As the sixth round of talks ended on September 24, there was no Syrian-Israeli breakthrough, despite the excitement aroused two weeks earlier. Rabinovich noted, "Progress has not matched our expectations. But if you look at the round as a whole, I'm pleased."
SEVENTH ROUND OF TALKS

The seventh round of talks, the last before the U.S. presidential election on November 3, began on October 21. Days earlier, concern was expressed by all sides that time was running out. Regarding the Syrian talks, Itamar Rabinovich suggested that something had to give before too long, because there was domestic opposition to any territorial compromise on the Golan, and time was "not unlimited for the Israeli government." On the Palestinian discussions, Hanan Ashrawi argued that there would have to be some sort of breakthrough by December in the Israeli-Palestinian talks; otherwise, she cautioned, the negotiations risked running out of steam because the U.S. presidential winner, no matter who, would concentrate on America's domestic problems. Complicating matters was the rising tension between Palestinians and Israelis, reflected in a hunger strike by prisoners and the stabbing of an Israeli in northern Israel.

At the same time, paradoxically, it was understood that, with the U.S. election so near, there would be no major breakthroughs in the seventh round. Although Rabin indicated before the talks that the "negotiations with Damascus appear more promising," on October 31, the first anniversary of the talks, Rabin on Israel Radio criticized the basic approach set at the opening conference in Madrid, saying it had not produced results. Indicating that Israel would prefer to have talks with one country at a time, he reflected a deepening frustration with the peace process. As the American election neared, the only good news came from an agreement in writing between Israel and Jordan that their goal was a formal peace treaty within the framework of a comprehensive Israeli-Arab settlement.

On November 3, Bill Clinton was elected president of the United States. In a congratulatory message the next day, Israeli leaders voiced the hope that U.S. ties would be, in Rabin's words, as "close as always." In a telephone conversation with Rabin on November 9, the president-elect said that he wanted the Arab-Israeli peace talks to move forward with "no delay." Meanwhile, George Stephanopoulos, Clinton's spokesman, said Clinton would support "anything that makes sure there is no delay in the peace process." This was seen as a message to the Arabs and Israelis not to drag their feet by waiting for a Clinton administration to emerge before deciding what concessions to make.

On November 9, the talks, which had been in recess for the U.S. elections, resumed. The first day was marked by warnings from Israel to Lebanon and Syria that Israel was prepared to make life intolerable in Lebanon if Shiite guerrillas continued to launch rockets against northern Israel as they had the day before. On the same day, Arafat, in Paris, strongly criticized Hamas, the Palestinian Islamic fundamentalist movement, warning the group of unspecified retaliation if its acts of violence, including the killing of Palestinians in the territories, were to continue.

On November 13, in an interview with the Washington Post, Rabin took a pessimistic view of the outlook for talks with Syria and the Palestinians, blaming Assad and Arafat for the lack of progress. Regarding Assad, he compared his
actions to those of Sadat between 1972 and 1978: "President Assad of Syria until this moment hasn't done one percent of what President Sadat did, talking to the people of Israel, talking to his own people and convincing both peoples of both countries that here is a leader that wants peace. The opposite has happened." He noted that Assad had encouraged Palestinian terrorist groups based in Damascus in their opposition to the talks and had permitted Hezbollah guerrilla attacks in southern Lebanon. As for Arafat, Rabin accused him of not allowing the delegation to move forward on the issue of self-government. The battle of words continued in Washington. On November 17, Syrian negotiator Allaf said the negotiations had been "stymied" by Israel's refusal to surrender territory. And Rabinovich suggested that the Arabs were marking time until the Clinton administration took office in January.

The president-elect's views on the process were aired in an interview published on November 13. The election of Rabin, he said, had breathed new life into the negotiations and he offered the opinion that "it's time for the Arabs to make more moves toward Israel." One such move, he said, would be for one of the Arab countries to "break the ice and end the boycott against Israel. That would be the best thing they could do." He reiterated the U.S. role as an honest broker and on occasion as a catalyst. And he described peace as more than a hostile truce: it required the end of the boycott and normal economic and trade relations between Israel and the Arabs.

As expected, the seventh round of talks ended on November 19 with little progress and increased recriminations, attributable to the intense fighting in southern Lebanon initiated by pro-Iranian Hezbollah guerrillas; and by uncertainty on both sides about the policies of the incoming Clinton administration. A day later, Arab negotiators, speaking at a news conference to mark completion of the seventh round, said they might break off negotiations in the spring if gains were not made promptly once the Clinton administration took office. Allaf said that "Arab patience cannot last forever." Abdel-Shafi of the Palestinian team called for the United States to put pressure on Israel.

EIGHTH ROUND OF TALKS

Several weeks later, on December 7, the eighth round of talks began. To protest the lack of progress, the Palestinians sent a rump delegation of only four representatives rather than the usual fourteen. They also called for U.S. intervention. Aside from this, the general expectation was that the parties were merely going through the motions of negotiating until Clinton took office. Also casting a shadow over the talks was the December 7 ambush-killing of three Israeli soldiers by Islamic gunmen in Gaza. In Rome, Rabin blamed terrorist groups intent on bringing about the talks' collapse, but he said Israel would not pull out of the negotiations because to do so would hand "a prize to those who like to kill peace in the region." The Likud opposition quickly attacked him, blaming the terrorist raids on his many conces-
sions to the Palestinians since he came to power in July.

On December 8, Israel closed off the Gaza Strip and confined hundreds of thousands of Palestinians to their homes as the army searched for the killers of the three soldiers. Four days later, the army lifted the curfew, and clashes ensued between stone-throwing Palestinians and Israeli soldiers. The next day, Muslim fundamentalists of Hamas kidnapped an Israeli border policeman, Nissim Toledano, and threatened to kill him unless Israel released Sheik Ahmed Yassin, the founder of their movement, who was serving a life sentence. Toledano's body was found on December 15, alongside a highway near Jerusalem. Waves of anti-Arab anger rolled across Israel.

On December 16, in reprisal for the killing, Israel announced that it would deport 415 Palestinians linked to militant Islamic groups. The Arab delegates to the talks met separately with President Bush on December 17 to appeal to Bush to halt Israel's action. The Arabs then boycotted the final session of the eighth round, Abdel-Shafi warning that the deportations could “deal a death blow to the peace process.” In a press conference in Little Rock, President-elect Clinton criticized the expulsions. While expressing his understanding of Israeli frustration and anger at Hamas terrorism, he said he was “concerned that this deportation may go too far and imperil the peace talks.” Speaking on behalf of the president, Marlin Fitzwater called on Israel to end the expulsions, saying they “risk complicating the search for peace.”

Reaction elsewhere was extremely critical. The UN Security Council voted to “strongly” condemn the expulsions, demanded that those expelled be readmitted to the territories, and asked Secretary-General Boutros Boutros-Ghali for the first time to consider sending a representative to Israel to discuss “this serious situation” with the government and report back to the council. Lawrence Eagleburger of the State Department said that, with the expulsions, Israel had “played into the hands of the very people who are trying to wreck the process.” Israeli officials responded by criticizing the Security Council resolution, expressing disappointment that it ignored the nature and deeds of Hamas.

Palestinian leaders continued to protest the deportations. Abdel-Shafi, head of the Palestinian delegation to the peace talks, said the deportations had made it “impossible” for the negotiations to continue. Faisal al-Husseini warned at a news conference on December 23 that the Middle East talks were dying and that Palestinians had choices other than negotiation, including “the armed struggle option.” Meanwhile, Boutros-Ghali announced on December 22 that he was sending Under Secretary-General James Jonah to Israel to help resolve the deportation issue. It was reported that the Israeli government had agreed to his visit.

On December 27, Jonah met in Jerusalem with Rabin and Peres to discuss the fate of the deportees. The two leaders rejected the UN resolution because it was one-sided and did not take into account the violence of the deportees. Peres emphasized that Hamas “wants not only to murder the peace process, but also everyone who supports the peace process, whether Jews or Arabs.”
In Israel, some observers saw the decision to oust the fundamentalists as the beginning of movement toward establishing relations with the PLO. In particular, Rabin's left-wing coalition partner, Meretz, told him on December 21 that Israel had little alternative but to begin direct talks with the PLO. Rabin, however, repeated his opposition to such contacts.

By year's end, not only were the bilateral talks on hold because of the deportation issue, but there was a general feeling of disappointment that many rounds of discussions, even with a new Israeli government, had yielded no tangible results.

**Multilateral Talks**

Parallel to the bilateral negotiations, at the start of 1992, the multilateral talks involving 30 nations began in Moscow at the end of January. These talks were conceived as a way to buttress the bilateral talks and as an opportunity to involve in the process other Arab states as well as leading nations around the world. The underlying premise of these discussions was that, if the Middle East were truly to enter a new era in a changing world of regional cooperation, the problems beyond those of war and peace had to be addressed by many nations.

Before the first multilateral meeting took place, however, an obstacle arose regarding the makeup of the Palestinian delegation. On January 26, it was reported that the PLO executive committee was meeting in Tunis to assess whether it should approve a restricted delegation—as in the bilateral talks in Madrid and Washington—or whether it should insist on broader representation, including Palestinians from East Jerusalem and outside the territories. It was pointed out that such issues as refugees, economic development, the environment, and arms control affected the whole region and required broader Palestinian representation. The United States and Russia, cosponsors of the meeting, made clear that the terms for participation could not be changed. While an expanded Palestinian delegation did show up in Moscow, the Palestinians announced that they would not attend the conference because they were being barred from it. Baker said that the Palestinians had refused to attend according to the terms set out in the invitation and added that he was “disappointed” that they had missed yet another opportunity to advance their cause.

Twenty-four nations were represented in Moscow on January 28. Sitting together for the first time were representatives of Saudi Arabia and Kuwait, as well as other Arab states, and representatives of Israel. Syria and Lebanon, however, refused to participate, the Syrians arguing that participation awaited progress on the bilateral front. The meeting lasted two days, during which it was decided to establish working groups to meet and deal in the coming months with five regional problems: arms control and regional security; economic development; water resources; environmental issues; and refugees.

Although Palestinians did not participate, it was reported that Secretary Baker had pledged to Ashrawi and Faisal Husseini that, in those talks involving refugees and economic development, the United States and Russia would support the inclu-
sion of Palestinians from outside the territories. Israeli officials, however, immediately expressed their opposition to any change in the "Madrid formula" governing the talks. In April, as the bilateral talks stalled, trouble appeared regarding the multilaterals as well. On April 27, the United States and Russia formally issued invitations for the five different regional talks. Dates and places were set: economic development in Brussels on May 11; arms control in Washington on May 11; sharing water resources in Vienna on May 12; refugee problems in Ottawa on May 13; and environmental issues in Tokyo on May 18. And what had been reported following the Moscow regional conference was confirmed. Baker indicated that the Palestinians could bring outside Palestinians to the working groups on refugee matters and economic development, provided they were not members of the PLO. The next day, Israel's foreign minister, David Levy, told Baker that Israel would not take part in those talks if this were to occur. Ambassador Zalman Shoval of Israel explained the reason for excluding outside Palestinians: "It is very clear to us, and I think it should be very clear to anybody who knows anything about it, that the insistence of the Palestinians to include outside Palestinians or diaspora Palestinians in this process is in order to get the right-of-return question back into the whole process through the back door. . . . And Israel will not agree to that."

Baker reportedly told Levy that the U.S. administration would not force Israel to talk with anyone it did not want to, but that he did not intend to alter his position on Palestinian participation in the working groups. On May 6, Israel gave formal notice that it would boycott those two phases of the regional talks in which Palestinians from outside the territories would be taking part. Five days later, May 11, two sessions of the multilateral talks opened. In Washington, the session on arms and regional security met, with the Syrian and Lebanese delegations boycotting the talks on the grounds that not enough progress had been made in the bilateral talks, and the Palestinians not present, even as part of a Jordanian delegation, because only states with military establishments were invited. A Palestinian delegation arrived in Washington unannounced to protest their exclusion. Yezid Sayigh, coordinator of the group, argued that Israel claimed that it "cannot accommodate our natural rights because this would endanger Israeli security. We are willing to take up that theme and discuss it. We have to deal with issues of security and confidence-building as Palestinians."

The talks were attended by 13 Middle Eastern nations, as well as China, India, Japan, Turkey, and the European Community. The talks were described as lacking rancor or vitriol. The purpose of the talks, as described by American officials, was to present ideas for discussion on topics including methods of arms control, the framing of agreements for dealing with unexpected military incidents, and the installation of hotlines like those used by American and Soviet leaders during the Cold War. However, it was noted that many delegates expressed skepticism that the region's arms could be substantially limited without a comprehensive peace accord. The Washington talks lasted four days. Unnamed American officials indicated
that the sessions exceeded expectations in the participants' willingness to acknowledge that negotiations had to seek eventual reduction of the region's arsenal of mass-destruction weapons. It was also agreed that stability required exchanging confidence-building proposals as the first step toward achieving serious arms control in the strife-torn region.

On the same day, the talks on the regional economy opened in Brussels with Israel not participating because of the presence of outside Palestinians, and Syria and Lebanon not participating as part of their total boycott of the multilaterals.

On May 13, the talks on refugees in Ottawa were also boycotted by Israel because of the outside Palestinians. The procedural matter in this case was directly tied to the Arab desire to raise the controversial matter of the right of Palestinians to return to the homes they had left during the 1948 war. The Israeli fear, that the refugee talks would focus on the right of return, intensified when State Department spokeswoman Tutwiler said, in response to a question as to whether Washington still supported a 1948 UN Resolution that upheld the principle of return, "The United States has supported General Assembly Resolution 194 since it was adopted on December 11, 1948. We continue to support it." Immediately, Israeli officials protested and asked their embassy in Washington to request a prompt explanation of the statement.

The following day, Tutwiler clarified her comment. She reiterated U.S. support for two UN resolutions endorsing the so-called "right of return," but stressed that "the issues raised in many other UN resolutions related to the Arab-Israeli conflict, and can only be resolved through a process of direct negotiations among the parties themselves." Observers noted that the U.S. position did not mean it favored the return of the 1948 refugees to Israel, but instead wanted a formula for compensation—which the international community would pay—to be found.

Prime Minister Shamir summed up the Israeli view: "The term 'right of return' is an empty phrase that is utterly meaningless. It will never happen, in any way, shape or form. There is only a Jewish 'right of return' to the land of Israel." Reports indicated that Labor party candidate Yitzhak Rabin was furious that the administration, by raising the issue of return one month before the Israeli election, had handed Shamir a substantial gift. Shlomo Avineri, a pro-Labor professor and former director-general of the Foreign Ministry, reflected this attitude: "It shows either complete insensitivity to Israeli domestic politics or utter stupidity."

Concerned about the impact of this controversy, the State Department reportedly pressed Palestinian delegates to the Ottawa talks to lower their profile on the issue. Salim Tamari, one of the delegates, indicated later on that at the talks that day the Palestinians had focused on the right to return to the "State of Palestine," not to their original homes in Israel proper, and that the number of returnees would be a subject for negotiations in the context of the peace process. Meanwhile, Yossi Ben-Aharon, director-general of the Prime Minister's Office, indicated that Israel sought a public disavowal by the United States: "We want this whole affair over UN Resolution 194 to end, but this can only be done if the U.S. rectifies the impression
it left this week. Otherwise, the peace process will be hurt as will the credibility of the U.S. as an honest broker."

On May 18, the State Department moved to defuse the dispute. Tutwiler, in a prepared statement, said that UN Resolution 194 was not part of the current peace talks: "What's important here is the process of direct negotiations between the parties themselves. That process has clear terms of reference ... [which] specifically name only two resolutions, 242 and 338. It is these resolutions, not the many, many other resolutions passed by the United Nations over the years, that constitute the agreed terms of reference for the peace process." It was noted that Resolutions 242 and 338 do not require Israel to accept the return of refugees. Tutwiler added that, until the Israeli election on June 23, she would try to refrain from responding to every question on the peace process, to avoid inadvertently instigating any controversy by her answers. Apparently, the brouhaha over Resolution 194 occurred when a reporter's question was referred to the State Department's International Organization Division, which checked out what the U.S. stand on the resolution had been and concluded that Washington still supported it.

No further regional talks were held in the summer while Israel went through its election process and the Rabin government began to organize itself. With panels on refugees and economic development scheduled for November, the question of Israeli participation, in light of the presence of outside Palestinians, was an issue for the new government to address. Egyptian foreign minister Amre Moussa made a hastily arranged visit to Israel on October 8 to discuss the issue; at the end of the day, in a move to preserve the momentum of the talks, Israel withdrew its previous objections to the participation by outside Palestinians in the regional talks. Peres, in making the arrangement, cautioned that Israel, as before, would not sit down with residents of East Jerusalem or with members of the Palestine National Council, the legislative arm of the PLO.

On October 30, 40 nations attended the opening of multilateral talks on development in Paris. The head of the Israeli delegation, Bank of Israel governor Yaakov (Jacob) Frankel, stressed that the Middle East could not avoid regional cooperation such as was under way in Europe, North America, and Asia. He called economic boycotts "counterproductive and utterly nonconsistent with the peace process." The Jordanian delegate, Dr. Fayez Tarawneh, said Jordan would not cooperate with the Israelis right now because this "would indicate normalization before peace," which was what Israel wanted while it continued to occupy lands. Meanwhile, the World Bank suggested establishing a Middle East reconstruction bank, modeled on the European Bank for Reconstruction and Development created in 1991 to promote market economies in the former Communist states of Eastern Europe.

Finally, on November 12, Israel participated in the talks on refugee issues in Toronto, the first time since 1948 that Israel had participated in such a session. A day earlier, Israel had walked out, on the grounds that the Palestinians had violated the agreement by having Mohammed Hallaj, a member of the Palestine National Council, in the delegation. Israel returned the next day after it received assurances
that Hallaj was no longer a participant in the talks. Israel indicated that it saw the talks as a forum to find practical ways to alleviate living conditions for Palestinian and other refugees in the region, not to discuss the right of return.

**Israeli Arms Sales to China**

In March, reports began to circulate that the Bush administration had ordered an investigation of possible Israeli transfer of American-made Patriot missile technology to China, in violation of U.S.-Israeli agreements banning diversion of such technology to a third country. After Saddam Hussein's first Scud missile attacks on Israel during the Gulf War, the United States gave Israel two batteries of Patriot missiles to help protect it from further attacks. Under the terms of the arrangement, Israel promised in writing not to transfer the weapons or related technology to another country. Reportedly, the White House ordered an investigation after an intelligence report indicated that the transfer might have occurred. On March 13, a spokesman for Israeli defense minister Arens dismissed the report as false: "Israel did not transfer a Patriot missile or the technology of the missile to China. These reports are lies and totally baseless."

Senior administration officials were divided about the charge, some giving it credence, others impressed by Israel's "very authoritative and direct denial." It was probably significant that the issue surfaced at a time when tensions between Washington and Jerusalem were high as a result of the loan-guarantees issues (see below).

Israeli officials stepped up their criticism of the administration on this matter on March 15. One unnamed member of the cabinet said after a meeting that the technology dispute was "a deliberate campaign of slander against Israel." Health Minister Ehud Olmert said that it showed that "something much deeper here is wrong in the basic attitude" of the Bush administration toward Israel. And Benjamin Netanyahu said that what he called the "deliberate campaign of slander against Israel" was intended "to undermine Israel's position in the American public and in the American Congress."

On March 16, Arens met with Defense Secretary Richard Cheney in Washington and afterward repeated denials that Israel had sold Patriot missiles or technology to China. He said that he told Cheney there were "no grounds at all" for the suggestion. He indicated that Israel "would be ready" to have a U.S. team visit Israel to check the allegations. Meanwhile, in Israel, Shamir called the allegations "lies and false accusations."

On March 22, a team of U.S. Army inspectors began an investigation into the allegations in Israel. The 15-member team engaged in four days of inspection. Israeli officials were said to be confident in the result, calling on Washington to make the findings public and some even insisting on a U.S. apology. American ambassador to Israel William Harrop spoke on Israeli television: "If it turns out that intelligence, which we had obtained and which was a cause of worry to us, proves to be completely groundless, I would think an apology would not be out of line." Tutwiler,
however, said, on March 26, that an apology was out of the question, noting that the person who owed an apology to Israel was the "irresponsible leaker" who made the allegations public. She added that she was not aware of any Israeli request for such an apology and said that the United States had not and did not intend to offer one.

On April 2, the State Department announced that its investigators had found "no evidence that Israel had transferred a Patriot or Patriot missile technology" to China and added that the matter was closed. Tutwiler offered conciliatory remarks, saying that the Israeli government had "a clean bill of health on the Patriot issue." And she thanked Israel's Defense Ministry for its "superb cooperation" during the investigation. It was reported that administration officials were eager to make such statements in an effort to deflate the tensions between the two governments.

Israeli officials welcomed the State Department announcement on the same day. Defense Ministry spokesman Danny Naveh said that the "clear announcement of the State Department speaks for itself." He added that when Moshe Arens became defense minister two years earlier, he stressed the need to adhere to the policy on transfer of U.S. technology "very strictly." To some, however, the sour taste of the affair remained. Netanyahu told Israel Radio, "I don't appreciate the attempt to cover Israel with a cloud of innuendo."

**Loan Guarantees**

The major issue of conflict between the Bush administration and the Shamir government in 1991 had been Israel's request for $10 billion in loan guarantees to help in the resettlement of Jews from the former Soviet Union. In particular, the conflict centered on the administration's insistence that any consideration of the loan guarantees depended on Israel ceasing to build new settlements in the territories. As 1991 came to a close, the stalemate continued, the administration refusing to move forward, the Shamir government insisting on the need and the right of Israel to increase settlements. On January 2, 1992, Shamir won parliamentary approval for a 1992 government budget that provided for 5,000 of 7,500 publicly financed housing units to be constructed in the territories. This decision was seen as exacerbating the conflict over loan guarantees between Bush and Shamir.

For their part, the leaders of the American Jewish community, through the Conference of Presidents of Major American Jewish Organizations, on January 6 urged the White House to act quickly on the loan-guarantee request now that the 120-day waiting period agreed to by Congress the previous October—to allow the peace process to get off the ground—had passed. In a meeting between a conference group and White House chief of staff Samuel Skinner, the Jewish leaders emphasized that they looked to the administration to work out an agreement with Israel. This was a significant change from September, when the community sought to have Congress force the issue. The new strategy reflected awareness that Congress was now focusing on domestic priorities and was unlikely to take the lead in securing the guarantees.
On a visit to Israel in early January, Sen. Phil Gramm (R., Tex.) reinforced the notion that the two leaders had to work out a compromise: "With the President, the loan guarantees may pass Congress. Without him, it is impossible." Gramm added that, in light of Israel's recent budget actions, Bush was certain to insist on assurances that the U.S.-backed loans would not be used to finance settlements in the territories. A spokesman for Shamir, responding to Gramm's comments, indicated that Israel's position remained the same: "Our firm position is that no linkage should be made between a humanitarian matter such as immigrant absorption, and political questions."

However, reports began to surface that Israel, bowing to political reality, was in fact seeking to negotiate a compromise with the administration. The compromise would resemble the plan of Sen. Patrick Leahy (D., Vt.), which would deduct from the loan guarantees an amount equal to what Israel spent on settlements. In addition, it was reported that a deal might involve only one year for $2 billion. Observers noted that, even if there were agreement in principle on such an approach, negotiations would be difficult over such details as determining settlement-construction costs, whether an agreement should cover all new settlement activity, and whether building in East Jerusalem should be included.

On January 20, Shamir told cheering Jewish settlers that nothing could stop Israel's home building in the territories. This was widely read as a signal to the Bush administration that Shamir would reject any effort to link the loan guarantees to a settlement freeze. Finance Minister Yitzhak Modai added that if Washington insisted on a settlement freeze as the price for the loan guarantees, he would rather forego the assistance, no matter the economic consequences. Meanwhile, the Israeli daily Ha'aretz published Finance Ministry figures for housing starts in the territories that showed there had been 5,435 in the first 9 months of 1991, easily outpacing the 3,230 starts there in the previous two years combined; overall, there were 12,985 units in an advanced stage of construction from January to September 1991. These reports and comments were significant because they appeared only days before a crucial meeting on the subject between Baker and Israeli ambassador Zalman Shoval.

On January 24, Baker met with Shoval and reportedly told him that if Washington was going to support Israel's request, it needed assurances that the money would not be spent to further a policy—Israeli settlement building—that ran counter to American principles. The comments by Baker did not, according to reports, include any final terms and conditions, because he wanted to let the Israelis suggest how they might meet American concerns. Shoval afterward described the meeting as "constructive," emphasizing the administration's commitment in principle to help Israel in the task of absorbing the immigrants.

Two days later, Shamir expressed optimism that he could negotiate a compromise with the administration. He made clear again that Israel was "not speaking about any freeze of settlements. Please forget about it." But he said that the two governments had to "engage in a common effort to find a formula that will not contradict U.S. policy or this principle of ours." Reports focused on the idea that the adminis-
tration would allow Israel to complete construction already under way but would penalize it for the amount spent on such construction and bar new construction.

On February 6, the day before Shoval was to meet Baker again, Senator Leahy endorsed the administration's plans to insist on a halt to new settlements as a condition for the loan guarantees. He said that if the Israelis thought they could get an easier deal from Congress, they should "forget it." On the same day, Baker told the House Foreign Affairs Committee that while Israel always repaid its loans—a positive factor in the making of a U.S. decision—that was "because we appropriate the money up here with which to repay ourselves."

The next day, Shoval provided Israel's counterproposals. Reportedly he told Baker that Israel might consider a slowdown, but not a total halt, in new housing starts; that Israel should be allowed to complete those houses already under way, using the number of 13,500; and that Israel would accept the Leahy deductions, but that they should kick in after the completion of the 13,500 dwellings. The administration, meanwhile, estimated that there were only 6,000 unfinished houses and apparently would deduct the cost of their completion.

Israel's health minister, Ehud Olmert, offered a pessimistic assessment in a meeting with American Jews on February 10 in Jerusalem. He accused President Bush of deliberately provoking a confrontation and said he no longer expected Israel to receive the guarantees.

On February 21, Baker and Shoval met for the third time, but the talks failed to break the impasse. Shoval reportedly offered to slow down new building, but Baker demanded a total halt. The meeting came one day after Leahy told Baker that "time is running out" for Congress to act on the request for the current year. Leahy indicated that if Israel and the administration could not reach agreement in the next few days, he probably would propose legislation imposing severe limits on Israel's ability to use any U.S. guarantees if it continued to build settlements.

On February 24, in testimony before the House foreign operations subcommittee, Baker laid out the administration's conditions. He said the administration would "support loan guarantees of up to $2 billion [a year] for five years if there is a halt or an end to settlement activity." Baker added that, if the Israeli government felt it could not accept a total freeze on settlement construction, Washington was prepared to offer an option: a far smaller amount in American loan guarantees, for only a year of time—on the condition that only those settlement units under way would be completed and that all new construction would have to be frozen. It was noted that this marked the first time in U.S.-Israeli relations that a U.S. administration had chosen to use economic aid as a tool to try to change Israeli political actions in the territories.

The hearing saw a nasty exchange between Secretary Baker and Cong. Larry Smith (D., Fla.), reflecting how upset some strong supporters of Israel were. Smith suggested that Baker's position jeopardized his ability to be an honest broker in the peace process. Baker replied: "Nobody else is asking us for $10 billion in addition to the $3 billion to $4 billion that we give every year with no strings attached."
said he found the answer "extremely offensive." A few more hostile remarks were exchanged.

By early March, comments coming from Israeli leaders suggested that they were ready to abandon their request in the face of U.S. demands. Shamir told Army Radio on March 8 that he thought "almost all political factions in Israel would not accept a situation in which the American administration would dictate our policy, whether about settlements today, or about other territorial issues tomorrow." Ariel Sharon said two days earlier that he would "give up on the matter," and added, "I would announce, 'Thank you very much' and make a very big effort to raise these funds from other sources." And Shoval said in Washington that if there were "tough conditions" in a compromise bill being worked on in Congress, it was possible that Israel would "have to reassess its request." On March 10, however, after a meeting with the Knesset's Foreign Affairs and Defense Committee, Shamir said, "There's no reason for us to give up on these loan guarantees."

On March 16, the administration redrafted a compromise plan by Congress, which would grant Israel $1 billion in the guarantees immediately, without linking them to a freeze, and give the president the authority to provide the rest of the guarantees on the condition that Israel restrict its settlement activity. Israeli defense minister Arens, in Washington, reacted strongly, saying that Israel would "not beg, or crawl for help" and would rather abandon its quest for the loan guarantees than "renounce the right of Jews to live in Judea and Samaria." The following day, after meeting with Baker, Arens said in radio interviews broadcast in Israel that Washington's insistence on no new settlements amounted to "impossible terms" that "no Government in Israel could accept."

In a news conference on March 17, Bush said he still wanted to go forward on the loan guarantees, but only on terms consistent with U.S. opposition to new construction: "I don't think they're dead. We've always wanted to go forward with loan guarantees." But he added: "We have a long-standing policy that feels that settlements are counterproductive to peace. This is not a new policy. This is a long-standing policy, and I am determined to see that that policy not be altered. However, if there's room within that policy to do what we'd like to do, which is to support the people coming home, we'd like to do that. So we'll just have to wait and see."

The president's comments seemed to seal the doom of the loan-guarantee request, at least while Bush was president and Shamir prime minister. On March 23, speaking in Jerusalem to hundreds of Evangelical Christian pilgrims, Shamir called the Bush demand for a freeze on settlements "an attempt to determine Israel's borders and the ultimate status of the areas in question in advance of negotiations. We shall never agree to such a step." On April 17, in an interview in the Jerusalem Post, Shamir accused the United States of refusing Israel's request because the administration had already promised Arab countries it would withhold the guarantees unless Israel stopped building settlements. He reiterated that "there was some kind of promise. The Arabs say so."
New opportunities for the loan guarantees opened up with the election of Yitzhak Rabin on June 23. In his election campaign, Rabin had repeatedly said that government money being spent on settlements should be used instead to absorb immigrants. While his exact position on settlements was yet to be determined, the Labor party clearly opposed Likud settlement policy. Early on after his victory Rabin expressed his opposition to "political" settlements, without defining them, but adding that he only supported settlements that enhanced Israel's security.

On July 16, three days before Baker's visit to Israel to meet with the new prime minister, Rabin declared a temporary halt to contracts for government-subsidized housing, marking the first step toward reducing expansion of settlements. Clearly, it was intended as a signal to the U.S. secretary of state about the shift in direction that would lead to a resumption of negotiations on the loan guarantees. Three days later, and only hours before his meeting with Baker, Rabin and his cabinet ordered a review of all previous decisions to build settlements.

After two days of talks between the prime minister and secretary of state, an unnamed senior U.S. official reported that a deal was in the making that would give Israel the guarantees in exchange for broad limits on settlement activity, but not a total freeze. It was also reported that the conclusion and announcement of a deal would be left for a meeting between Rabin and Bush in August in Kennebunkport.

On July 23, the new government announced its settlement policy. It said it would stop all planned construction, numbering nearly 6,700, but would complete 8,700 new housing units in progress. Baker, in Jiddah, Saudi Arabia, hailed the decision but said more details would be required before the administration decided whether the action met its conditions for granting the loan guarantees.

Two weeks later, as Rabin left for the United States for meetings with President Bush, the government announced a new limit on the building of settlements, suspending allocation of state land for privately financed construction. This was intended to prevent the raising of money for private ventures to offset previously announced curbs on government-financed construction.

In Kennebunkport, Maine, after a day of talks, the long-discussed loan-guarantee plan was agreed to in principle. On August 11, in a joint press conference, Rabin and Bush announced that a full accord had been reached. Bush said they concurred on "basic principles" and asked for swift action on the guarantees in Congress. Under the new proposal, Israel agreed that the cost of continuing settlement construction would be deducted from the amount of the guarantees, so that the United States would not finance settlements. The actual deduction was to be established by a "joint mechanism" of the two governments, rather than by Washington alone. Moreover, Israel's contribution to the costs that would be assessed to the U.S. budget for guaranteeing the loans would be limited to 3.5 percent of the face amount of the loan guarantees.

Observers noted that the terms of the agreement were softer than those presented to Shamir and were the result of Rabin convincing Bush and Baker that, except for a possible few token cases, his government intended to stop settlements. Also, Rabin
had apparently satisfied the administration that the units to be completed were in such an advanced state of construction that abandoning them would entail substantial financial losses and legal complications.

On September 8, in a speech to B'nai B'rith, almost one year after he caused a stir by publicly criticizing the pro-Israel lobby for pressuring him on this very issue, Bush said that he would formally ask Congress for $10 billion in loan guarantees for Israel.

**F-15 Sale to Saudis**

An old issue—the sale of F-15 fighter jets to Saudi Arabia—reemerged early in the year. In November of 1991, McDonnell Douglas had announced that the Saudis were seeking U.S. government approval to buy 72 F-15s. The announcement triggered an immediate outcry from Israeli supporters on Capitol Hill, including a letter originated by Sen. Howard Metzenbaum (D., Ohio) and signed by 67 senators, opposing the sale. The opposition caused a division within the administration, with Pentagon officials pressing for a quick go-ahead and Secretary Baker advocating a slower approach that would avert attempts in Congress to pass legislation blocking the sale. Debate on the issue was intense in February and March 1992, those in favor of the sale arguing that congressional opposition would be weakened by concern about recession and unemployment. Pentagon officials, pushing for the sale, argued that the production lines at McDonnell Douglas would begin closing, possibly as soon as summer. McDonnell Douglas officials said that as many as 7,000 workers, most at a plant in St. Louis, could lose their jobs by 1994 if the sale did not go through. State Department officials continued to oppose an imminent sale, fearing it would damage the peace talks.

In April, although there was still no notification to Congress, even informally, of plans to sell the Saudis the F-15s, 237 members of the House sent a letter to Bush expressing concern about such a prospect. In the letter of April 9, the members said, “The sale of additional F-15 aircraft to Saudi Arabia is incompatible with any meaningful arms control policy”; it would represent “a significant escalation of the regional arms race.”

Consistent with reports that the administration was interested in a piece-by-piece military sale, the Pentagon announced on June 2 that the administration intended to sell Saudi Arabia $1.8 billion worth of helicopters, missiles, rockets, and small military vehicles, as well as support services for F-15 and F-5 fighter aircraft. Congress was informed of the proposed sales and had 30 days to block them, but no such action was anticipated. Early in the summer, however, it appeared that the administration would wait until after the U.S. elections to approve the sale, which McDonnell Douglas insisted would come too late to avert layoffs. But the election of Rabin, followed by the Bush approval of the loan guarantees to Israel, provided a political opening to push the sale through, the argument being that the loan guarantees would insulate the administration from criticism from pro-Israel law-
makers. And the election-year focus on the economy, it was said, would raise the political cost of not approving the sale. Cong. Mel Levine (D., Calif.), a leading opponent of arms sales to the Arab countries, conceded that the president had enough votes in Congress to allow the sale to go through: "In a tough economy, the sale would be tougher to block."

On September 2, with expectations that Bush would shortly notify Congress formally of plans to sell the 72 aircraft for an estimated $5 billion, Rabin, speaking in Jerusalem, left the clear impression that Israel had decided not to lobby actively in Congress against the sale. "I don't like lost battles," he said, pointing to a "real change" in the political climate in Washington as a result of the Saudi role in supporting the coalition against Iraq. He also referred to a conversation with House majority leader Richard Gephardt (D., Mo.), who "made it clear to me" that the arms sale had become a major election-year economic issue because of the large number of jobs at stake. He added that he had "met congressmen, senators, Jews and non-Jews, and they said to me, 'this time we are not coming out' " against the sale. And he noted that both presidential candidates were "on record" in favor of it. Rabin also made clear that Israel remained opposed in principle to the deal because it was a "continuation of the vicious circle of the arms race" and because the weapons were being sold to an Arab country still in a state of war with Israel.

On September 11, Bush canceled an appearance at a trucking company in Joplin, Missouri, at the last minute and flew to the McDonnell Douglas aircraft plant in St. Louis for about half an hour to tell a cheering crowd that he was approving the sale of 72 F-15 planes to Saudi Arabia. The White House insisted that his action had nothing to do with the campaign, calling it a way to provide a "credible Saudi defensive deterrent" that helped protect vital U.S. interests. Spokesman Fitzwater indicated that the jobs involved were a "major factor" in the decision. It was noted that Bush announced the sale at a time when it posed the least political risk. With Labor in power and the peace process in flux, and with Congress unlikely to oppose a job-saving plan in an election year, strong opposition was unlikely. The day of the announcement was the same day that the administration sent the loan-guarantee legislation to Congress.

Meanwhile, in Washington, Secretary of Defense Cheney met with Ambassador Shoval, reportedly to discuss compensation to allow the Israeli military to keep its qualitative edge. The next day, Israel criticized the U.S. decision, but its statement was seen as intended more to remind Bush of his promise to preserve Israel's military superiority over its Arab neighbors than to prevent the transfer of the planes to the Saudis. On September 14, it was reported that the United States and Israel were negotiating a major military cooperation package, and on September 26, the White House announced that it had agreed to send army helicopters to Israel and to store other military equipment there. The White House called the agreement a "significant effort in reaffirming the U.S. commitment to a strategic partnership with Israel." The announcement pointed to other elements of the agreement: "advanced defense equipment" would be stockpiled or prepositioned in Israel for use, with
American approval, if needed in a crisis; a commitment to establish closer ties between the armed forces of the two countries; cooperation on improved technology; and new talks on ways Israel could take part in, or benefit from, the Strategic Defense Initiative.

The way in which this sale of F-15s to Saudi Arabia eventuated, as compared with the monumental struggles of past years over arms sales to Arab states, reflected the new realities in the diplomatic sphere and in the countries involved: the Gulf War and its consequences; the peace talks in process; American domestic economic pressures; a Labor government in power in Israel.

KENNETH JACOBSON