Review of the Year

UNITED STATES
Although 1993 was an electoral off-year nationally, mayoral elections in New York and Los Angeles were noteworthy for their Jewish implications.

On election day, November 2, Rudolph Giuliani became the first Republican to be elected mayor of New York City since 1965, defeating incumbent David N. Dinkins (the city's first black mayor). In a sequel to the 1989 mayoral election, in which Dinkins defeated Giuliani by 48,000 votes, Giuliani was the victor in 1993 by 44,000 votes. In a city that is home to some 1.03 million Jews, who comprise 17 percent of the electorate, Jewish voters gave Giuliani 68 percent of their vote, 5 percent more than he received in 1989. (What tipped the scale in Giuliani's favor was not only the Jewish vote, however, but increases in other sectors of the electorate.)

Analysts of New York City political affairs noted that Dinkins took office in 1990 with significant approval ratings among Jews. These positive feelings did not last, among other reasons because of allegations that the Dinkins administration favored African-Americans, as well as a perceived decline in the city's quality of life. Although some attributed his loss of Jewish support to the 1991 Crown Heights riots, exit polls did not show this to be much of a factor. Observers suggested that class and ideological differences among New York's Jews were far more significant: Jews living in the outer boroughs of Brooklyn, Queens, the Bronx, and Staten Island — consisting of working- and middle-class neighborhoods — were concerned about "quality-of-life" issues, and thus leaned toward Giuliani, who promised to be tough on crime; Jewish Manhattan residents, mostly liberal and many of them affluent, were more likely to vote ideologically and thus maintained their Democratic loyalties.

Earlier, on June 8, Jewish voters in Los Angeles, traditionally Democratic by persuasion, played a key role in the election of the first Republican mayor of that city in more than 30 years. Richard Riordan, a political newcomer who campaigned on an anticrime agenda, defeated Michael Woo, a two-term city councilman and
liberal Democrat, who pitched his message to a multiethnic coalition. According to tracking polls, 40 percent of the Jews who voted in the election cast their ballots for Riordan; they were considered by analysts to be the swing vote in a close race. Local Jewish communal officials suggested that many Jews voted for Riordan because he brought a "business approach" to city government.

THE GUINIER NOMINATION

The nomination on April 29 of Lani Guinier for the post of assistant attorney general for civil rights in the Department of Justice aroused considerable controversy and had implications for black-Jewish relations. Guinier, a professor at the University of Pennsylvania School of Law and for eight years a staff member of the NAACP Legal Defense and Education Fund, was tapped by President Bill Clinton to run the Civil Rights Division, a particularly sensitive position that involves monitoring election procedures and enforcing provisions of the Voting Rights Act of 1965. On the basis of scholarly papers she had written, Guinier appeared to advocate an interpretation of the Voting Rights Act that could require electoral results to be in more direct proportion to the number of blacks and minorities in the population.

The opening bell in the Guinier controversy was an article in the Forward, in which Jerome A. Chanes, codirector for domestic concerns of the National Jewish Community Relations Advisory Council (NJCRAC), noting that the Jewish community had always been committed to individual rather than group rights, cautioned, "The Jewish community has serious questions about a plan that suggests that any group is entitled to representation in numbers equal to the proportion of those numbers in the population." NJCRAC further noted serious ramifications for intergroup relations under such schemes.

Following Guinier's nomination by the president, some Jewish groups went even further in expressing reservations and even disapproval of the nominee. The American Jewish Congress characterized Guinier's views as "wrong, inconsistent with both statutory and constitutional provisions the assistant attorney general is charged with administering, and simply bad public policy." Jewish groups asked for the opportunity to meet with Guinier in order to explore her views before deciding what positions, if any, they would take on the nomination. On May 11, the three "defense" organizations — American Jewish Committee, American Jewish Congress, and the Anti-Defamation League — abstained from endorsing Guinier in a vote taken by the Leadership Conference on Civil Rights, an umbrella group. In early June, two Jewish groups, the Union of Orthodox Jewish Congregations of America (UOJCA), a centrist Orthodox synagogue body, and the National Jewish Coalition, a group of Jewish Republicans, declared their opposition to Guinier's confirmation. "The civil-rights agenda will not be helped by Professor Guinier's distortion of the Voting Rights Act, which would subordinate the broader consensus of wider coalitions to the ability of specially empowered interest groups to manipulate the political process," said the UOJCA in a June 2 statement.
On June 3, President Clinton, expressing concern over Guinier's published writings (which he acknowledged he had not read earlier), withdrew his controversial nomination. Jewish groups, having spent weeks in efforts to define their positions on the issue, heaved a collective sigh of relief. Jewish representatives were less than eager to comment on the failed nomination, particularly on allegations that the organized Jewish community had "sunk" the nomination. (See "Black-Jewish Relations," below.) Mark Pelavin, American Jewish Congress Washington representative, summed up the expressed views of most Jewish groups, saying, "This was a difficult and troubling nomination, and now that it is behind us, we look forward to a new nominee."

At year's end the Clinton administration still had not nominated anyone to the Civil Rights Division post.

**THE "RELIgIOUS RIGHT"**

The increased visibility of Christian fundamentalists in politics — the so-called religious right — was manifest during 1992 and 1993 in the prominent role played by the Reverend Pat Robertson's Christian Coalition in the political and other arenas. Operating as a tax-exempt and supposedly nonpartisan "citizen action" organization, television evangelist Robertson's group expressed its aim of electing "pro-family Christians" to public office and achieving "working control" of the Republican party by 1996. Having become a force during the 1992 elections on Republican state committees in more than half a dozen states, placing some 300 members as delegates to the Republican national convention, the Christian Coalition looked toward congressional and local elections in 1994 and the national 1996 elections. By mid-1993 the coalition, counting 10,000 new members since the Clinton inauguration, claimed a membership of 400,000.

The sudden appearance of Christian Coalition "stealth" candidates in New York City — heretofore virgin territory — drew a mixed reaction from the Jewish community. Teaming up with the Roman Catholic archdiocese, the coalition issued and distributed several hundred thousand copies of the "Christian Coalition Voter Guide '93," promoting coalition-backed candidates in the May 4 school-board election. American Jewish Congress executive director Henry Siegman was "particularly dismayed that in joining with the [Christian] Coalition, some parts of the Catholic Church appear willing to ignore the strictures on tax-exempt organizations endorsing political candidates ... and [to turn] every school-board election into a holy war." New York Jewish Community Relations Council official David Pollock took a pragmatic view, suggesting that the archdiocese's alliance with the Christian Coalition ought not be seen as a threat to the Jewish community, whatever differences there might be on issues. "Because the Jewish community is not monolithic," said Pollock, "some Jews would oppose, others would applaud, the move and work with the coalition." Indeed, many Orthodox Jews in New York viewed the Catholic Church and the Christian Coalition as ideological comrades-in-arms on many key social issues, even as their parent organizations often took more nuanced views.
OTHER MATTERS

In October the Senate governmental affairs subcommittee on investigations held hearings into alleged misuse and abuse of the Pell grant student aid program by a number of Orthodox yeshivahs. The Senate committee's staff statement clarified the scope of the investigation: "[We] stress that these schools should not be confused with rabbinical seminaries, which provide training leading to ordination in the rabbinate. The focus of our inquiry is on relatively small institutions . . . which offer nothing more than certificate programs for non-vocational studies." Jewish groups cautioned the media about their coverage of the story, so as to avoid promoting negative stereotypes about an entire community.

Anti-Semitism and Extremism

Anti-Semitism of a serious nature, as measured by a number of standard evaluative criteria, continued at a low level, and the security and status of American Jews remained strong. Nonetheless, both behavioral and attitudinal anti-Semitism were perceived by many Jews to be greater than was reflected in the data collected and assessed by Jewish agencies.

According to the annual audit of anti-Semitic incidents conducted by the Anti-Defamation League, the number of discrete incidents increased by 8 percent over the 1992 total to 1,867. In fact, with the exception of one year, the number of incidents reported had increased steadily over the past seven years. Analysts explained the apparent contradiction between a decline in attitudinal anti-Semitism and an increase in anti-Semitic vandalism by suggesting that among the relatively few individuals who harbor anti-Jewish attitudes, there has been a greater propensity in recent years to "act out" their views.

A study released in June by the Anti-Defamation League (ADL), "Survey on Racial Attitudes in America," conducted by the Boston polling firm of Marttila and Kiley, found that those Americans who hold the most negative attitudes toward Jews are also among the most likely to harbor negative feelings about blacks, immigrants, illegal aliens, homosexuals, and women. (With respect to Jewish attitudes, the survey found that Jews are less likely than other nonblack Americans to hold antiblack views.) The survey confirmed earlier findings about the negative correlation between education and prejudice: Americans most likely to hold anti-Semitic or racially prejudiced attitudes tend to be disproportionately less educated, and older, than the general public. At the same time, very young Americans — between the ages of 18 and 30 — are more likely to hold antiblack opinions than are members of the "baby-boom" generation (30 – 49).

In a Gallup study commissioned by the American Jewish Committee, "The Texture of Intergroup Relations, 1993," 83 percent of Americans characterized relations between racial groups as "only fair" or "poor."

No fewer than five major articles assessing the nature and extent of anti-Semitism
in America appeared in leading intellectual and scholarly journals during 1993, such as the *New York Review of Books*, *New Republic*, and *Patterns of Prejudice*. Historian Arthur Hertzberg, writing in the *New York Review of Books* ("Is Anti-Semitism Dying Out?" June 24), concluded, "Hatred of Jews seems likely to diminish if ways can be found to quiet the ethnic angers that have become widespread with the end of the cold war, [and] to relieve the conditions of the resentful poor."

**EXTREMIST GROUPS**

The Anti-Defamation League reported the continuing decline in the size and influence of so-called hate groups, with their total membership in the United States at fewer than 20,000. The number of discrete hate organizations was 346. Such groups for the most part remained isolated on the fringes of society and had little success gaining new adherents. Nonetheless, Jewish community relations groups continued to view them with concern because of their penchant for acts of violence.

Total Ku Klux Klan membership around the country remained at slightly over 4,000; a ten-year decline had come to a halt in 1991, and there was a small upswing in 1992. Violence-promoting neo-Nazi skinheads numbered 3,000 – 3,500 nationwide, according to the ADL, and were distributed among 160 gangs in 40 states. Some of these gangs had linked up with old-line hate groups such as the Ku Klux Klan and White Aryan Resistance (WAR).

In November the U.S. Supreme Court refused to hear an appeal in *Federal Election Commission v. LaRouche* by the Federal Election Commission. This left standing a ruling by the District of Columbia circuit court of appeals that Lyndon H. LaRouche, an anti-Semitic political extremist and perpetual presidential candidate, was eligible for federal matching funds for his 1992 campaign. LaRouche had run his campaign from behind bars.

At year's end, at the request of law-enforcement officials in the Federal Republic of Germany, Federal Bureau of Investigation director Louis Freeh looked into the involvement of Americans in the dissemination of Nazi materials to German neo-Nazis.

The use of anti-Semitism to further political goals was less of an issue during 1993, an "off year" with respect to major elections and electoral campaigns. A continuing source of controversy, however, were the activities and statements of Rep. James Traficant (D., Ohio), a five-term congressman representing Youngstown. Traficant had been in frequent hot water with Jewish and other groups over the years for his defense of alleged Nazi war criminals, his flirting with the Liberty Lobby (a racist and virulently anti-Semitic group), and his consistent harsh criticism of the policies of the government of Israel. Following the July 29 decision by the Israeli Supreme Court to free alleged Nazi war criminal John Demjanjuk (see below, "Nazi War Criminals"), Traficant vigorously campaigned for Demjanjuk’s return to the United States.
Holocaust denial

Holocaust denier Bradley R. Smith, whose advertisement for the Committee for Open Debate on the Holocaust asserted that the Holocaust did not occur, was able to place his ad in the Portland Oregonian, the first mainstream, noncampus newspaper to carry a Holocaust-denial ad. (See AJYB 1993 and AJYB 1994 for details on Smith's campaign.) The ad, which appeared on October 14, was followed on November 3 by an apology by the Oregonian, which stated that the ad was "repugnant," and "we regret having published it."

But Smith's ad received new life on college campuses this year. Five campus newspapers are known to have rejected the ad outright; four published it as an op-ed article or in letter form; and two printed parts of it in other forms. Smith sent the ad to a high-school newspaper in Portland, Oregon, which printed it. Following its appearance, Portland school authorities ordered that the ad not be reprinted in any other schools under the jurisdiction of the central board.

Three noteworthy books on Holocaust denial were published during 1993: Assassins of Memory: Essays on the Denial of the Holocaust by Pierre Vidal-Naquet; Denying the Holocaust: The Growing Assault on Truth and Memory by Deborah E. Lipstadt; and Holocaust Denial by Kenneth S. Stern, an American Jewish Committee official. The three books were apt accompaniments to the opening in June of the United States Holocaust Memorial Museum in Washington (see below).

On the Campus

Incidents of anti-Semitism on the campus increased this year to a total of 122 at 81 campuses, according to the Anti-Defamation League, a 7-percent increase over the 1992 total of 114, at 60 college and university campuses. Analysts noted that anti-Semitic activity on the campus has followed a pattern in recent years: it is for the most part related to "flash points," such as invited speakers who carry an anti-Semitic message or controversial professors.

One such case involved Khalid Abdul Muhammad, a spokesman for the Nation of Islam, who delivered an address to some 140 students at Kean College in New Jersey, on November 23, on "The Secret Relationship Between Blacks and Jews" (also the title of a Nation of Islam book replete with anti-Semitic), filled with antiwhite, anti-Catholic, homophobic, and virulently anti-Semitic invective. The Muhammad speech did not come to public attention for almost a month. On December 22, a New York Times article detailed the Kean College event in the context of a history of black-Jewish tensions on that troubled campus. At year's end there was virtual silence on the speech from black leaders, and Jewish groups were weighing tactical approaches to the matter.

A tenured professor of black studies at Wellesley College in Massachusetts, Tony Martin, became the focus of controversy in March over his use as a text in an undergraduate course on African-American history The Secret Relationship Be-
tween Blacks and Jews, a virulently anti-Semitic and academically discredited volume prepared under the auspices of the Nation of Islam. Jewish groups welcomed an immediate (March 3) response by Selwyn Cudjoe, chairman of the African studies department at Wellesley, who maintained that such usage went beyond the spirit of academic freedom and was inappropriate. Cudjoe’s statement was printed in the Wellesley News, the student newspaper.

There were developments in 1993 in the case of Prof. Leonard Jeffries, Jr., of the City College of New York Department of Black Studies. He was ousted in March 1992 from his chairmanship of the department by CCNY president Bernard W. Harleston, for making anti-Semitic statements and teaching controversial views. (See AJYB 1993 and AJYB 1994 for details.) In a lawsuit against the college, Jeffries v. Harleston, Jeffries claimed that his First Amendment freedom-of-expression rights had been violated.

On May 11, Jeffries won round one of his legal battle in federal court. A U.S. district court jury awarded him $400,000 in damages — which Judge Kenneth Conboy reduced to $40,000 — and ruled that the City University of New York, of which the City College is a component, had indeed violated Jeffries’ constitutional rights. In a subsequent decision handed down on August 4, Judge Conboy, while characterizing the professor’s behavior as “repugnant, hateful, poisonous, and reprehensible,” returned the chairmanship to Jeffries. Conboy’s opinion blasted CUNY officials for mishandling the case and for what he termed their “cowardly” and “dishonest” behavior in not confronting the true issue — Jeffries’ off-campus 1991 speech — in the case. Conboy said that CUNY could have disciplined a faculty member for engaging in a “systematic pattern of racist, antisemitic, sexist, or homophobic remarks during class.”

Jewish groups decried the decision. The American Jewish Congress expressed the feeling of many Jewish organizations, saying that the reinstatement “makes a caricature of the principle of academic freedom.” A number of groups, including the American Jewish Committee and the Anti-Defamation League, filed amicus curiae briefs in the appeal to the U.S. Second Circuit Court of Appeals, to which Jeffries v. Harleston was referred.

What came to be known as the “water buffalo” incident at the University of Pennsylvania illustrated some of the problems with campus speech codes that seek to foster tolerance. On the evening of January 13, Eden Jacobowitz, a Jewish student, frustrated in his study efforts by noise reportedly emanating from a group of black sorority members, called them “behemas” — a Yiddish/Hebrew word meaning “animals,” but somehow translated as “water buffalos” — and was accused under provisions of the Penn campus speech code of racist speech. “This represents everything that’s wrong with speech codes, despite the fact that they spring from the admirable goal of wishing to teach tolerance,” said a local ACLU official. The case was dropped in June by the university.
LEGISLATIVE AND JUDICIAL ACTIVITY

On June 11, in a milestone unanimous decision, the U.S. Supreme Court ruled in Wisconsin v. Mitchell that the “sentence enhancement” approach to the drafting of hate-crimes laws was constitutional. The Court’s decision in Mitchell upheld a Wisconsin statute that increases a defendant’s penalty when the prosecution is able to prove that the defendant selected his or her victim because of race, religion, color, disability, sexual orientation, national origin, or ancestry. The Wisconsin supreme court had struck down the law as unconstitutional under the First Amendment. Chief Justice William Rehnquist, in his opinion, drew a distinction between the Wisconsin law and a hate-crimes ordinance the Court struck down in 1992, R.A.V. v. St Paul, arguing that penalty-enhancement is constitutional as long as it punishes conduct and does not single out speech motivated by hate. (See AJYB 1994, pp. 131 – 133, for background on this issue.)

Jewish groups were unanimous in hailing the decision in Wisconsin v. Mitchell. Commenting on the intergroup-relations implications of the decision, American Jewish Committee legal director Samuel Rabinove, whose group had submitted an amicus brief signed by a black-Jewish coalition, said, “This case is a perfect example of how blacks and Jews should be working together in common purpose.” The decision was expected to influence the outcome of pending cases in which the constitutionality of statutes based on penalty enhancement was at issue (no fewer than 12 hate-crimes cases were pending at various levels at year’s end). In addition, state legislatures that had hesitated to pass hate-crimes statutes for fear that they would not survive judicial scrutiny could now be encouraged to move on such legislation.

Federal legislation on hate crimes, the Hate Crimes Sentencing Enhancement Act, supported by Jewish groups, was passed by the House of Representatives on September 21, and was incorporated on November 4 in omnibus disability legislation in the Senate, where it also passed. The measure, sponsored by Congressmen Charles Schumer (D., N.Y.) and James Sensenbrenner (R., Wis.) and by Senators Diane Feinstein (D., Calif.), Barbara Boxer (D., Calif.), and Daniel Inouye (D., Hawaii), would oblige federal judges, who operate under the guidelines set by the U.S. Sentencing Commission, to increase the penalty for those found guilty of any crime in which the defendant acted because of the victim’s race, religion, national origin, sexual orientation, gender, ethnicity, or (in the Senate version) disability. There was a significant difference between the House and Senate versions of the bill: the Senate bill required that the bias or hate motivation be demonstrated as an element of the crime at the trial; the House version required showing only at the sentencing proceedings that the crime was bias-motivated. This difference awaited resolution at year’s end. The Senate version, supported by Jewish groups, was agreed to in House-Senate conference, and was expected to pass during the Second Session of the 103rd Congress.
ADL INVESTIGATION

Beginning in late 1992 and continuing throughout 1993, San Francisco law-enforcement authorities investigated whether a former San Francisco police officer improperly sold information to the Anti-Defamation League. San Francisco district attorney Arlo Smith alleged that Roy Bullock, a San Francisco art dealer, served as a 'spymaster' for the ADL and received a steady stream of information, illegally, from a veteran San Francisco police investigator and intelligence analyst, Tom Gerard. (The investigation of Gerard, originally conducted by the FBI, alleged that Gerard misappropriated police department files and sold his information to foreign governments and to individuals, including Bullock.) The San Francisco D.A. began investigating Gerard in late 1992. The data that Bullock — and through Bullock, the ADL — allegedly received from Gerard supplied a network of files on diverse groups on whom ADL routinely conducted fact-finding, including the Ku Klux Klan, the White Aryan Resistance, Lyndon LaRouche, and other groups and individuals.

On April 8, District Attorney Smith conducted a raid of the ADL San Francisco office (the ADL Los Angeles office was searched the same day) and seized hundreds of documents. Smith said that the ADL could face "multiple felony charges" for eavesdropping and other illegal activities carried out as part of its fact-finding activities.

Jewish groups closed ranks around the embattled ADL. In an April 26 National Jewish Community Relations Advisory Council statement expressing the views of Jewish groups across the board, the umbrella body asserted that "information-gathering and research has long been central to the mandate of Jewish communal agencies to combat anti-Semitism and racism," and averred that an attack on the ADL in this area was in essence an effort to compromise the ability of the agencies of the Jewish community to engage in this entirely legitimate activity. The Jewish Community Relations Committee of the Jewish Federation Council of Greater Los Angeles summed up the feelings of many Jewish groups: "The ADL, through its fact-finding efforts, has exposed hate organizations to the 'antiseptic of daylight,' not just for the protection of the Jewish community but to protect African-Americans, Asian-Americans, Latino-Americans, and other ethnic and religious minorities as well."

Jewish organizational solidarity notwithstanding, there were questions within the community about ADL tactics in fact-finding. The Anti-Defamation League, for its part, in a publication titled "Fact Finding: Protection Against Extremism" (April), asserted that it had always operated within the law and respected the constitutional rights of all groups, even those with whom it disagreed. Nonetheless, ADL national chairman Melvin Salberg acknowledged, "We have a P.R. problem larger than our legal problem."

Indeed, in the weeks and months following the raid on the ADL offices, a coalition of minority groups, led by the Arab-American Anti-Discrimination Committee,
protested the ADL’s alleged “spying network.” On October 21, a group of 15 civil-rights organizations and seven individuals filed a civil suit, *American-Arab Anti-Discrimination Committee, et al. v. Anti-Defamation League, et al.*, in federal district court in Los Angeles. The suit alleged that the ADL had violated their civil and privacy rights by spying on their activities. At year’s end the case was pending.

In November the San Francisco D.A.’s office concluded its investigation, and terms of a settlement were agreed to by the ADL. In the settlement, the ADL admitted no wrongdoing and denied the D.A.’s allegations that it had trafficked in illegally obtained information. The D.A.’s office agreed not to seek criminal charges against the agency. The terms of the agreement included a specific acknowledgment of the “ADL’s right to gather and disseminate information in a lawful and constitutional manner.” The ADL, for its part, agreed not to acquire nonpublic information where such activity would violate the law. Other terms of the settlement included an agreement by the ADL to establish a Hate Crimes Reward Fund, to the tune of an initial $25,000 grant, to reward those who bring information to the police, leading to arrests or convictions of hate-crimes perpetrators. Additionally, the ADL agreed to underwrite “diversity training” for assistant district attorneys in a program with the San Francisco public-school system. The settlement also prevented criminal prosecution of Roy Bullock. Commenting on the settlement, ADL official Abraham H. Foxman said, “The D.A. moved heaven and earth to find something he could charge us with . . . the agreement confirms our consistent position that ADL has engaged in no misconduct of any kind.”

**Black-Jewish Relations**

Rev. Jesse Jackson continued his efforts to mend relations with Jews, begun during 1992 (see AJYB 1994, p. 124). He met on February 11 with Israeli foreign minister Shimon Peres, promising to help free Syria’s trapped Jews; he worked to defuse tensions when Jewish groups were accused of “going after” Lani Guinier, a candidate for U.S. assistant attorney general; together with the (Conservative) Rabbinical Assembly, he called for a conference on tolerance and social justice, to be convened in 1994; and he engaged in a series of meetings and conference calls throughout the year aimed at bridge-building.

In the aftermath of the Lani Guinier nomination, Jewish community relations groups were active in their efforts to keep the controversy from further inflaming black-Jewish tensions. It was generally agreed that the overall impact of the Guinier matter in many black groups was negative, with most blacks — not understanding or caring about the fine points of the Voting Rights Act — taking the view that the Jewish community was, in the words of an NAACP Legal Defense Fund official, “[r]aising hell over a black nominee who was trying to increase black political representation.” “There is anger in the African-American community about the way this was handled,” said Union of American Hebrew Congregations Washington representative Rabbi David Saperstein, “but the community walked the tightrope very well.”
CROWN HEIGHTS

On July 20, New York State Criminal Justice Director Richard H. Girgenti issued his report on the state inquiry into various aspects of the 1991 Crown Heights riots. The inquiry was ordered by Gov. Mario Cuomo in November 1992, following the acquittal of Lemrick Nelson, charged in the stabbing murder of Yankel Rosenbaum in the riots. (See AJYB 1993 and 1994.) The inquiry was directed both at the Nelson trial and at allegations that New York City police had been hampered in their response to the Crown Heights events by higher-ups, possibly extending to City Hall. The salient finding in the two-volume Report to the Governor on the Disturbances in Crown Heights was that city government, including law-enforcement officials, had failed to stem the four-day riot. Laying the blame for the riots squarely at the feet of Mayor David Dinkins, and secondarily faulting several of Dinkins's top aides — including then Police Commissioner Lee Brown — the report said, "The Mayor, as the City's Chief Executive, did not act in a timely and decisive manner." While the report cleared the mayor of allegations made by some in the Jewish community that he had given orders to hold back the police, it criticized him for being so disengaged that he was unaware that the rioting was raging out of control until the third day, when, visiting Crown Heights himself, he was pelted with rocks. Jewish groups welcomed the Girgenti Report.

On the day the Girgenti Report was released, U.S. attorney general Janet Reno pledged to oversee personally a Department of Justice investigation into possible violations, under federal statutes, of the civil rights of victims of the riots. The federal inquiry by the Justice Department into the rioting was initiated in 1992 but had been stalled. Indeed, when New York senator Daniel Patrick Moynihan (D.) inquired into the status of the investigation, he received a letter from Reno that his aides characterized as "pro forma, dismissive and condescending." Michael Miller, executive director of the New York Jewish Community Relations Council, expressing the views of many Jewish groups, said, "We're hopeful that Girgenti's report will serve as a catalyst for a full [federal] investigation."

When it became known that the Clinton administration had decided to close its investigation of the Crown Heights matter, and that the Justice Department would not intervene and would not file a civil-rights suit because the case would be difficult to win, Brooklyn district attorney Charles J. Hynes and Rep. Charles Schumer pleaded with Reno for more time to argue for a federal prosecution. On September 9, Reno announced that a final decision would be postponed.

In a coda to the Crown Heights matter, in May federal district court judge Reena Raggi refused to dismiss a class-action suit brought by the Crown Heights Jewish Community Council and the estate of Yankel Rosenbaum against Mayor Dinkins, Lee Brown, and the City of New York. The suit charged that the civil rights of Hassidic Jews were violated when the police allegedly stood by without protecting them from attack.
ANTI-SEMITISM

The "sensitive nexus" — as one observer put it — between black-Jewish relations and black anti-Semitism is explored by intergroup analysts Gary E. Rubin and Milton Morris in "The Turbulent Friendship: Black-Jewish Relations in the 1990's" (Annals of the American Academy of Political and Social Science, November 1993). Rubin and Morris and a number of other analysts suggest that the issues and consequent tensions that inhere in the relationship have little to do with black anti-Semitism but are based in public-affairs matters, such as redistricting and reapportionment. "Remove Farrakhan completely from the scene," said one Jewish official, "and it would matter not a tinker's dam. The relationship is played out in other arenas." Still, the activities of Farrakhan and other outright black racists undeniably exacerbated the tensions.

LOUIS FARRAKHAN AND THE NATION OF ISLAM

Efforts in 1993 on the part of some black leaders, including members of the Congressional Black Caucus (CBC), the African-American members of the U.S. Congress, to reach out to Nation of Islam leader Minister Louis Farrakhan led to strains with the Jewish community. At a CBC-sponsored forum on September 16, in Washington, on "Race in America," speakers included caucus chairman Rep. Kweisi Mfume (D., Md.), Jesse Jackson, NAACP executive director Benjamin Chavis, and Nation of Islam leader Minister Louis Farrakhan. During the course of the forum, Mfume said that the CBC would enter into a "sacred covenant" with the Nation of Islam on legislative concerns, and with other groups that had an agenda of improving conditions for black Americans.

Jewish groups saw the agreement between Farrakhan and the CBC as a potential threat to the strong relationship that had historically existed between the caucus and the Jewish community. Jewish communal representatives expressed to CBC members concern about Farrakhan's inclusion in coalition activities, given his anti-Semitic, antiwhite, and other prejudiced comments directed at women and homosexuals. In subsequent meetings with CBC members, assurances were given that the meeting with Farrakhan did not signal a movement away from the Jewish community. With respect to Mfume, Baltimore Community Relations Council executive director Dr. Arthur Abramson said, "Mfume feels strong and positive about his relationship with the Jewish community, and in no way sees his comments to Farrakhan as indicating a move away from this relationship." (Mfume had a long history of cooperation with the Baltimore Jewish community.)

There was far from a consensus among blacks in the Congress over making overtures to Farrakhan. Rep. John Lewis (D., Ga.) observed, "I don't think many of the members necessarily feel comfortable. I don't see Minister Farrakhan as part of what I call the civil-rights movement."

Jesse Jackson and Benjamin Chavis also made overtures to Farrakhan during the
Congressional Black Caucus meeting. This prompted ADL national director Abraham Foxman to say, "It makes it very difficult, if not impossible, for some of us to march down Pennsylvania Avenue together," alluding to Chavis's statement during the CBC forum that it had been a mistake to bar Farrakhan from the August 30th anniversary commemoration of the historic civil-rights march on Washington. Black leaders had suggested that Farrakhan was excluded in order to avoid alienating Jewish civil-rights supporters.

On September 2, in a development that impinged on both interreligious relationships and black-Jewish relations, a number of Jewish organizations, including the Anti-Defamation League, the Chicago Jewish Community Relations Council, the American Jewish Congress, and the American Jewish Committee, withdrew their sponsorship of the Parliament of World Religions to protest an appearance by Minister Farrakhan. Farrakhan delivered his speech hours after the Jewish groups pulled out. His message was more pointed than the Jewish organizations' statements: "Mind your own business."

Farrakhan aroused controversy in New York City in October, when, in the midst of a mayoral campaign in which the candidates were furiously courting the Jewish community, he announced plans to hold a rally at Yankee Stadium on October 30, three days before the election. Rudolph W. Giuliani, the Republican candidate, acknowledging that Farrakhan had a right to speak on any subject he wished, nonetheless strongly urged the city — owner of Yankee Stadium — not to rent the facility to Farrakhan. Incumbent mayor David N. Dinkins, the Democratic candidate and a black, said that New York City had no choice, on First Amendment grounds, but to make the stadium available. Dinkins, who needed substantial Jewish support for reelection, was clearly in a politically awkward position. Farrakhan himself defused the situation when, on October 16, he postponed the rally until after the election.

As the Nation of Islam leader continued his efforts during the year to soften his image and deflect attention from his attacks on Jews and on mainstream black politicians by emphasizing the problems of inner-city African-Americans, he posed an increasingly difficult challenge for black leaders. Civil-rights activist Roger Wilkins, professor of history at George Mason University, articulated the dilemma: "If you're a black politician, Farrakhan poses a problem because he sure as hell has said some profoundly antisemitic things. On the other hand, he strikes some deep chords in the disaffected black community."

OTHER MATTERS

Relations between the two communities were the subject of a New Yorker cover (February 15), showing a kiss between a Hassidic Jew and a sexy dark-skinned woman, which evoked strong feeling on both sides. The illustration was by Art Spiegelman, the creator of Maus: A Survivor's Tale. Though he claimed that it was his "Valentine's Day card" to squabbling Jews and blacks, it was viewed by many
as vulgar and offensive. New York black activist Rev. Herbert Daughtry said the artwork "trivializes the problems" between the two communities. Anti-Defamation League official Abraham H. Foxman called it "insensitive to Jewish concerns."

Toward the end of 1992 and during early 1993 questions were raised about the factual accuracy of the documentary film "The Liberators: Fighting on Two Fronts in World War II." The film recounts the story of two all-black U.S. Army divisions — which themselves had been objects of official discrimination — that liberated the Buchenwald and Dachau concentration camps in the closing months of the war. A somewhat lurid *New Republic* article (February 8) asserted that a number of survivors of Buchenwald "were no longer sure when they first saw black soldiers" and suggested that the film's narration "may have been misleading." A background report on "The Liberators," issued in February and prepared by American Jewish Committee program specialist Kenneth S. Stern, exhaustively explored the matter. It concluded that while the film had "deficiencies," "it created a message that silenced the racists, the antisemites, the inward-looking of both communities [i.e., blacks, and Jews], and spoke to the heart."

Despite the periodic strains, black-Jewish dialogue groups sponsored by community relations councils, churches and synagogues, and county human-rights commissions experienced a new vogue around the country. Additionally, a number of noteworthy program initiatives took place, such as a mission to Israel, in January, for presidents of black colleges, under the auspices of the United Negro College Fund.

**Church-State Issues**

The U.S. Supreme Court had the opportunity in 1993 in three cases to rule on the relationship of religion and government. The U.S. Congress acted on a key piece of legislation — the Religious Freedom Restoration Act (RFRA) — designed to enhance "free-exercise" protections and thereby religious liberty.

**"ESTABLISHMENT-CLAUSE" MATTERS**

The U.S. Supreme Court ruled during 1993 on two cases involving religion in the public school. In a 5 - 4 decision in *Zobrest v. Catalina Foothills School District*, the Court ruled on June 18 that government provision of an interpreter to Jim Zobrest, a deaf child at a Carmelite-run parochial school in Tucson, did not violate the "establishment clause" of the First Amendment. Chief Justice William Rehnquist, writing for the majority in *Zobrest*, argued that "since the Individuals with Disabilities Education Act creates a neutral government program dispensing aid not to schools but to individual handicapped children," to allow a child to be the beneficiary of such aid at a sectarian rather than at a public school would not violate the establishment clause. The Court reversed a decision of the Ninth Circuit Court of Appeals, which had agreed with lower court rulings that declared the use of the funds unconstitutional.
Jewish groups were divided on the issues presented by Zobrest. The American Jewish Committee and the Anti-Defamation League joined in amicus curiae briefs on the side of the school board, arguing that spending tax money to provide an interpreter would have a primary effect of advancing religion and would lead to excessive government entanglement with religion. "This was not an 'easy' case," observed Samuel Rabinove, AJCommittee's legal director, "but the state should not spend tax money to assist in the propagation of religious beliefs. Regrettably, the Supreme Court disagreed." The Union of American Hebrew Congregations and the American Jewish Congress supported the child's case.

Church-state analysts in the Jewish and civil liberties communities were generally pleased that the Supreme Court, in deciding Zobrest, did not weaken or overturn the "Lemon test" — in use since 1971 and generally favored by Jewish groups as providing useful criteria for determining constitutionality under the First Amendment. A number of Orthodox Jewish groups, however, oppose the test, contending that it has helped create a climate hostile to religion. Nathan Lewin, vice-president of the National Jewish Commission on Law and Public Affairs (COLPA), an agency representing the interests of traditionally observant Jews, said that the Court in Zobrest did not go far enough in its decision. "It should have discarded Lemon," asserted Lewin.

In the other case, Lamb's Chapel v. Center Moriches Union Free School District, the Supreme Court ruled unanimously on June 7 that a school district that rented its facilities to community groups for a wide range of meetings on various subjects could not exclude a religious group. Once public-school facilities have been open to community groups during nonschool hours, the Court said, a local school board could not deny access to these facilities to a religious group, in this case an evangelical Christian church that wanted to use a high-school auditorium to show a movie with a Christian theme. The Court further held that permitting a religious group such access did not violate the establishment clause.

While Jewish groups have generally supported the fair-market rental of public-school facilities to any community groups during evening and weekend hours, Jewish public policy organizations were divided on Lamb's Chapel. The Anti-Defamation League had urged the Supreme Court to uphold a U.S. Second Circuit Court of Appeals decision affirming the school board's refusal, on establishment-clause grounds, to permit the showing of the religious films in the public-school setting. Orthodox Jewish groups, on the other hand, were pleased with the decision.

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1In order to be constitutional under the guidelines suggested by Lemon v. Kurtzman, a statute or governmental activity must have a secular purpose; its principal or primary effect must be one that neither advances nor inhibits religion; and, the statute or activity must not foster an excessive government entanglement with religion. Violation of any of the three Lemon prongs renders the legislative act or governmental activity unconstitutional.

This test has been the one most often applied since it was articulated in the 1971 U.S. Supreme Court decision. A number of Jewish public-affairs agencies, while generally supporting Lemon as a useful test, have preferred the older criterion of whether a legislative measure or governmental act indicated favoring one religion over another, or religion over nonreligion.
as was the Union of American Hebrew Congregations, the synagogue arm of the Reform movement. David Zwiebel, governmental affairs director of Agudath Israel of America, an Orthodox group, observed that "[Lamb's Chapel] could have a very important impact on Jewish institutions, just as it did on the church in this case."

On the same day the Supreme Court handed down Lamb's Chapel, the Court let stand, in Jones v. Clear Creek Independent School District, a U.S. Fifth Circuit Court of Appeals ruling permitting students to lead nondenominational prayer that was offered by a student, at the student body's initiative, at public-school graduation ceremonies. (See AJYB 1994, p. 140, for judicial history of Clear Creek and background on this issue.) Analysts suggested that the High Court's failure to hear the case chipped away at the 1992 decision in Lee v. Weisman, welcomed by most Jewish groups, which barred the recitation during public-school graduation ceremonies of prayers containing either God's name or biblical passages. At the same time, since the Supreme Court did not hear Clear Creek but let the Fifth Circuit ruling stand, the decision sets no formal national precedent and is only applicable in those states covered by the Fifth Circuit.

Nonetheless, the Court's action was an indication, troubling to many groups, of its thinking. AJCommittee's Rabinove, analyzing Clear Creek, said, "It opens the door to something the majority closed the door to in Lee v. Weisman." The tandem of Jones v. Clear Creek and Lamb's Chapel v. Center Moriches was, according to ADL legal director Steven Freeman, "reflective of a troubling road ahead. The line is becoming blurred in cases involving religious activity in the schools."

Student-initiated prayer at high-school graduation ceremonies figured in other cases filtering up through the federal courts, reflecting the increased concern over this issue. A federal district court decision in Harris v. Joint School District No. 241, upholding a school-board policy permitting graduating seniors in an Idaho high school to vote on whether to include a prayer in their commencement exercises, was on appeal to the U.S. Ninth Circuit Court of Appeals.

Jewish community relations organizations were troubled by a bulletin circulated in August by the American Center for Law and Justice (ACLJ), the legal arm of the "religious right" Christian Coalition, advising school superintendents around the country of a "national event, scheduled for September 15, called 'See You at the Pole.'" The ACLJ bulletin described the event as consisting of student prayer gatherings around school flagpoles. Jewish groups noted that, while the bulletin asserted, probably correctly, that students have a constitutional right to take part in these gatherings, it was clear that participation by school officials and faculty would convey a message of endorsement and would therefore be a violation of the establishment clause. Nonetheless, there were reports from a number of communities of participation of school officials in "See You at the Pole" events.

Once again this year, the distribution of religious literature in public schools was on the legal agenda. In one case, Berger v. Rensselaer Central School Corporation, the U.S. Seventh Circuit Court of Appeals held in January that the practice of permitting members of the Gideon Society to distribute copies of the Christian Bible to elementary school students on school property violated the establishment clause.
Most courts have in fact held that school officials may not permit such distribution on school premises; however, the regulation of distribution elsewhere, such as sidewalks in front of the school, raises problems. In a move welcomed by most Jewish groups, the U.S. Supreme Court decided in May not to review Berger, letting stand the Seventh Circuit decision. Notwithstanding Berger v. Rensselaer, case law in this difficult area continued to be mixed. What appeared to be emerging were rules suggesting that distribution cannot be banned entirely but must be regulated on the basis of time, place, and manner.

Legislation that would mandate public aid in the form of vouchers to parochial schools — educational "choice" — failed of passage during 1993 in Pennsylvania and Massachusetts. Hotly contested, however, was Proposition 174, a ballot initiative that would have mandated a voucher-driven "choice" plan in California. Proposition 174, offering tax-financed vouchers toward tuition at public and private or religious schools, was soundly defeated on election day. A coalition of Jewish groups, spearheaded by the San Francisco Jewish Community Relations Council and other California-based CRCs, joined forces with other groups in campaigning for Proposition 174's defeat. Proponents of vouchers indicated that reintroduction of such ballot measures could be expected. Most Jewish groups oppose public support — including voucher schemes and tuition tax credits — of parochial-school education; the Orthodox favor such support.

On November 29, the U.S. Supreme Court agreed to hear Board of Education of the Kiryas Joel Village School District v. Grumet, testing the constitutionality of the creation by the New York State legislature of a special school district intended to provide remedial education only for children of the Satmar Hassidic group living in a cohesive community in a separate chartered township. (Almost all of the school children in the village, Kiryas Joel, are educated in religious schools with private community support. Until 1985, special-education services had been provided to the handicapped pupils of Kiryas Joel in an annex to the Kiryas Joel yeshivah by the central school district serving the area. The 1985 U.S. Supreme Court decision in Aguilar v. Felton ruled that publicly funded employees could not teach in religious schools. Kiryas Joel then won the right, in the law passed in 1989, to set up its own school district.) On July 6, the New York State Court of Appeals (the state's highest court) upheld a lower court ruling invalidating the special school district, ruling that the statute creating the school district violated the "Lemon test." Indeed, Kiryas Joel was viewed by analysts as a possible vehicle for the Court to revisit the three-part test.

Within the Jewish community, most Jewish groups asserted that, although the Kiryas Joel school district was created to respond to a genuine need, the legislature's action constituted a "core violation" of the establishment clause by creating a political entity literally along religious lines. Orthodox Jewish groups, including the Union of Orthodox Jewish Congregations of America (UOJCA) and Agudath Israel of America, viewed the state legislature's action as legitimate, even if it provided indirect assistance to religious practice.

The question of government regulation of kosher food and antifraud statutes
reached the Supreme Court in 1993. In February the High Court declined to review *Ran-Dav's Country Kosher, Inc. v. State of New Jersey*, which tested the constitutionality of the New Jersey Consumer Fraud Act and the accompanying New Jersey regulations involving the sale of kosher food. In July 1992 the New Jersey Supreme Court had ruled that, because the New Jersey statute and regulations defined *kashrut* in accordance with the norms of a specific religious subgroup (in this case, Orthodox Judaism) and set forth a religious procedure to determine the standards, the regulation violated the establishment clause. The organized Jewish community has generally viewed as a legitimate function of government the protection of consumers against fraud and has supported the passage of kosher laws at the state and, in principle, at the federal levels. Jewish groups were divided, however, on support of the New Jersey statute, which specifically mandated "compliance with the laws and customs of the Orthodox Jewish religion."

The Orthodox community was somewhat exercised over the decision in *Ran-Dav*. COLPA official Nathan Lewin, arguing for the legitimacy of laws such as New Jersey's, observed, "[Only] people who are very sophisticated know that you have to ask who the rabbi is behind the *kashrut* certification; others assume you can't misrepresent it." In response to *Ran-Dav*, New Jersey's Bureau of Kosher Enforcement developed new legislation that would require manufacturers and retailers to disclose the standards of *kashrut* observance, rather than require that they comply with one standard of *kashrut* or another. Jewish groups felt that the new legislation merited support, excepting a provision that required disclosure of a certifying rabbi's affiliation with one or another movement of Judaism.

Perhaps more significant than *Ran-Dav* in terms of potential impact was the October 1 decision in *Barghout v. Mayor and City Council of Baltimore*, in which a federal district court struck down Baltimore's kosher food ordinance as an unconstitutional entanglement of church and state. The Baltimore case was the first to be decided in federal court. Analysts suggested that the decision in *Barghout* could affect similar laws in the approximately 20 states and the handful of counties and municipalities where they exist as well.

The issue of religious symbols on public property (such as the placement of Nativity scenes or Hanukkah menorahs during holiday seasons), or any government sanction or support of religious symbols, remained in flux this year, even as there was limited federal court activity in this area. While prior Supreme Court rulings had made it clear that the placement of a religious symbol standing alone at the seat of government, such as a city hall or a state capitol, was unconstitutional, yet unresolved was the issue of such placements or displays in a public park, which, as a "public forum," is arguably subject to First Amendment freedom-of-expression protections. In one such case, *Kreisner v. City of San Diego*, the U.S. Ninth Circuit Court of Appeals ruled in March that a religious display — in this case scenes from Christian scripture — erected in a public park was permissible. The appeals court held that "a public park is a traditional public forum removed from government."

At least three federal Circuit Courts of Appeals — the Sixth, Seventh, and Elev-
enth — ruled during 1993 that a religious symbol or display in a public park is permissible. Indeed, in the Eleventh Circuit case, *Chabad-Lubavitch of Georgia v. Zell Miller*, decided on October 18, the court permitted a 15-foot-high menorah to be erected in the Georgia state capitol rotunda — the very seat of government — the rotunda being a classic public forum, and stated that the display would not connote state endorsement of religion. "We are disappointed by the decision; there is no need to hijack government property to display religious symbols," said Deborah Lauter, director of the Community Relations Council of the Atlanta Jewish Federation, summing up the response of most Jewish groups. Case law in this area was mixed, with an earlier case, *Kaplan v. City of Burlington* (Second Circuit, 1989), holding that a religious symbol in the city hall park (i.e., adjacent to the city hall) would not pass constitutional muster under the establishment clause.

Most Jewish groups, including the synagogue bodies of the three religious movements, viewed placement of religious symbols — including placement together with other religious symbols or secular artifacts — as a violation of the establishment clause, though such placement has been deemed constitutional by the Supreme Court. The Union of Orthodox Jewish Congregations of America maintained that, while it agreed with the consensus position on religious symbols, it would not go to court against Chabad or any other Jewish group involved in the placement of a Hanukkah menorah.

A situation that aroused considerable community passion came to closure during Christmas week when a large cross erected by the Ku Klux Klan in Fountain Square in downtown Cincinnati was dismantled. After a federal district court ruled in September that the city could not prevent the local Lubavitch group from keeping its menorah in the square overnight — a single ceremony is arguably a legitimate "free-exercise" activity — several KKK groups indicated their intention to erect a cross on Fountain Square. One Klan group indeed applied for and received a permit for Christmas week, using the same religious-freedom argument employed by Lubavitch. The ten-foot cross stood for a few hours before an angry onlooker knocked it down, and it was subsequently removed by the police.

"FREE-EXERCISE" MATTERS

The Religious Freedom Restoration Act (RFRA), supported by an unusually broad coalition of religious, civil-rights, and civil-liberties groups — including an array of Jewish organizations — was passed overwhelmingly by Congress in October and signed into law by President Bill Clinton on November 16. The legislation remedies the effects of the April 1990 Supreme Court decision in *Smith v. Employment Division* by codifying the principle that government may not restrict a person's free exercise of religion unless there is a compelling state interest. This "compelling state interest" test had been a standard free-exercise test, and its removal by the Court in *Smith* had effectively eviscerated much of the "free-exercise clause" of the First Amendment. Jewish groups considered passage of RFRA to be one of their
highest legislative priorities, of inestimable value to the Jewish community. More than 50 cases since 1990 had been decided on the basis of Smith v. Employment Division, with the overwhelming majority of these decisions in some way limiting or infringing upon the religious liberty of individuals or groups. Additionally, RFRA represented to Jewish groups a noteworthy exercise in the efficacious use of coalition politics. (See AJYB 1992, pp. 201–02, AJYB 1993, pp. 113–14, and AJYB 1994, pp. 143–44, for background on this issue.)

Opposition by the U.S. Catholic Conference (USCC), the public-affairs arm of the National Conference of Catholic Bishops, prevented passage of RFRA during the 102nd Congress and threatened to do so again when it was introduced anew in the 103rd Congress by Representatives Charles Schumer (D., N.Y.) and Christopher Cox (R., Calif.) and Senators Edward Kennedy (D., Mass.) and Orrin Hatch (R., Utah). The USCC had maintained that RFRA would be used to establish a religiously based right to abortion were Roe v. Wade overturned. However, in early March, following a yearlong negotiating effort by Jewish communal representatives with key figures in the bishops' conference and the USCC, the Catholic group announced that it would support RFRA. The USCC acted on the basis of “acceptable committee report language” that would guarantee the neutrality of RFRA with respect to the abortion issue.

The decision this year in Church of the Lukumi Babalu Aye v. City of Hialeah was the first significant Supreme Court action in a free-exercise case since Smith. The High Court, overruling the U.S. Eleventh Circuit Court of Appeals, ruled that a Hialeah, Florida, municipal ordinance prohibiting animal slaughter was not neutral in that it targeted members of a particular faith community, in this case the Santeria Church (a Caribbean offshoot of Roman Catholicism), which used animal sacrifice as part of its religious ritual. Because the ordinance was found to be neither neutral nor generally applicable, the Court held that, in order to be constitutional under the free-exercise clause, it needed to advance a compelling government interest, which the Hialeah ordinance failed to do. While all of the justices agreed that the Hialeah statute was illegal, only Associate Justice David H. Souter used the case as a vehicle for calling for the reexamination of Smith, as had been hoped for by a number of Jewish groups.

RELIGION IN AMERICAN SOCIETY

The debate over the place of religion in American society intensified during 1993, in large measure rooted in popular concern over a perceived erosion of fundamental moral values and increased lawlessness. A reprise and continuation of the debate over the “naked public square” that informed much of the move toward the “Christianization of America” during the early and mid-1980s, the current discussion was fueled by the popularity of such books as Stephen Carter's The Culture of Disbelief: How American Law and Politics Trivialize Religious Devotion, and by President Bill Clinton's advocacy of a role for religion in public life. The move to foster religious
values in the public square had implications for Jews and others concerned about the separation of church and state, and the Jewish consensus on the separationist position came in for increasing scrutiny. The essays in David G. Dalin’s *American Jews and the Separationist Faith: The New Debate on Religion in Public Life* discussed efforts to make religion more influential in public life, for the purpose (argued many of the essayists) of enhancing the spiritual condition of American society and American life. Most observers agreed, however, that the consensus within the Jewish community remained that strict separationism is the fundamental guarantor of religious liberty and, by extension, of Jewish security.

OTHER MATTERS

The Jewish community — and civil-liberties groups generally — mourned the death on June 4 of Leo Pfeffer, 83, who, through his work with the Commission on Law and Social Action of the American Jewish Congress for more than four decades, championed the cause of the separation of church and state. Pfeffer, a central player in a number of the landmark Supreme Court cases on church-state separation, authored several books on the topic. Marc D. Stern, codirector of the AJCongress commission, recalled that Pfeffer, in the late 1940s, “persuaded the Jewish community that it ought to insist on strict church-state separation as a key to Jewish security. Leo Pfeffer trained two generations of Jewish communal leadership on the importance of church-state separation and religious liberty for the Jewish community.” (See “Obituaries” section, elsewhere in this volume.)

Civil Rights

In a case that involved both religious liberty and discrimination, a case watched closely by Jewish community relations and social service agencies, the U.S. Supreme Court, in *Welsh v. Boy Scouts of America*, let stand a lower court decision permitting the Boy Scouts to exclude applicants who claim to be agnostic or atheist. In *Welsh*, a Cub Scout den refused to admit Elliott Welsh because he would not take the scout oath that includes the words “duty to God.” The U.S. Seventh Circuit Court of Appeals ruled in May that the Boy Scouts of America is a private organization, not a “place of public accommodation.” The Supreme Court in December agreed that the Boy Scouts falls outside the provision of Title II of the Civil Rights Act of 1964, which prohibits discrimination in public settings based on race, religion, or national origin. Jewish communal officials noted that the case, which concerned an organization’s right to exclude certain people, had implications for Jewish organizations, synagogues, and day schools.

The so-called Airmont cases moved along in the judicial system. *Leblanc-Sternberg v. Fletcher* was one of a number of cases in federal district court in New York, including one brought by the U.S. Justice Department, challenging the creation of a new village, Airmont, within the village of Ramapo, New York, with zoning
regulations prohibiting worship services in private residential dwellings. In the mid-1980s, a sizable number of Orthodox Jews — including many Hassidim — moved from New York City to suburban Rockland County, where they established many small synagogues (shitiblach) in their rabbis' homes — without objection from Ramapo planning and zoning officials. However, individuals who wanted to discourage Orthodox Jews from living in the community, and who were candid about their motivation, created the new town.

A group of lawsuits alleged violation of the Orthodox residents' rights under federal fair-housing laws. In one case, four Orthodox residents of Airmont sued the village, claiming violations of both the Fair Housing Act and the "free-exercise" clause of the First Amendment. The United States sued the village as well for fair-housing violations, the first time the government had brought suit in a case of religious discrimination.

On December 14, district court judge Gerard Goettel ruled that the village of Airmont had not violated the housing rights of the Orthodox Jews and rejected the government's claim of discrimination. At year's end the case had gone to the U.S. Second Circuit Court of Appeals.

VOTING RIGHTS ACT AND REDISTRICTING

While the organized Jewish community expressed strong support for the Voting Rights Act of 1965, it continued to examine the consequences of U.S. Supreme Court interpretations of the 1982 amendments to the act. The amendments give sanction to legislatures and courts to redistrict, or to create entire new legislative districts, to enhance the possibility of electing minority-group members.

Very few redistricting or reapportionment situations implicated Jewish communities. One that did and that was tested in the federal courts was Johnson v. De Grandy (originally Wetherell v. De Grandy), which challenged the validity of a redistricting plan for state legislative seats from Dade County, Florida, an area of significant Hispanic, Jewish, and black population. The Florida House of Representatives (plaintiff in De Grandy) maintained that the federal district court's plan effectively disenfranchised other populations, such as the Jews. The U.S. Supreme Court accepted the case for review in 1993; a ruling in the case was expected in 1994.

What was perhaps the most significant voting-rights case of the year, Shaw v. Reno, was handed down in June. The Court, by a 5 – 4 margin, ruled in the so-called I-95 case that North Carolina state officials, in their efforts to justify a serpentine district drawn to boost black or Hispanic representation, may have violated the rights of white voters and must demonstrate a "compelling" reason for such a plan in order to meet the constitutional guarantee of equal protection under the law.

Jewish groups noted that the implications of Shaw v. Reno went beyond the districting issue. The decision appeared to be consistent with the 1989 Supreme Court ruling that racial preferences, such as minority "set-asides," were unconstitutional because they violated the equal protection guarantees, unless there was dis-
tinct evidence that they were needed to correct a specific past discrimination and not a generalized discrimination in society. *Shaw* was expected to generate challenges to minority congressional districts across the South and in urban states such as Illinois and New York, including areas of Jewish population. Although Jewish groups did not enter *Shaw v. Reno* as *amicis*, many of them welcomed the decision.

**OTHER MATTERS**

The U.S. Supreme Court agreed on February 22 to decide whether the Civil Rights Act of 1991, which restored some legal remedies for employment discrimination and expanded others, applied retroactively to thousands of cases that were pending when President George Bush reluctantly signed it into law. (See AJYB 1993, pp. 115–16, for details.) In two cases for review by the Court, *Rivers v. Roadway Express, Inc.* and *Landgraf v. USI Film Products, et al.*, lower courts had refused to rule that the 1991 act applied to cases pending at the time the act was passed. Jewish groups supported retroactivity. According to American Jewish Committee assistant legal director Wendy Lecker (whose group filed an *amicus* brief in the case), “Without retroactive application . . . victims would suffer two injustices: unlawful discrimination, and unlawful denial of remedies for that discrimination.”

A 1988 case involving alleged discrimination against the “Hebrew Christian” Jews for Jesus was settled in 1993. *Jews for Jesus v. Jewish Community Relations Council of New York*, moving through the courts since 1988, ended in April with both sides claiming victory. The JCRC of New York agreed to pay Jews for Jesus $15,000 in settlement of the claim that it had violated that group’s civil rights in 1987 by blackmailing the owner of a kosher Catskill hotel into canceling Jews for Jesus’s convention reservations. (See AJYB 1994, p. 145.)

**Nazi War Criminals**

Through 1993, 48 former Nazis had been denaturalized — stripped of their citizenship — and 38 of them deported from the United States. In an additional 90 cases, the Justice Department’s Office of Special Investigations (OSI) had sought (and to date failed to obtain) removal. An additional three individuals were extradited to other countries for trial. OSI investigations were in process on 390 suspected Nazi war criminals; 15 cases were active at the end of 1993.

**DEMJANJUK CASE**

A number of developments took place this year in the case of John Demjanjuk, the retired Cleveland auto worker who was tried, convicted, and sentenced to death in 1988 in Israel for the crimes of “Ivan the Terrible,” the notorious Treblinka death-camp guard.

In late 1992 the U.S. Sixth Circuit Court of Appeals in Cincinnati began hearings
on allegations of Justice Department misconduct during Demjanjuk's 1986 extradition hearings, specifically, that the department withheld evidence proving that Demjanjuk was not, in fact, "Ivan the Terrible." The hearings continued into 1993. On June 30, U.S. district court judge Thomas A. Wiseman, Jr., the special master appointed by the Sixth Circuit Court to conduct the investigation, issued his report recommending that the case be closed, and that no action be taken against government attorneys who prosecuted Demjanjuk. Wiseman found no evidence that would disprove the authenticity of a key identification card, a central piece of government evidence against Demjanjuk.

On July 29, in a startling move, the Israel Supreme Court acquitted Demjanjuk of the charges that he was "Ivan the Terrible." In ruling that there was "reasonable doubt" that Demjanjuk was "Ivan," the judges overturned his death sentence. The court said that there was persuasive evidence that Demjanjuk did serve as a guard at the Sobibor death camp and at two concentration camps; however, he had not been tried for those crimes.

Within days, on August 3, the federal appeals court in Cincinnati ordered that Demjanjuk be returned to the United States in order to participate in proceedings relating to the original extradition order, which had now been thrown into question. A three-judge panel ruled that Demjanjuk could not be tried in Israel for any offense other than for crimes for which he had been extradited, namely the Treblinka crimes. Such prosecution, said the court, "would violate basic principles of international law." On August 9, the U.S. Justice Department appealed the circuit court ruling; on August 31, the circuit court rejected the request. Jewish groups urged Attorney General Janet Reno to appeal the case to the Supreme Court, but on September 1, Reno announced that the Justice Department would not ask the High Court to overturn the appeals court decision ordering Demjanjuk's return.

Meantime, in Israel, on August 10, Attorney General Yosef Harish asked the Supreme Court to reject petitions to try Demjanjuk on new charges related to his services at Sobibor and at the Trawniki concentration camp. Jewish groups in America reacted with dismay to Harish's statement. On August 18, the Supreme Court agreed to his request, but it continued to delay Demjanjuk's return to the United States as it heard a variety of petitions on the case. Finally, on September 19, the Supreme Court lifted the restraining order that delayed Demjanjuk's deportation, and he arrived in the United States on September 22.

On November 17, the Sixth Circuit, targeting Justice Department Office of Special Investigations (OSI) prosecutors for "prosecutorial misconduct," overturned the 1985 court order under which Demjanjuk was extradited. Many legal analysts were appalled by the appeals court's ruling. "This decision applies a double standard to Nazi war criminals that is almost never applied to other criminals," said Harvard Law School professor Alan Dershowitz.

The Justice Department resumed its legal battle against Demjanjuk at the end of the year, filing two motions: one, with the Sixth Circuit, appealing the overturn of the extradition order; and the other, with the U.S. district court in Cleveland,
seeking to reopen the denaturalization case against Demjanjuk. Jewish groups supported the Justice Department's actions.

OTHER HOLOCAUST-RELATED MATTERS

The United States Holocaust Memorial Museum, 13 years in the planning, was dedicated on April 22 and opened to the public on April 26. Federally chartered but privately funded, the museum is part of the Smithsonian Institution. The opening marked the end of an extended struggle over the museum's purpose and role. In the words of museum project director Michael Berenbaum, the "‘Americanization' of the Holocaust" — an emphasis on the universality of the Holocaust, with consequent downplaying of the uniquely Jewish aspect of the tragedy — was a source of controversy and one factor leading to the dismissal, a scant two weeks before the museum's opening, of Harvey Meyerhoff, the chairman of the U.S. Holocaust Memorial Council (founded in 1980), the development arm of the museum. Meyerhoff had made no secret of his efforts to downplay Jewish aspects of the Holocaust in order to make certain that the museum would be an "American" institution.

In a thoughtful analysis of the museum's purpose and message, Leon Wieseltier ("Beyond Memory," New Republic, May 3) suggested a nuanced balance between the "Jewishness" of the museum and its "universality." "It is true," wrote Wieseltier, "that the Holocaust was in some way 'unique'; but it was in no way so 'unique' that it does not press upon the souls of all who learn of it. . . . It is not just Jews who will be warned by what they see. . . . All are warned."

An American Jewish Committee study, What Do Americans Know About the Holocaust? by Jennifer Golub and Renae Cohen, which was issued to coincide with the opening of the Holocaust museum, found that ignorance of the Holocaust was prevalent among a significant portion of American adults (38 percent) and high-school youth (53 percent). At the same time, a majority of those surveyed agreed that the Holocaust is relevant today and that it is important for all Americans to know about the Holocaust.

In February filmmaker Steven Spielberg reached agreement with a Jewish group in a dispute over the filming of Schindler's List, the story of German businessman Oskar Schindler, who saved thousands of Jews by sheltering them in his factory in wartime Poland. The World Jewish Congress had objected to the shooting of part of the film at the Auschwitz death-camp site, and Spielberg backed off. Jewish groups generally applauded Spielberg for making the film.

Finally, the matter of Hugo Princz, an American citizen who was interned in concentration camps — including Auschwitz — during World War II, attracted attention from Jewish groups. Princz, one of only two known Jewish Holocaust survivors who were American citizens at the time of their capture, had been repeatedly denied reparations by Germany because he was an American citizen at the time of his imprisonment. The Princz cause was pursued by some Jewish groups, among
them ADL, in the federal courts and in the U.S. Congress. In *Princz v. Federal Republic of Germany*, in which Princz sued to recover damages for his enslavement, the U.S. district court for the District of Columbia in 1992 denied Germany’s motion to dismiss the case. In July 1993 Germany appealed to the U.S. Court of Appeals for the D.C. circuit. Legislation that would enable U.S. citizens to seek reparations from the German government, sponsored by Rep. Charles Schumer, was offered in the 103rd Congress; it was still in committee at the end of the year. Some analysts questioned activism in the Princz matter, arguing that the case had the potential for compromising official German cooperation in the prosecution of Nazi war criminals.

**Jewish-Catholic Relations**

The signal event this year in Jewish-Catholic relations took place in Jerusalem on December 30, with the signing of the “Fundamental Agreement Between the Holy See and the State of Israel,” establishing full diplomatic relations between the two entities. Full normalization of Vatican-Israel relations had been long advocated by American bishops; indeed, analysts of Vatican-Jewish affairs suggested that American bishops, particularly New York’s archbishop, John Cardinal O’Connor, and Archbishop William H. Keeler of Baltimore, president of the National Conference of Catholic Bishops (NCCB) and its public-affairs arm, the United States Catholic Conference (USCC), were key movers in the normalization process.

Jewish groups, which experienced the lack of recognition of Israel as a thorn in their relationship with Catholics, generally welcomed the signing of the agreement. American Jewish Committee national interreligious affairs director Rabbi A. James Rudin said, “[T]he Vatican is sending a clear signal to the world that Israel is indeed a fully-recognized member of the international family of nations.” NJCRAC chairman Maynard Wishner saw the agreement as “an important step in the normalization of relations between the Roman Catholic Church and the Jewish people after 2,000 years of a troubled history.” Some observers noted that the positive Jewish response to “recognition” was tempered somewhat by a belief that the Vatican ought to have initiated the move many years earlier.

Several times during the year officials of the U.S. Catholic Conference raised questions about Israeli policies or actions relating to the occupied territories or responses to terrorist provocation. At the same time, the USCC warmly welcomed the Declaration of Principles — the mutual recognition agreement signed on September 13 by the government of Israel and the Palestine Liberation Organization. “We applaud the courage, the imagination, and the spirit of compromise,” said Archbishop John R. Roach, chairman of the USCC’s international policy committee.
AUSCHWITZ CONVENT

The issue of the Carmelite convent at the Auschwitz/Birkenau death-camp site moved toward closure in 1993, with sighs of relief on all sides. With the approach in mid-April of the 50th anniversary of the Warsaw Ghetto uprising, Pope John Paul II took matters into his own hands, ordering the Carmelite nuns to leave the building. On March 31, explicit instructions to the nuns from the Congregation of Monastic Orders, the Vatican body overseeing Catholic orders, reached Bishop Tadeusz Rakoczy of Bielsko-Zywiec (including Oswiecim, the Polish town in which the death camp was located). In a subsequent letter from the pope to the nuns, dated April 9, the pontiff reinforced the March 31 order. Asserting that “the will of the Church [is] that you should move to another place,” he directed the nuns to relocate to another convent within the diocese in the Oswiecim/Auschwitz area or return to the other localities in Poland from which they had come nine years earlier.

Jewish groups welcomed John Paul's intervention but decried the fact that it had taken almost a decade for action. A pragmatic observation was that of Stanislaw Krajewski, chairman of the Polish Council of Christians and Jews and a consultant to the American Jewish Committee. “It is a pity that it required the highest authority to make things move,” said Krajewski, “but it shows the Church can handle the matter after all.” AJCommittee's James Rudin characterized the action as a “vital effort of reconciliation” between Catholics and Jews.

The last chapter of the story, however, was yet to be written. It was learned in July that Mother Therese, the mother superior of the convent, had leased the now vacant convent building, which abuts the death-camp site, to an obscure Polish nationalist group known for its anti-Semitic rhetoric, the Society for the Victims of War, for conversion into a memorial to the Polish victims of World War II. (The nuns have a 99-year lease with the town of Oswiecim, which has jurisdiction over the building; the lease stipulates that the building may be used only as a convent.) Local authorities, with the support of Bishop Rakoczy, sued the mother superior. Jewish groups agreed not to intervene in the case, which by year's end had not been resolved.

By July, however, the last of 13 nuns remaining at the convent moved to either the new Center for Information, Meetings, Dialogue, Education, and Prayer, or to another convent. Thus, one of the most disturbing incidents in postwar Jewish-Catholic relations drew to a close. It is worth noting that, throughout the years of the controversy, support for the Jewish position by the National Conference of Catholic Bishops and local American Catholic individuals and groups remained steady.

Protestant-Jewish Relations

A major area of contention between national Protestant groups and Jews, the policies of the government of Israel, diminished in intensity as a result of the
Israel-PLO Declaration of Principles signed on September 13. Analysts cautioned, however, that this area could reemerge as a “flash point” in relations as Protestant and Jewish groups monitored implementation of the agreement over the next few years.

An irritant was resolved in June when producers of Jesus Was His Name, a multimedia “passion play,” agreed to eliminate offensive and inaccurate material. While Jewish groups applauded the move — a number of groups had been involved in negotiations with the producers of the play — the ultimate judgment was expressed by the American Jewish Committee’s James Rudin: “Passion plays, of whatever the form and however modified, are simply no good.” The play, a commercial production not related to any church group, was on tour during the spring, summer, and autumn in 32 cities in the United States, Mexico, and Canada.

JEROME A. CHANES
The United States, Israel, and the Middle East

The year 1993 saw a breakthrough in Middle East diplomacy with the signing of an agreement between Israel and the Palestine Liberation Organization at the White House on September 13. It was a year in which the United States continued to play its role of catalyst, trying to bring the warring parties together, even as secret negotiations were taking place between Israelis and representatives of the PLO that would bypass the open process sponsored by the United States. The White House signing dramatically changed the dynamics of the Arab-Israeli conflict, as had the visit to Jerusalem by Egypt's Anwar Sadat 16 years earlier. Like the Sadat initiative, this development involved a limited American role and forced U.S. officials to adjust their approach and policies toward the region.

Deportation Crisis

The year began with the government of Israeli prime minister Yitzhak Rabin still at odds with the outgoing U.S. administration of George Bush and the international community over the deportation by Israel of 415 Palestinian fundamentalists in December 1992. On the ground, a stalemate prevailed. Israel maintained that the deportees were now on Lebanese soil and would not be allowed back until their deportation terms expired in two years. The Lebanese government continued to do nothing that might indicate responsibility for the deportees, insisting that they could only go back home and even refusing them passage through Lebanon to another destination. On January 4, United Nations secretary-general Boutros Boutros-Ghali warned Israel that he would likely recommend that the Security Council take punitive measures unless the deportees were allowed to return home. The next day, an Israel Defense Ministry spokesperson indicated that the government was "standing by its decision," but revealed that Rabin had told Boutros-Ghali that he welcomed a proposal to send a UN envoy to Israel for further discussions.

Israel also announced that it would allow two Red Cross officials to visit the exiles at their tent camp in southern Lebanon. Foreign Minister Shimon Peres noted that Israel was "treating the Security Council and the Red Cross in a serious manner" and expressed hope that "arrangements will be found which will lower this issue from the agenda." His remarks came at a time when Israeli officials were reportedly concerned that Israel could face a new round of UN punitive measures and that President Bush, in the waning days of his presidency, might not try to block a Security Council resolution.

On January 8, Foreign Minister Shimon Peres met with UN envoy Chinmaya Gharekhan and reportedly told him that Middle East peace talks could be under-
mined if the Security Council took new measures, because the Arab delegations might find it difficult to resume negotiations with an Israel that was placed under renewed international censure. On January 10, Rabin met with Gharekhan, telling him that Israel stood by its decision, but adding that "with goodwill there could be solutions to the problem." This comment generated speculation in the media that Israel might consider shortening the period of exile.

Arab foreign ministers meeting in Cairo the same week resisted a call by Yasir Arafat to suspend peace talks until Israel reversed the expulsion. Syrian foreign minister Farouk al-Sharaa went so far as to suggest that bilateral talks with Israel should continue because these direct negotiations with Israel were in the Arabs' best interests. Arab representatives appeared far more eager to embarrass Israel over the affair than to support the fundamentalists, many of whom were seen as threats to Arab regimes. Toward that end, the foreign ministers closed the Cairo meeting with a recommendation that the Security Council impose sanctions on Israel.

Several days later, with no visible progress in the talks, Israel announced that it would let the International Red Cross deliver medical supplies and other aid to the Palestinians as well as bring back a number of Palestinians who, Israel had concluded, were deported by mistake.

The UN envoy returned to Israel for another round of discussions on January 20, this time clearly with instructions to stress the urgency of the matter. He told the press before a meeting with Rabin that the "Council feels that this matter has been delayed long enough and it cannot wait any longer."

On January 20, William Jefferson (Bill) Clinton was inaugurated president of the United States. Reports quickly began to circulate that the new administration was telling Arab governments that it would not support a UN effort to punish Israel. However, with the secretary-general pressing the UN to take "whatever measures are necessary" to make Israel obey the council's demand to readmit the deported, the PLO circulated a draft resolution to ban Israel from human-rights meetings and to prevent foreign companies from doing business with some Israeli enterprises in the territories. Washington, looking to avoid having to cast a veto at the UN, asked the council for more time to resolve the issue through active diplomacy.

U.S. ambassador to Israel William C. Harrop summed up his government's position in a radio interview on January 26. He said that it was "most unlikely that the United States would want to see sanctions" imposed, but added: "We've not used our veto for two years. We don't want to do that, either." He stressed that the Clinton administration wished "to continue a very close relationship with Israel." Harrop's remarks were read to mean that Washington wanted the crisis to be resolved before it was forced to choose between voting against Israel and exercising its veto in the council, an action that had gone out of fashion in recent years as the UN had become a more important vehicle for U.S. foreign policy.

Two days later, Israel's Supreme Court, in a much awaited ruling, unanimously upheld the government's expulsion of the Palestinians, rejecting a call for their return. Acknowledging that the government had erred in the forced midnight move
on December 16 by denying the deportees a right to appeal, the Court said this mistake was not sufficient to overturn the deportations. The decision, expectedly, was praised by Rabin and denounced by Palestinians.

With Washington continuing to press for some progress toward a diplomatic solution, Israel took a decisive step. At a late-night news conference on February 1, Rabin announced that Israel had agreed to send home immediately about 100 of the Palestinians it had deported to Lebanon and to cut the exile period for the remaining 300 in half, to a year. In return, Israel received assurances from Washington that it would block UN sanctions and would try to breathe new life into the stalled Middle East peace talks. Explaining his decision to back down on the expulsions, Rabin said that it was crucial both to avoid UN sanctions, which would “wipe out the chances for peace in the Middle East,” and to start off on the right foot with the Clinton administration, which expected Israel to help it avoid having to cast a veto.

Secretary of State Warren Christopher called the Israeli formula a “breakthrough” consistent with the Security Council resolution demanding the deportees’ immediate return to Israel. As a result of these steps, he stated, the United States believed that further action by the Security Council was “unnecessary and could even undercut the process which is under way.” Although Arab countries and other members of the Security Council criticized the U.S.-Israeli plan as not being in full compliance with the Security Council resolution, the focus in succeeding days moved away from a sanctions proposal. On February 12, the United States and Israel struck a compromise with the Security Council to end debate over the deportation issue. In a statement, the Security Council urged Israel to implement “as soon as possible” the December resolution and stressed the importance of restarting the peace talks. Most important, the council agreed to drop any consideration of the earlier demand by the PLO for economic sanctions against Israel and was not expected even to debate Israel’s failure to comply fully with its orders. The next day, in Jerusalem, Rabin described the Security Council statement as the “formal conclusion” of the crisis that “paves the way for the resumption of the peace talks.”

Palestinians, whether those in southern Lebanon or representatives to the talks, denounced the Security Council agreement, but it was clear that there was nowhere else for them to turn. The Clinton administration had in its first days in office successfully maneuvered a crisis thrust upon it. The focus in the Middle East could now return to the peace process.

Christopher to the Region

With the deportation crisis more or less under control, Secretary of State Warren Christopher announced that he would be making his first trip to the Middle East. The visit was seen as serving three ends: to establish personal relationships; to signal that Washington was serious about playing an active role in reviving the moribund peace talks; and to assess the commitment of the parties to sustained and serious
negotiations. Unlike his predecessor, James Baker, who initially saw little chance for progress in the Middle East and let the parties come to him for the first two years, Christopher decided it was crucial to take the initiative early on.

Before leaving on February 17, Christopher indicated that he had no commitments in his pocket from the Palestinians or their Arab allies to resume talks. Keeping expectations low, he described the visit as "primarily a fact-finding and get acquainted trip for me," and said he "would not expect" his trip to lead to an immediate resumption of the stalled talks. While many Arab and European diplomats reportedly believed that Israel would have to make further concessions on the deportees, Israeli and American officials hoped that the Palestinians could, in time, be persuaded to reconsider, particularly because there were indications that Syria was eager to resume. On the way to Cairo, first stop on the trip, senior officials spoke to reporters in a far tougher way than had the secretary, apparently following the strategy perfected by Baker, who repeatedly made it clear in his Middle East dealings that he was always ready to go home if the parties did not move from their intransigence.

Upon arrival at the Cairo airport, Christopher was greeted with a public appeal by Egyptian foreign minister Amre Moussa that "all of us have to do more in order that the deportees return to their homes very soon." On February 19, the secretary met with President Hosni Mubarak, who said afterward that resuming the talks as soon as possible was important, adding that Egypt did not intend to renegotiate the U.S. formula worked out on February 1. It was widely reported, however, that Mubarak had urged the United States to persuade Israel to use a judicial review process to speed up the return of a significant number of the deportees.

The following day, in Amman, at a news conference with King Hussein, Christopher seemed to support Mubarak's approach. He said that an accelerated appeals process could be the key to resolving the detainee issue, that speeding up the appeals process "could result in a phased return of significant numbers of detainees." The king stopped short of endorsing this approach but said the talks must resume because "the price of failure would be devastating."

More promising was the stopover in Damascus on February 21. After three hours of talks with President Hafez al-Assad, Christopher said he was "greatly encouraged." Syrian foreign minister Farouk al-Sharaa, at a joint news conference with Christopher, said that Syria saw peace as "broader and more important" than the deportee issue because it was "bound to change the face of the region." He strongly endorsed Washington's effort to restart the peace talks as soon as possible and called the question of the deportees "a thorn in resuming the peace process" that had to be removed. In return for Syrian conciliation, the United States offered to intervene more directly in the process: "We intend, if anything, to be more active than the United States has been in the past," Christopher told reporters.

After stops in Saudi Arabia and Kuwait, where he reassured leaders that the administration would not weaken its resolve to carry out all UN Security Council resolutions against Iraq's Saddam Hussein, Christopher made a surprise visit to
Beirut. The first visit by a U.S. secretary of state since that by George Shultz in 1983, it was intended primarily to affirm the administration's commitment to Lebanon's fragile sovereignty as well as to win broader support for the peace talks. Like Egyptian, Jordanian, and Syrian officials who met with Christopher, Lebanese foreign minister Faris Bouez, in comments to reporters, did not insist that the peace talks could begin again only after the deportees were returned. Even though the deportees remained stranded in Lebanon between Israeli and Lebanese army checkpoints, Bouez indicated that his country was committed to resuming the peace talks as soon as possible. None of this was a surprise, since Lebanon continued to be strongly dominated by Syria and in diplomacy carefully followed Damascus's lead.

On February 22, Christopher arrived in Israel, the last and toughest leg of the trip. Israel seemed willing to show some flexibility as an incentive to the Palestinians. Foreign Minister Peres said after seeing Christopher the next day that "deportation is not a policy of the government" and called the expulsions "an exception." Officials also indicated that Israel would speed up its review of Palestinian deportation cases while making clear that the ultimate decision on repatriation was not up to the government but the courts. By contrast, Palestinian spokeswoman Hanan Ashrawi talked tough after a meeting with Christopher: "We are not in the process of making compromises right now on the issue of the deportations." And Dr. Haidar Abdel-Shafi, head of the Palestinian delegation to the talks, said after the first Christopher meeting that UN Security Council resolutions must be implemented and "I don't expect my position will change if the deportees do not come back."

However, on February 24, after meeting again with both sides, Christopher expressed optimism, telling reporters that, despite obstacles, "all the parties want the negotiations . . . to resume and succeed at an early date." Part of this cautious optimism came from the softened response of the Palestinians as Ashrawi now indicated that the deportee problem would not be the only factor in the Palestinians' decision to consider resuming talks: "We are dealing with deportations, we are dealing with the legal issues, we are dealing with human rights issues, we are dealing with political issues. So we are not reducing the whole situation only to one issue."

The main outcome of Christopher's first Middle East trip seemed to be a U.S. decision to adopt an aggressive diplomatic approach to the region, in light of the fact that the parties themselves were open to an American mediating role concurrent with the peace talks.

U.S. Invitation to Return to the Talks

Trying to build on the general support for the peace process, on March 10, in Washington, Christopher announced at a news conference with Russian foreign minister Andrei Kozyrev that the peace talks were scheduled to resume on April 20. Brushing aside negative statements by Ashrawi and Abdel-Shafi, Christopher said he believed "all the parties would come." Unspoken was the widespread belief that the Palestinians feared a separate Syrian-Israeli agreement should they stay out
of the talks, a development that would dramatically weaken their bargaining posture. For his part, Rabin, only one day before his departure for the United States for a meeting with President Clinton, predicted that the Palestinians would respond to the U.S.-Russian call, which would make it "very difficult for all the Arab parties to refuse to come."

Before leaving for his ten-day visit to the United States, Rabin told American reporters that one goal of his talks with the president and other officials would be "to fully understand the meaning of the statement by the United States of being a full partner." On the one hand, he acknowledged, no Israeli-Arab agreement had ever been reached without Washington's involvement. Citing the Camp David accords, he said that while he did not believe that process should be repeated, neither would he say that it was a bad model. On the other hand, as other Israeli officials indicated, there remained the ever-present concern that U.S. involvement could turn into direct pressure to sign an agreement that was not in Israel's best interests.

On the subject of Syria, Rabin said Israel was willing to pull back its armed forces to "secure and recognized boundaries" on the Golan Heights, but would "not negotiate the geographical dimensions of the withdrawal before we know what we're getting for it." He talked of the need for "open boundaries for movement of people and goods, diplomatic relations . . . and policies by the two governments that will encourage normalization of relations between people."

On March 15, President Clinton and Prime Minister Rabin met in the White House. By all accounts, the meeting was successful in strengthening U.S.-Israeli relations, in establishing personal ties, and in clarifying issues. At a press conference following three hours of talks, Rabin said, "Israel has a friend in the White House." Concerning the resumption of talks, Clinton expressed optimism: "Obviously there are difficulties, and there are those who would prefer it not be done, but I think we have a real shot." In addition, the president pledged to maintain U.S. aid levels to Israel and its military strength and called for an end to the Arab boycott.

Meanwhile, Israel was reeling from its worst wave of Arab violence in years, with stabbings and shootings taking place almost daily. By March 19, eight Israelis had been killed and another ten stabbed or shot. Faced with an outraged public, Rabin cut short his trip and returned home to deal with the problem. On March 30, after two Israeli policemen were killed, raising the number of dead that month to 15, the government announced that it was indefinitely closing off the territories and relaxing the rules under which soldiers were allowed to fire at armed Palestinians. On national television, Rabin urged Israelis to stand firm in "an all-out war against terrorism."

The outrage and fear arising from the stabbings were clearly weakening the government's efforts to move forward in the peace process. At the same time, the firm response was widely seen as essential to restoring faith that the government would protect its citizenry, and that the peace process would not come at the expense of security. However, Palestinian leader Faisal al-Husseini called the closings "a new obstacle to the peace process," and Hanan Ashrawi said that it was
"transforming the entire occupied territories into a massive collective prison and increasing resentment and bitterness."

Despite the violence, the invitation to restart the negotiations in April remained on the table. Egyptian president Mubarak, after his meeting with President Clinton in Washington on April 6, promised to invite Arafat to meet with him in Cairo upon his return to Egypt a few days hence. Mubarak said he would tell the Palestinian leader that "... the world isn't going to be focused on the Palestinian problem forever. ... If [the Arabs] don't help them by focusing on the negotiations, the Americans will be fed-up."

Momentum toward restarting the peace talks built in the days ahead. On April 10, Faisal Husseini, in Tunis, told Israel Army Radio that the demand for immediate repatriation of the deportees was no longer a condition for rejoining the talks. The same day, Shimon Peres indicated on Israel Radio that Israel would consider allowing Husseini to participate directly in the negotiations, something Israel had rejected in the past because of its insistence that Arabs from East Jerusalem be excluded. Peres acknowledged that Husseini was the man the United States "is negotiating with and talking with, and we have accepted the fact." Agreeing to deal with Husseini, Peres added, did not mean any change regarding Jerusalem, about which there was a clear decision, "namely, that Jerusalem will remain united as the capital of Israel under Israeli sovereignty."

On April 14, when Rabin and Mubarak met at Ismailia, optimism was in the air. In addition to the possibility that Husseini would be allowed to participate, Israel was reportedly considering the return of some Palestinians expelled between 1967 and 1987 and committing itself not to deport others in the future. However, four days before the talks were to resume, the optimism dissolved. Hanan Ashrawi, in Washington for meetings with officials, hinted that negotiations would have to be postponed, referring to the continuing issue of the deportees, the question of other Palestinians deported since 1967, and the sealing off of the territories. American officials, caught by surprise, indicated that Palestinian interests would best be served if the talks resumed as planned. The following day, Egyptian foreign minister Moussa confirmed that Arab participants — responding to Palestinian concerns — had requested a postponement of the talks, while making it clear that the Palestinians did not intend to pull out of the talks.

With Arafat and Assad meeting in northern Syria on April 19 — the first meeting between them in more than a year (because of the PLO leader’s critique of Assad’s peace moves toward Israel) — Secretary Christopher urged the Arab leaders to give a green light to the talks and said that he anticipated only "a relatively minor delay" of not more than a week.

On April 21, Arab governments and the Palestinians announced in Damascus that they would resume talks in Washington on April 27. The Arab declaration, read by Farouk al-Sharaa of Syria, was seen as the product of an intense diplomatic campaign by the United States, Egypt, Syria, and Saudi Arabia, as well as concessions by Israel. Christopher, in a hastily called news conference following the Arab
announcement, commended the Palestinian decision as “courageous”; he called on Israel to “address the conditions that the Palestinians face” in the territories and described the deportations as “counterproductive.” In the days following and leading up to the talks, Israeli foreign minister Peres spoke optimistically in media interviews about reaching an autonomy agreement in the coming rounds and indicated that more forthcoming Israeli proposals could be expected in Washington.

Bilateral Talks Resume (Round Nine)

On April 27, after a four-month hiatus, talks resumed at the State Department in Washington. As in the earlier rounds, Israeli negotiators held separate talks with their Syrian, Jordanian, Lebanese, and Palestinian counterparts. To symbolize the unity of purpose upon renewal of the process, Christopher brought together all the heads of the delegations for a session in front of photographers and reporters, the first time all the parties had sat down in the same room since the talks began in October 1991 in Madrid. Stressing that “direct negotiation is the only way to achieve peace,” the secretary called on the parties to “focus on the substance of the negotiations — not process, not procedure, but to get down to the real substance of the negotiations.”

The following day, reflecting the administration’s growing fear that the negotiations could break up if progress toward autonomy were not made quickly, Assistant Secretary of State for Near Eastern Affairs Edward Djerejian told the House Foreign Affairs subcommittee on Europe and the Middle East that further delay “can be very dangerous.” He noted that the Palestinian delegation was losing support in the territories to radical opponents of the talks such as Hamas, the Islamic fundamentalist group. As for the United States, Djerejian said that the administration felt it “must adopt a more active role of being with them and introducing ideas, giving our views on a daily basis, if necessary, on how the gap can be bridged,” noting that the United States would “do everything but sit at the table,” since that was prohibited by the ground rules of the peace process.

As the talks proceeded, Israeli and Palestinian negotiators began to speak more positively in public, hoping to counter rising Islamic influence in the territories. Hanan Ashrawi, on April 30, said that “we are seeing broad indications that things are different” and “we have room to expect progress.” She cited as good signs the setting up of working groups on self-rule, human rights, land and water control, and Israel’s offer to regularize the residency of thousands of Palestinians who had returned to the territories from living abroad, had married and settled there. She also expressed satisfaction with the more activist role the administration had taken in the talks.

In another positive sign, the Arab delegations agreed on May 5 to extend the talks for the current round beyond the May 6 deadline. Although the move was hailed by the State Department, it preferred to go even further, to shift the talks into continuous session. As an incentive, the State Department announced that it would
make available $14 million to help create jobs for Palestinians in the territories. Meanwhile, the Palestinians continued to push for an even greater U.S. role, Ashrawi saying that the Arabs believed the time was approaching “when the Americans must come into the negotiating room as mediators.”

It did not take long, however, for the mood to turn sour once again. The Palestinians began accusing Israel of failure to speed up the return of the deportees or to address human-rights and self-rule issues. On May 10, Arafat announced from Tunis that the PLO had cut the Palestinian negotiating team from fourteen people to three, in protest. Three days later, the ninth round of peace talks ended with no progress. This, despite the fact that the United States engaged in intense intervention in an effort to get the Israelis and Palestinians to agree to a statement outlining Palestinian self-rule. The failure to achieve agreement on the proposal was seen as a setback for the administration, which had hoped that by playing an active role of “full partner” it could help bring about results.

After the round ended, Christopher once again defined the limits of the U.S. role: “We can only go so far in this endeavor. It’s up to the parties as to whether or not they want our help. We’ll be there if they want our help but we can’t do it for them.” Meanwhile, Djerejian tried to focus on areas of progress, including the formation of three Israeli-Palestinian working groups, and the willingness of the Israelis and Palestinians to consider the American paper. Haidar Abdel-Shafi saw the U.S. promise to be a “full partner” in a very different light, arguing that the United States must “force Israel, as the offending party, to comply with the terms of reference,” adding that Washington had not done so to date. Clearly, the administration did not see its role in such a one-sided manner.

**Round Ten**

On June 7, the State Department announced that it had invited the Arabs and Israelis to return to Washington on June 15 for the tenth round of talks. The announcement followed an Arab foreign ministers’ meeting in Amman, where it was decided that the delegations would attend a new round. Two days before the talks resumed, Yitzhak Rabin indicated that he anticipated no breakthroughs, but neither did he expect a collapse of the process: “We’ll have to continue in another round and in another round. Even in peace, patience is required.”

The talks reconvened on the 15th with considerably less optimism than at the outset of the previous round. The Palestinians were described as pessimistic, Israel as still grasping for any positive sign, and the United States as continuing to look for a formula to push the process forward.

On the Syrian side, the only development was a comment by Secretary Christopher to reporters that the United States would consider providing security in the Golan Heights if Israel withdrew as part of a peace agreement. His comment was seen as an effort to stir the pot, as Israel continued to raise the issue of future security arrangements on the Golan Heights.
On June 18, President Clinton met at the White House for the first time with King Hussein, who was in the United States for medical treatment. The president used the occasion to pledge a renewed U.S. effort to achieve a breakthrough in the talks. In that regard, he announced that he had named Edward Djerejian to be the next U.S. ambassador to Israel and Dennis Ross as special coordinator for the peace talks, describing them as "talented diplomats working to ensure that the process continues to move forward." He called it a "crucial time" for the process.

As the tenth round wound down late in June, with no substantial progress in sight, both sides were reportedly expecting American action, including a proposed statement of principles to bridge the gap, and a possible visit to the Middle East by Dennis Ross for consultations.

U.S. Proposals

On June 30, reflecting a growing perception that the direct negotiations between the parties in Washington were not sufficient, the administration announced what was described as America's "boldest intervention" in the 20 months of the negotiations. First, the United States presented to the parties an informal working paper. Unlike the one drafted in May, which was merely an effort to put on paper areas of common ground, this introduced new ideas, reportedly suggesting that the Israelis and Palestinians move away from discussions of territorial jurisdiction in the territories and focus instead on government functions the Palestinians could control, including health, education, and police activities. The document also reportedly allowed for discussion of the final status of Jerusalem, a key Palestinian demand, but only after negotiations over the permanent status of the territories had begun.

Second, the State Department announced that senior officials would shortly go to the Middle East to try to persuade leaders to break the deadlock. Included in the delegation would be Dennis Ross, Martin Indyk, senior Middle East specialist at the White House, and others, with Secretary of State Christopher waiting in the wings to assess the outcome of the initial visits. State Department spokesman Michael McCurry stressed the necessity of moving the talks to a higher level in other capitals: "We are seeking additional authority to help the parties move beyond familiar positions. That authority lies at a political level and could involve conversations that would occur at a level — at a political level outside the context of the delegations themselves."

The Palestinian reaction was to play down the initiative. Ashrawi cautioned that her team would reject any proposal that did not include a discussion of Arab East Jerusalem. Concerning the Ross trip, she said, "I don't think of trips to the region as an end in themselves. It depends on what they have to say."

On July 1, as the tenth round of talks came to a close, criticism of the American draft paper emerged from both sides. In strong language, Israel's chief negotiator with the Palestinians, Elyakim Rubinstein, said that Israel was "very displeased with the changes that appeared in the American proposal." He referred to the call
for discussion about the final status of Jerusalem. For their part, the Palestinians were particularly unhappy with wording that in their view seemed to put Israel on an equal footing with them on the issue of sovereignty in the territories, as well as the language deferring the transfer of authority to Palestinians in the territories to a second phase of negotiations. Secretary Christopher, in an interview, tried to play down the significance of the criticism: “Not to our surprise those ideas have not been immediately accepted by either party. The essence of being an intermediary or an honest broker is to present ideas which neither party may regard as wholly satisfactory. But we hope they’ll be stimulating and provocative, and may help provide a middle ground.”

Three days later, in an unusual attack on U.S. policy, Rabin accused the administration of yielding to Palestinian pressure with its latest proposal. The prime minister said he was “disappointed” with the new American paper, pointing out that the Palestinians “attacked the first paper,” and the United States changed. He said that “as a matter of principle we could not, and we will not, tolerate such a development, because the meaning is that every American paper will be subject to an attack and it will be changed.” At the same time, Rabin seemed approving of a greater U.S. role, noting that he “didn’t believe, from the very beginning, that the Madrid format is the best one.” Meanwhile, appearing the same day on “Meet the Press,” Christopher warned that the United States might halt its active role “if the parties don’t want our assistance, if they really don’t want us to play this role.”

On July 8, the U.S. delegation, led by Ross, arrived in Israel and met with Rabin. The meeting, overshadowed by a fresh outbreak of violence in southern Lebanon, where two Israeli soldiers were killed and three wounded in a bomb blast, was described by Ross as trying to “narrow the gaps” between the sides. The controversial U.S. position paper was reportedly a major issue in the discussion.

After stops in Syria, Egypt, and Jordan, Ross and his group returned to Washington on July 15, with no breakthroughs to report. Although comments by the State Department reiterated the belief that success or failure had to be measured over time, Washington’s impatience over the lack of progress erupted the very next day. Even as Christopher announced that he would visit Cairo, Jerusalem, Amman, and Damascus from August 1 to August 6 on his way home from a trip to Singapore and Australia, State Department spokesman McCurry told reporters that if no progress were made in the peace talks by the end of the year, “you really have to assess at that point whether it’s wise to continue to use the resources of the United States and, specifically, the good offices of the Secretary to help the parties.”

Before leaving on his trip to Asia and the Middle East, Christopher told a news conference that the United States had rejected Palestinian demands that the talks be expanded to include their desire for an independent Palestinian state with East Jerusalem as its capital: “The United States believes . . . that we’re now dealing with the interim self-government authority and that the focus should be on that.” Summing up his approach, he said that “the United States role is to try to help them, not take over the negotiations.”
Conflict in Lebanon

As Christopher embarked on his trip to Asia on August 1, conflict mounted in southern Lebanon, with Israel engaged in the heaviest bombing of the area since the 1982 war. After seven Israeli soldiers were killed, Israel launched artillery and air assaults on villages in southern Lebanon. Rabin made clear to the Knesset that Israel's purpose was to drive the villagers north toward Beirut in an effort to force Lebanon's government and its Syrian backers to disarm Hezbollah guerrillas. With reports of 120,000 people fleeing north, President Clinton summoned Christopher home to discuss both the Bosnia crisis and the Lebanese conflict. In remarks to reporters, the president pledged that he would not allow the violence in southern Lebanon, which had left many dead and many refugees, to derail the American-led initiative to make peace. The Christopher mission, he said, was still on. Concerning the conflict in Lebanon, Clinton praised the Syrians for having "shown commendable restraint so far," referring to Syria's not striking back against Israel for the death of six Syrian soldiers in Israeli attacks. The White House appeared to be engaging in a dual approach to Assad — embracing him as a responsible partner for making peace, while castigating him as a sponsor of terrorism.

The following day the president called on Israel and militant Muslim guerrillas in Lebanon to stop the fighting and urged Syria to play a role in the effort. "I think Hezbollah should stop its attacks, I think Israel should stop its bombardment, I think Syria should go from showing restraint to being an active participant to try and stop the fighting," he said.

On July 31, after seven days of Israeli air attacks, Hezbollah and Israel agreed to a cease-fire brokered by the United States. Reports indicated that Christopher had played the key role as go-between in dealing with the governments of Lebanon, Syria, and other parties. Israeli officials claimed that the final decision to rein in the pro-Iranian guerrillas was made in Damascus and Teheran. On August 1, after intense U.S. diplomatic activity, the cease-fire went into effect, ending seven days of the fiercest Israeli assaults in Lebanon since 1982. Peres described the cease-fire as the "removal of a very big mine in the middle of the path of the peace process."

Christopher's Renewed Efforts

Christopher's brief tour of Mideast capitals sparked flashes of optimism but produced little that was concrete. Arriving in Egypt on August 2, Christopher told reporters, after meeting with President Hosni Mubarak, that "the situation in Lebanon, perhaps paradoxically, has given a new burst of energy to the negotiations." He said the two had "agreed that recent events there can serve as a reminder to all parties that the Arab-Israeli negotiations can quickly deteriorate if we do not take this moment for peace-making." However, both in Egypt and in Israel the following day, Christopher cautioned reporters not to expect any breakthroughs, and it was widely reported that he was not bringing any new ideas to help get the peace talks back on track.
Rabin said after his 80-minute meeting with Christopher that Israel was “ready to make compromises, take calculated risks to advance the course of peace.” On the Palestinian side, Hanan Ashrawi, after a two-hour meeting, expressed opposition to piecemeal approaches to autonomy, or “early empowerment,” an idea the Israelis had been talking about, and said talks should focus instead on negotiating a Palestinian confederation with Jordan, “because then you can talk about an objective or goal and you can construct a road map toward that goal.”

After meetings with Assad and al-Sharaa in Damascus on August 4, Christopher expressed confidence that Middle East negotiations were back on track: “I think we have salvaged this process.” His comments referred to the fact that he had received public commitments for continuation of the talks from Israel, the Palestinians, and Syria. Both Syria and Israel reportedly encouraged the United States to become more actively involved in the Syrian-Israeli side of the negotiations, the recent fighting in Lebanon convincing both of the need for a stepped-up U.S. role. Observers speculated that the talks might resume in Washington in early September.

The last scheduled stop for Christopher was Lebanon, where he intended to show that “America cares about Lebanon.” Traveling in an armed motorcade from Damascus to Zahle, in the Bekaa region of Lebanon, he met with President Elias Hrawi, Prime Minister Rafik al-Hariri, and Foreign Minister Faris Bouez. Afterward, he said that he had urged the Lebanese to stay with the peace process.

Instead of returning home, Christopher backtracked to Jerusalem on August 3 and then to Damascus. Reportedly, Christopher brought Rabin a message from Assad containing “certain good news.” Later, after Rabin asked the secretary to stop off in Damascus on the way home, speculation mounted about the possibility of a major new development. However, U.S. officials dampened expectations, speaking of “signs of an improving atmosphere” rather than specific changes in the negotiating positions of the two sides.

Back in Washington, Christopher sought to build momentum for renewed talks. On August 12, it was announced that the United States and Russia had invited the parties to resume talks in Washington at the end of the month in hopes of grinding out even “millimeter-by-millimeter” progress. In a television interview, Christopher said he saw a “dim light” at the end of the tunnel, which was “way out there, and I think we ought to pursue it very hard.”

**PLO-Israel Breakthrough**

With talks scheduled to resume on August 31, there was much speculation that this time real progress could be in the offing. Rumblings were heard in various quarters of a new opening, a “Gaza and Jericho first” proposal, reportedly embraced by Arafat. Also in the air were rumors of secret meetings between Israelis and the PLO to produce the outlines of a deal. Ashrawi spoke of “a new course of events,” while playing down prospects for an immediate breakthrough.

On August 28, adding to the speculation that something important was going on, Israeli foreign minister Peres made an unannounced trip to California to meet with
Secretary Christopher. The State Department reported that they met for four hours, blandly noting that they "previewed ideas that will be developed" at the resumption of talks. Reports leaked out, however, that Peres was seeking U.S. help in negotiating an agreement that would give Palestinians self-rule initially in Gaza and Jericho, a plan that Peres had discussed in Norway the week before with a top PLO official.

On August 28, the first confirmed reports came out of Jerusalem that Israel and the Palestinians had in fact held secret talks in which they had agreed, in principle, that the Palestinians would gain authority over Gaza and Jericho as the first step toward self-rule in the territories. The following day, Israeli and Palestinian officials made clear that the agreement would also lead to mutual recognition between Israel and the PLO.

As the story was revealed of months-long secret negotiations in Norway, the role of the United States in the process became a subject of differing interpretations. Some played down the U.S. role, suggesting that Christopher's visit to the region had had a far greater impact on Syrian-Israeli talks than on the Palestinian negotiations. Others claimed that when the secret talks were slowing down, Christopher's visit revived the momentum because Arafat was fearful of Israeli-Syrian progress.

State Department spokesman McCurry indicated on August 30 that Christopher was kept informed of the secret talks but neither "encouraged nor discouraged" the contacts. There was some speculation that Washington had not been too happy about the talks and about being left out of the picture. For his part, President Clinton, at a photo session in the White House on August 30, welcomed the proposed accord: "I am very much encouraged by what has happened there and very hopeful." Asked whether the United States would now talk with the PLO, the president responded ambiguously, suggesting that there might be a "new and different landscape" to reconsider but that it was "hypothetical."

The Israeli and Palestinian delegations resumed their talks in Washington as scheduled on August 31, but U.S. officials indicated that the real action was going on secretly in Europe, where Israeli and PLO officials were drawing up statements of mutual recognition. On the question of American policy vis-à-vis the PLO, Christopher stated: "There's been no change with respect to our policy on the PLO at the present time. On the other hand, this is a rapidly changing environment, and we're following developments very closely." On the subject of U.S. assistance, he said: "It's clear that the early empowerment aspect of the agreement will require some funding to be carried out, and we will be glad to assist to develop sufficient funds for the Palestinians to carry out their responsibilities under the agreement." Christopher elaborated his views on the matter of funding on National Public Radio: "The United States will participate in the matter, but the funds, I think, will primarily come from others. Many in the Middle East have got a large stake in trying to make this successful. The Gulf countries, countries around the world, I think, will be interested in participating. The United States, as usual, will do its part."

While Israeli and PLO diplomats continued to negotiate the terms of an accord,
the United States moved to the sidelines. On September 2, at a photo session with Russian prime minister Viktor Chernomyrdin, Clinton was cautious: "We've been up the hill and down the hill before with the Middle East, but these people are really working at it, and I think their hearts as well as their minds are in it. I think we should keep our fingers crossed. We're just a sponsor of this process. They will have to make the agreement, and I think there's reason for hope."

While the Israelis and PLO were moving ahead without Washington, the United States was concerned that Assad might try to sabotage the new accord. Reportedly, immediately after Peres informed Christopher of the agreement with the PLO, the secretary telephoned Syrian foreign minister al-Sharaa, and the president was said to have followed up with a letter to Assad. American policy was described as a delicate balancing act — trying to keep the Syrian president in line by making clear that there could be progress on the Golan issue, but without pressuring the Rabin government to ask the Israeli people to consider withdrawal on two fronts at the same time.

The United States was also contributing on the Israel-PLO front. On September 5, it was reported that the president had sent letters to the leaders of nine Arab states: Egypt, Syria, Jordan, Saudi Arabia, Morocco, Yemen, Kuwait, Lebanon, and Tunisia. The letter urged strong public and private support for the tentative agreement and characterized the accord not only as an important breakthrough on the Palestinian problem, but also as a catalyst for resolving other outstanding issues. Still, the administration found itself in the uncomfortable position of watching from the sidelines as the negotiating process unfolded without U.S. help or major involvement. Rather than its more accustomed role of "honest broker," the administration was now playing the role of protocol chief, as it offered to organize a signing ceremony for the agreement, to be held in Washington on September 13.

On September 7, amid reports of disputes between Israeli and PLO negotiators, Nabil Shaath, a senior aide to Arafat, said in Washington that the two sides were on the verge of an agreement. The major remaining issue was the form in which the PLO would disavow portions of its charter calling for Israel's destruction. Said Shaath, "We are in the homestretch. We are just looking for a word or two, something that would allay Israeli fears, but at the same time not strike at the constitutional complications of changing a charter. The issues now are purely logistic, purely linguistic, not political at this stage. There are no second thoughts."

On the important economic front, the United States was more active. While a deal was yet to be worked out, the administration was leading an effort to round up pledges of large-scale assistance. Secretary Christopher, according to reports, had already conferred with leaders of Japan, several European nations, and the wealthy oil-producing states about providing aid. An early consensus was developing that the success of any peace plan could depend in large measure on providing the Palestinians with billions of dollars in aid. A World Bank report, which was to be released later, indicated that the territories would need $3 billion over eight years to meet basic needs like improving water and health care. Palestinian economists
indicated that this figure was inadequate, that an additional $6 billion would be needed to build housing and develop local industry.

Finally, on September 9, Israel and the PLO exchanged letters, officially recognizing each other and accepting self-rule for Gaza and Jericho. In his letter to Rabin, Arafat said that the PLO recognized Israel's right "to exist in peace and security," renounced "the use of terrorism and other acts of violence," and committed itself to disciplining any of its loyalists who broke this pledge. Rabin wrote to Arafat that, in light of these Palestinian commitments, his government had "decided to recognize the PLO as the representative of the Palestinian people and to commence negotiations with the PLO within the Middle East peace process." It was announced that a signing ceremony for the accord on self-rule would take place at the White House on Monday, September 13. President Clinton, on a visit to Cleveland, gave his endorsement after a telephone conversation with Rabin: "This is a very brave and courageous thing that has been done."

On September 10, in Tunis, Arafat signed the letter on behalf of the PLO; ten hours later, Rabin, in Jerusalem, signed the letter on behalf of Israel. Arafat's letter included a call for a "normalization of life." Rabin called the signings an "historic" moment that hopefully would bring an end "to 100 years of bloodshed and misery between the Palestinians and the Jews, and Palestinians and Israel."

Speaking from the White House on September 10, Clinton announced that the United States would resume contacts with the PLO. On the purely practical side, this would enable PLO representatives to attend the signing ceremony in Washington. The following day, the president, in Houston, announced that Rabin and Arafat would themselves come to Washington for the signing. He said that the ceremony would "heighten the atmosphere and reinforce the determination for peace." And Christopher told an Israeli television interviewer that their joint presence "gives greater substance to the agreement and is another bit of insurance that it will be carried out."

On the same day, September 11, the president gave a wide-ranging interview on the peace process to the New York Times. He indicated that King Fahd of Saudi Arabia had told him in a telephone conversation the day before that, despite lingering Saudi wrath at the Palestinians over their support for Saddam Hussein, the Saudis would be ready to contribute funds and raise money from the other Gulf states for the Palestinian entity in Gaza and Jericho. Clinton expected American economic contributions to be modest and looked to aid coming mostly from Japan, the European Community, Scandinavia, and the Gulf states. He also indicated that, in a 30-minute telephone conversation with Assad, the Syrian president expressed a readiness to endorse the accord but said that it had to be followed up by a breakthrough on the Syrian-Israeli track.

Concerning the question of a Palestinian state, Clinton said that while the administration still opposed it, Israelis and Palestinians would have to decide the matter, and his policies would be strongly influenced by what they decided. Above all, he focused on Israeli public opinion as the key to the process. He stressed that because Israel was the country that would have to trade tangible security assets for promises,
the people had to be made to feel secure: "One of the things that I really hope to do . . . by hosting the event on Monday is to reassure the people of Israel that the United States is committed to their security, that we see this as a huge emotional, psychological, as well as practical, step toward giving them a more normal life." At the same time, he made clear that he was not trying to diminish the Palestinians' needs, acknowledging the "depths of the yearning of the Palestinians for peace, and a normal life. . . ."

Arafat arrived in the United States the day before the signing and was greeted at Andrews Air Force Base outside Washington by Assistant Secretary of State Djerejian. It was noted widely that the day after the ceremony Rabin would have a private meeting in the White House with Clinton, while Arafat would not. The administration made clear, however, that this was not intended as a rebuff to Arafat, but rather reflected the difference in the official relationship. The same day, Clinton said that he saw the agreement as a way to "lift the confidence of people all over the world in the ability to solve seemingly intractable problems," and stressed his desire for "the American people to understand that their country had something to do with bringing this day about."

**The Signing Ceremony**

On September 13, in front of some 3,000 guests on the South Lawn of the White House and a worldwide television audience, the PLO and Israel signed a framework for peace. Although it was Foreign Minister Peres and PLO official Mahmoud Abbas who signed the Declaration of Principles for establishing Palestinian self-rule in Gaza and Jericho, the world's attention was focused on Yitzhak Rabin and Yasir Arafat, on their remarks, and on their handshake — however hesitating — at ceremony's end.

Arafat spoke of the "tremendous difficulties which are still standing in the way of reaching a final and comprehensive settlement." He pledged that the PLO from then on would use peaceful negotiation, not terrorism or violence, to pursue its dream of a fully independent Palestinian state that would encompass the territories and East Jerusalem as its capital. He called the fulfillment of the right to self-determination the "strongest guarantee to achieve coexistence and openness between our two peoples and future generations."

Rabin, in a stirring oration, focused on reconciliation and hope for a new beginning: "Let me say to you, the Palestinians, we are destined to live together on the same soil in the same land. We, the soldiers who have returned from battles stained with blood; we who have seen our relatives and friends killed before our eyes; we who have attended their funerals and cannot look into the eyes of their parents; we who have come from a land where parents bury their children; we who have fought you, the Palestinians, we say to you today in a loud and clear voice: Enough of blood and tears. Enough." And he added: "Ladies and gentlemen, the time for peace has come."

President Clinton praised both leaders for their "brave gamble that the future can
be better than the past." He called the day "an extraordinary act in one of history's defining dramas," seeing it as the most important milestone in Middle East peace since the Israel-Egypt peace accord brokered by Jimmy Carter 14 years earlier. That comment, coupled with the appearance on the White House lawn of row upon row of American political and diplomatic leaders who had worked for years to try to resolve the conflict, highlighted the significant role played by the United States in all the major diplomatic developments in the region.

After the Signing

The day after the historic White House ceremony, Clinton sought to build on the optimism generated by the event. "I'm looking forward to beginning work immediately on the United States' part of implementing this agreement," he said. Apparent confirmation of this intention was a report that Christopher had cabled about a dozen U.S. embassies in Europe, Asia, and the Arab world on the night of September 13, instructing them to raise money from their host governments for an American-led fund to help Palestinian self-rule.

Meanwhile, Christopher presided over a ceremony at the State Department on September 14 in which Jordan and Israel signed a document containing rules to govern talks leading toward normal relations. Commenting on the agreement, the secretary said: "Yesterday I expressed the hope that we could see progress toward a comprehensive peace between Israel and all her Arab neighbors. Today we take a very important step toward that comprehensive peace. . . . We believe today's agenda, which has not been finalized, will give a strong momentum to the other negotiations."

A further American step in support of the agreement took place the following day when Clinton telephoned Hafez al-Assad, who was reported to be somewhat unhappy. As one unnamed Syrian official put it: "How do you think President Assad felt watching Yasir Arafat received at the White House while Syria is still on the State Department's terrorism list?" Clinton reportedly assured the Syrian leader that Washington was committed to fostering Syrian-Israeli negotiations over the Golan Heights. At the same time, he also asked him to rein in Palestinian hard-liners and terrorists based in Damascus who were opposed to Arafat. Assad was said to have told Clinton that the important thing was not the opposition of Palestinian radicals to the accord, but the fact that Syria was not opposing it and had even sent its ambassador in Washington to the signing ceremony. Clinton, according to officials, countered that the hard-line Palestinian factions could undermine support for Arafat and send the wrong signal to the Israeli public about Syrian intentions.

The following day, Syrian information minister Mohammed Salman said that Syria regarded in a positive light the assurances from Clinton that the United States would work to achieve a comprehensive agreement, "to exert the role of the full partner on all the tracks." The minister and the Syrian press, however, failed to mention that the Clinton call also contained an appeal to Assad to curb the radical Palestinians in Damascus.
In Israel, on September 23, after three days of rancorous debate, the Knesset approved the PLO accord: 61 for and 50 against; 8 lawmakers, including 3 in the opposition Likud party, abstained.

Keeping the momentum going, delegates from 43 nations met in Washington on October 1 and promised about $2 billion in aid over five years for the West Bank and Gaza. At the State Department, where the conference was held, Christopher said that the nations had to help the Palestinians "demonstrate the tangible benefits of peace, and we must do so quickly if the advocates of peace are to be strengthened and the enemies of peace are to be isolated and discredited." For its part, the administration pledged $500 million over five years, three-quarters in grants and one-quarter in loans and loan guarantees from the Overseas Private Investment Corporation. Israel pledged a grant of $25 million and a loan of $50 million. Others who pledged funds were Saudi Arabia — which for the first time seemed to put aside its anger at the Palestinians for supporting Iraq in the Gulf War — promising $100 million over the first year; the European Community, $600 million over five years; and Japan, $200 million over two years. All this came after a World Bank assessment that the Palestinians needed $400 million in the first year and $475 million in each of the four subsequent years.

In opening remarks to the conference, Vice-President Al Gore asserted that the Arab boycott of Israel had "no place in a world seeking peace." In response, PLO executive committee member Yasir Abed Rabbo said the boycott should remain until Arab nations recognized Israel and a number of disputes were settled, including the competing claims of Israel and the Palestinians over East Jerusalem.

On the same day, the administration further demonstrated its determination to adjust to the new realities and to continue to play a bridging role to the parties when Clinton hosted Foreign Minister Peres and Jordanian crown prince Hassan. After the meeting, the president escorted the two leaders to the South Lawn where each addressed a small group of reporters on plans to set up committees to promote economic cooperation between their countries. Clinton told reporters that the open meeting "symbolizes a new relationship between Jordan and Israel, marked by dialogue and acceptance rather than confrontation and rejection." He also announced that the United States, Jordan, and Israel would form a working group to coordinate economic development between Israel and Jordan.

On October 5, Foreign Minister Sharaa made the first visit to Washington by a senior Syrian official in nearly 20 years. He proposed that he meet the president, to help to advance the peace process; however, no such meeting took place.

Meanwhile, the process moved forward in the Middle East. On October 6, Rabin and Arafat met in Cairo to coordinate the transition to Palestinian self-rule. Five days later, the PLO's Central Council, meeting in Tunis, ratified the peace accord, 63 – 8, with 9 abstentions.

While talks with the PLO over Gaza and Jericho soon bogged down, rumors about progress elsewhere multiplied. One in particular grew out of a Peres comment on Israeli television: "Remember the third of November." This remark was widely interpreted as signaling a major breakthrough with Jordan, amid reports that Peres
and King Hussein had met secretly in Jordan. Even as some Israeli sources sought to play down the significance of the comment, it was reported that Warren Christopher had sent Dennis Ross and Martin Indyk to Paris to meet with Uri Savir, Peres’s key aide, and Jordanian officials to see if they could help the two sides wrap up an agreement. Speculation that progress could be made on the Israel-Jordan front mounted following parliamentary elections in the kingdom on November 9, in which Islamic militants, running on a platform opposing any peace talks with Israel, suffered a major setback, shrinking to 18 from 32 seats.

While the atmosphere was improving on the Jordanian side, support in Israel for the accord with the PLO showed signs of weakening after Arafat failed to condemn a number of Arab attacks on Jewish settlers. On November 12, Rabin visited the White House, and both he and the president used the occasion to call on Arafat to speak out. Referring to the killing of a settler on October 27 and the fact that the IDF had arrested five members of Arafat’s Fatah group from the West Bank, Rabin called this a “great and dangerous violation of the commitment of the PLO.” Rabin went on: “Keeping commitments is the basis for the advancement of peace. We will keep our commitments. We demand then that they keep their commitment, and to come out openly in renouncing and taking the discipline measures,” as the accord required. President Clinton followed by endorsing Rabin’s view: “I agree with what the Prime Minister said. I think that Chairman Arafat now, under the terms of the agreement, is duty-bound at a minimum to condemn it. I think we all recognize that he may not have total control over everyone who acts in the name of Fatah, but he is now bound by the terms, the clear terms of the agreement, to condemn it.”

Further seeking to ease public concerns in Israel, the president made clear that the United States would not cut its annual $3 billion in assistance to Israel, would help Israel find ways to use loan guarantees to finance the cost of Israeli withdrawals from Gaza and Jericho, would seek new American export laws to allow Israel and other countries to buy advanced computers for military use, and would be ready to sell Israel more military aircraft.

Finally responding — quietly — to the demands that he condemn the latest terrorist incident, on November 13, from Tunis, Arafat told the Palestinian news agency Wafa that the PLO leadership was “distressed by and condemns the killing of the Israeli settler Mizrachi.” He said that the operation was “carried out without the knowledge of the leadership” and demanded that “everyone comply with what was agreed on and stop violent acts to safeguard the peace process.” Clinton called Arafat’s statement “a very positive sign,” the sort of response that would “enable them to work together and implement the accord.”

On the Syrian diplomatic front, a letter from the president to Assad, delivered on November 15, was designed to convey to the Syrians both that Clinton believed progress was possible and that, from his discussions with Rabin, he believed that the Israeli was committed to the same objective. It was also announced that Christopher would visit the Middle East early in December, following stops in Brussels and Rome, reportedly to try to convince Assad of Rabin’s willingness to make peace with Syria. This would be the secretary’s first trip to the region since the Israel-PLO
acord. Soon reports began to circulate that the Syrians had requested a meeting with the president in return for a letter spelling out Syria's intention to make peace with Israel.

**Christopher Again in Middle East**

While U.S. intervention seemed welcome on the Syrian side, Rabin made clear — prior to Christopher's arrival in Israel on December 3 — that despite problems with terrorism and the looming delay in implementing the Gaza-Jericho accord, he wanted the United States to stay out of the negotiations: "We initialed the agreement in Oslo with the Palestinians, the PLO, without any sponsors. We do not need uncles, fathers, grandmothers and grandfathers. This is a responsibility we took on together and we have to implement it." Publicly, at least, the secretary went along. He told reporters in Jerusalem on December 4 that he did not know whether there was an appropriate role for him in the Gaza-Jericho talks, and added: "If I was asked by both parties to do something, I certainly would. But I certainly don't want to interpose myself in any way."

On December 5, Christopher moved on to Damascus for a meeting with Assad. It proved fruitful. Following the meeting, the secretary announced that Assad would invite a U.S. congressional staff team to Syria to investigate the fate of seven Israeli soldiers missing in action. He also promised that the 800 - 850 members of the Jewish community who had been denied exit visas would be given permission to leave by the end of the month. Christopher hailed the moves as "important humanitarian gestures" but declined to say whether they indicated Assad's readiness to support reinvigorated Syrian-Israeli talks, stalled since the Israeli-PLO agreement.

The next day, Washington announced that it had decided to relax sanctions against Syria to allow the transfer of three American-made commercial aircraft to Syria from Kuwait. Although U.S. officials denied linkage to the Syrian gestures and made clear that Syria would remain on the terrorism list, the United States clearly sought both to induce Syria to make peace with Israel and to improve its own relations with Damascus, letting Assad know that peace with Israel would bring economic rewards to Syria. Rabin, meanwhile, welcomed Assad's offer on the missing Israelis, calling it "an important step forward" and "a big window of hope for the families" of the missing men.

As Christopher continued his eight-day shuttle in the Middle East, speculation mounted that he had persuaded Assad to renew talks with Israel. Sensitive to Rabin's full-time task of trying to implement the agreement with the PLO, yet eager to move forward, Christopher said in Jerusalem, on December 7, that it was "entirely appropriate that the Prime Minister give priority to moving forward" on Gaza-Jericho. But, he added, the United States "is committed to a comprehensive solution in this region. We're committed to the idea of all tracks moving, perhaps not at the same pace, but nevertheless moving toward the same resolution of peace in the area."

Finally, on December 9, after twice shuttling between Jerusalem and Damascus,
Christopher and al-Sharaa announced at a joint news conference in the Syrian capital that Syria had agreed to resume direct talks with Israel and that President Clinton would meet with Assad in January in Geneva. Refusing to say whether the United States had received any concrete assurance that Syria was moving closer to peace, the secretary simply said that Clinton had met with other heads of state involved in the peace process and "it is appropriate and, indeed, natural for him to be meeting with President Assad at this time." Aside from the already noted Syrian gestures toward Israel, reporters emphasized the fact that Sharaa uttered what U.S. officials characterized as crucial words when he told the press that peace for Syria "is a strategic option."

On the Israel-PLO front, Christopher's activity during this trip was far more modest. On December 7, after a meeting between Arafat and Christopher in Amman, the PLO leader indicated that he had asked the secretary to intervene "with all his capacity so that we can find the solution for all the obstacles which are now in the negotiations." Arafat insisted that Israel begin its withdrawal from Gaza and Jericho on December 13, as called for in the accord. For his part, Christopher only pledged to convey Palestinian concerns to Rabin when he met him.

The following day, in Cairo, in a joint news conference with Mubarak, he said that carrying out the accord was "the key to bringing an end to violence, to show people that there is a new reality, that there is an improvement there that can take place on the ground in the lives of the people." But he continued to go along with Rabin's aversion to U.S. interference. He said that face-to-face talks were the best way to address "any questions that they have about interpretations of the declaration of principles."

On December 10, Christopher visited Arafat in Tunis, saying, "It's wonderful to see you at your headquarters in Tunis," to which Arafat replied, "Next time in Jericho." The secretary called it a "new day in relations between the United States and the PLO." A key aspect of their discussions, according to reports, was Christopher's focus on the need for the Palestinians to create institutions and appoint the people necessary to begin the flow of aid that had been pledged by the international community.

As the year wound down, two significant events occurred. On December 14, Israel announced its decision to allow the last 200 Palestinian deportees to return to the territories. In stark contrast to the beginning of the year, when attention was riveted on the 400 deportees in Lebanon, this development was noted without fanfare. The world and the television cameras had lost interest in the story once the peace process resumed.

On December 27, Israel and the Vatican announced an agreement to establish diplomatic ties. Talks had been going on for two years. Yossi Beilin, Israel's deputy foreign minister, summed up his government's attitude: "For our part, after 45 years, in fact after 2,000 years, this is a very important step that expresses normalization."

Kenneth Jacobson