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LEGAL IMPLICATIONS OF ISRAEL'S RESCUE MISSION ARE UNDER STUDY

NEW YORK, July 7 (JTA)--Far-flung legal ramifications of Israel's rescue operation in Uganda are being probed on various levels here and abroad. (See related story P. 3)

Among the questions under scrutiny are whether Israel acted within the internationally accepted right of self-defense or whether it violated the sovereignty of Uganda; whether the Ugandan regime collaborated with the Air France hijackers in violation of United Nations statutes; and whether Israel may have contravened terms of its arms purchases from the United States by using American-made military transports and equipment to carry out the rescue of more than 100 hostages held by terrorists at Entebbe Airport last week.

United Nations Secretary General Kurt Waldheim, questioned Monday by reporters in Dar es Salaam and Cairo, replied affirmatively when asked if he thought Israel had committed a violation of the national sovereignty of Uganda and, according to a report released by the UN here, warned that the incident was likely to have serious international repercussions, especially in Africa.

Waldheim's position prompted Paul O'Dwyer, president of the New York City Council, to consult experts on international law at New York University and Columbia University, on the question of possible violation of Ugandan sovereignty. The opinion of the experts, O'Dwyer reported in a telephone interview with the Jewish Telegraphic Agency and in a news release from his office, was unanimous that Israel had acted legally under the doctrine of self-defense.

Probe Possible Arms Violation

It was reported from Washington, meanwhile, that State Department legal experts are studying both the question of alleged Israeli violation of Ugandan sovereignty and whether Israel flouted the U.S. Foreign Military Sales Act of 1961 by employing three C-130 military transports to carry the rescue assault party to Entebbe and return the hostages to Israel.

The 1961 act directs that all U.S.-supplied military equipment, either sold or given in grant, must be used solely for internal security and legitimate self-defense. Failure to abide by that provision would entitle the U.S. to demand return of the equipment and would make the violator ineligible for future arms deliveries.

Sources in Washington cited, as an example, the U.S. arms embargo imposed on Turkey after its 1974 invasion of Cyprus. The sources pointed out, however, that while the Turks still maintain forces in Cyprus, Israeli forces remained in Uganda for about one hour, just long enough to accomplish their rescue mission.

There was no indication today of who precipitated the State Department probe of the Israeli action. President Ford himself was among the first heads of state to congratulate Israel on the successful outcome of the Uganda mission.

The Times of London suggested in an editorial yesterday that President Idi Amin of Uganda may

himself have breached the General Assembly's resolution of 1970 which stated that every nation has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts. Although Amin denies complicity with the Air France hijackers, eye-witness accounts by the returned hostages and Israeli commandos who took part in the rescue operation indicated that Ugandan troops, acting on Amin's orders, cooperated with the hijackers and assisted them in guarding the hostages.

Doctrine Of Self-Defense Cited

O'Dwyer, reporting on his inquiry, said "The most profound scholars in international law proclaim that under the doctrine of self-defense, every nation has the right and, indeed, the obligation to protect its own citizens. If those nationals are to be found in another country, there is a conflicting obligation to honor the independence and sovereignty of that nation in which the citizens of the first nation are physically located.... If the circumstances of their endangerment reveal that the only way in which the lives of the citizens can be saved is through the intrusion by the mother country, then direct rescue action is legally justifiable."

The NYU and Columbia scholars who rendered that opinion asked not to be identified, O'Dwyer told the JTA. He added that "There is another exception which I believe equally applies to the Uganda rescue. It is based on humanitarian considerations. It was upon that theory that we, the United States, sent expeditionary forces into Congo a few years ago to rescue some missionaries and nuns."

FUNERAL SERVICES FOR PASCO COHEN

TEL AVIV, July 7 (JTA)--Funeral services were held in Hedera today for Pasco Cohen, one of the three civilians killed during the rescue operation in Uganda. Cohen, 45, died of wounds at a hospital in Nairobi, Kenya. His remains were flown to Israel yesterday.

MOYNIHAN CALLS ON U.S. TO BOYCOTT AIRPORTS OF NATIONS AIDING TERRORISTS By Yitzhak Rabi

NEW YORK, July 7 (JTA)--Daniel P. Moynihan, former U.S. Ambassador to the United Nations, called on the U.S. government today to boycott airports of countries like Uganda, which assist and collaborate with terrorists.

Addressing a press conference at the Biltmore Hotel here, Moynihan, who returned from a four-day visit to Israel last night, said that the U.S. should join West Germany in its plan to adopt measures against international terrorism in the upcoming UN General Assembly in September. Citing the fact that the U.S., Japan and West Germany carry about 80 percent of the world air traffic, Moynihan said that a concerted effort by those three nations to combat terrorism can be effective.

Moynihan had high words of praise for the alleged role Kenya played in the rescue operation by Israel at Entebbe Airport. He said Kenya's assistance in the Israeli raid was a "role of

International decency.Justified By International Law

Before he left Israel, Moynihan, speaking with reporters at Ben Gurion Airport, said the Israeli rescue operation in Uganda was justified by international law. Moynihan, who received an honorary Ph.D. degree from the Hebrew University during his visit in Jerusalem said international law legitimizes "hot pursuit," just as American law enforcement officers used this legal reasoning in prohibition days, when federal agents pursued bootleggers across the Canadian and Mexican borders.

PERES OPPOSES CAPITAL PUNISHMENT FOR TERRORISTS

JERUSALEM, July 7 (JTA)--Defense Minister Shimon Peres said yesterday that he was opposed to capital punishment for terrorists and was proud that Israel is the only country in the Middle East where death penalties are not carried out. But Justice Minister Haim Zadok said he was not automatically against capital punishment provided it helped in the fight against terrorism and was not simply a spontaneous emotional response.

Peres, who made his remarks during a radio interview, rejected a proposal by Likud leader Menachem Begin to establish special counter-terrorist squads to battle terrorists wherever they might be. Israel's defense forces in their present organization are perfectly capable of handling terror, Peres said. The issue of the death penalty for terrorists arose during the Uganda hijack ordeal when some circles suggested that if terrorists convicted of capital crimes were executed, there would be less incentive for hijackers to hold hostages against the release of terrorists serving long sentences.

Zadok said in the Knesset yesterday that the Cabinet had discussed the issue two years ago and decided to refrain from carrying out death penalties. He noted, however, that the Cabinet did not intend to establish a precedent and was free to change its policy in the future.

RECEPTION FOR ISRAELI SAILORS TURNS INTO CELEBRATION OF RESCUE OPERATION
By Yitzhak Rabi

NEW YORK, July 7 (JTA)--"Mazel tov, mazel tov," "congratulations," and "lechayim, lechayim" resounded throughout the spacious and crowded hall. The occasion was not a wedding or a Bar Mitzvah, but a reception for the Israeli sailors who participated in the Bicentennial Operation Sail last Sunday. The reception for the sailors of the two Israeli missile boats, Yaffo and Tarshish, was transformed spontaneously into a jubilant celebration of the Israeli rescue mission in Uganda.

Words like "stunning," "unbelievable," "magnificent" and "legendary" dominated the conversations between the more than 600 guests--among them Jewish leaders, city officials, Israeli diplomats and many celebrities--who came last night to the Essex House to greet the Israeli naval crew.

The Israeli sailors themselves, wearing their white uniforms, were visibly excited and happy with all the attention and admiration they had been receiving since Israel's audacious rescue operation. "Everybody we meet is so excited. They want to shake our hands, some want to kiss us, and the feeling of being an Israeli in New York these days is just out of sight," Sgt. Meir Eli-

yahu, 21, said with a smile. His friend, Sgt. Maj. Yehuda Yisrael, 24, said: "The Israeli raid in Uganda simply made us all a half-meter taller." Both sailors said that they and the entire Israeli crew have been showered with applause, kisses and affection wherever they go.

Pervasive Jubilation

And the admiration was indeed noticeable last night. Middle-aged women took off their shoes and joined in a hora dance with the Israeli sailors while their husbands clapped their hands and joined in the singing. When Israel's Consul General in New York, Uri Ben Ari, raised a toast to the Israeli army a burst of applause followed, with some giving way to their emotions with calls of "hurrah" and "lechayim."

The reception, sponsored by the Israeli Consulate and the Conference of Presidents of Major American Jewish Organizations, was scheduled to end at 10 p.m. But the singing and dancing continued for more than an hour more. "It was a great week," an old woman said as she was trying to catch her breath after a stormy dance. "I just hope we will have many other weeks like this one."

Thousands of New Yorkers have already visited the two Israeli vessels and more visitors are expected on board before the boats leave here to visit Philadelphia and Baltimore. Visitors aboard the boats were effusive in their praise for the daring and courage of the Israeli commandos who rescued the hostages in Uganda.

One ship-board visitor turned laughingly to several of the sailors and said: "That was the ultimate in audacity. Better than Errol Flynn could have done." The sailors beamed in the exuberance of the visitors' reception and returned the greetings and affections.

SCHOLARSHIP FUND SET UP FOR CHILDREN OF ISRAELI SOLDIERS WHO DIED IN BATTLES AGAINST TERRORISM

NEW YORK, July 7 (JTA)--Abraham Feinberg, prominent American financier and philanthropist, donated yesterday 100,000 Israeli Pounds (\$12,500) towards the establishment of a scholarship fund for children of Israeli soldiers who heroically died in combat for the release of hostages in Uganda, and other battles against Arab aggression.

In announcing his initial gift, Feinberg, who is board chairman of the American Bank & Trust Company, stated that the "miraculous display of courage and ingenuity" by the Israel Defense Forces in releasing the hostages held in Uganda "will live on, not only in military history, but in the history of mankind as one of the glorious examples of the dedication of a people to humanity and its indomitable will to resist the brutality of terrorism. It has always been the belief of Israel that to yield to terrorism is but a prelude to slavery."

"No words can express the gratitude of the civilized world to those brave men who freed their kinsmen and others condemned to the will of a fanatical gang, aided by a ruthless dictator, whose lack of human qualities has often been demonstrated before. In offering this token of appreciation to the participants in this rescue operation for the educational benefit of the children of their comrades who fell in this engagement, and on all too many previous battlefields against Arab terrorism, I hope others will follow."

U.S. TO MAKE KNOWN ITS LEGAL POSITION ON ISRAELI RESCUE IN COURSE OF SECURITY COUNCIL DEBATE

By Joseph Polakoff

WASHINGTON, July 7 (JTA)--State Department spokesman Robert Funseth said today that the U.S. would make known its position on legal questions arising from the Israeli rescue raid in Uganda in the course of the UN Security Council's debate on that matter expected to open on Friday. The Security Council will convene at the request of the Organization for African Unity (OAU) which is seeking to condemn Israel for violating Ugandan territory.

The legal question brought up at today's State Department briefing was whether or not Israel violated the provisions of the Foreign Military Sales Act by employing U.S.-made C-130 military transports to carry out the rescue of hostages held at Entebbe Airport in Uganda.

In reply to a question submitted yesterday, Funseth said, in a prepared statement, that "Israel has received C-130s and most other defense articles from the U.S. under the Foreign Military Sales Act. The arrangements made with Israel, as with other recipients under the FMS Act provides that such articles are to be used for internal security, legitimate self-defense and to permit the recipients to participate in regional collective arrangements or measures consistent with the United Nations Charter."

Asked by a reporter today if the Uganda operation violated any of these restrictions, Funseth replied, "That gets into issues that will be covered in the UN Security Council debate. Our position on these issues will be made known in the course of that debate."

Meanwhile, Israeli sources here, questioned about the use of the C-130s, indicated that they consider a legal question to be non-existent or at the most a secondary matter. The sources said that the legal question has not arisen and is without importance and pointed out that President Ford's letter to Premier Yitzhak Rabin had endorsed the entire Uganda operation and Israel has received from the U.S. only congratulations on its successful outcome.

Israel Preparing Its Case

(In Israel, the government was preparing for a diplomatic assault on the Uganda operation in the Security Council but with few illusions that the world organization, accused by Israel of being one-sided on the Middle East conflict, could be convinced of the justice of the Uganda mission.)

(Prof. Shlomo Avineri, director general of the Foreign Ministry, indicated yesterday that Israel would claim precedence for its action by comparing it to stamping out piracy and the slave trade in past centuries. He noted that during the struggle against slavers and pirates, the British Navy assumed the right to stop ships on the high seas and to raid pirate bases wherever they were located to advance the principle of human freedom and safety of international travel.)

ZOA PRAISES KENYA

NEW YORK, July 7 (JTA)--A telegram of thanks was sent today to the President of the Republic of Kenya, Jomo Kenyatta, by the Zionist Organization of America. The telegram was addressed to Kenyatta in care of the Kenya Mis-

sion to the United Nations and expressed "heartfelt thanks for the humanitarian act of the Republic of Kenya on behalf of the victims of terrorism." The telegram was signed by Dr. Joseph P. Sternstein, president of the ZOA.

AJCONGRESS: WALDHEIM SHOULD RESIGN

NEW YORK, July 7 (JTA)--The American Jewish Congress said today that United Nations Secretary General Kurt Waldheim has "disqualified" himself for re-election to that post by intimating that Israel's rescue action at Entebbe violated Ugandan sovereignty and suggested "a call for his prompt resignation."

Howard M. Squadron, senior vice-president of the AJCongress, charged that Waldheim's statement that he regards the Israeli action as a violation of Uganda's national sovereignty was a "shockingly partisan act, a classic case of a candidate for re-election pandering to the numerical majority whose votes he seeks."

Accusing Waldheim of a "rush to judgement," Squadron said the Secretary General's "refusal to recognize Uganda's complicity in the hijacking and its aftermath and his eagerness to appease the UN majority and abandon his proper role of neutrality and objectivity among the member states, disqualify him from re-election to his post." Squadron added, "Indeed, we believe his action merits a call for his prompt resignation from that sensitive post."

ABZUG URGES U.S. TO CALL ON UN COUNCIL TO PROBE AMIN'S COMPLICITY

NEW YORK, July 7 (JTA)--Rep. Bella Abzug (D-L, NY) has asked the United States to introduce a resolution into the Security Council calling for an investigation of reported collusion between Amin and the terrorist hijackers. Appearing yesterday on the A.M. New York Show on WABC-TV, Abzug said the investigation was warranted because Amin was extremely cooperative with the hijackers and reportedly added the names of five Ugandans held in Kenya to the list of prisoners in exchange for Jewish hostages. "If further hijacking is to be prevented, the UN and its member states must unite in barring any measure of co-operation with political desperadoes who kidnap and endanger the lives of innocent travelers," she said.

HOLLAND CAUTIOUS ABOUT UGANDA RAID

AMSTERDAM, July 7 (JTA)--The Netherlands Foreign Minister, Max Van Der Stoep, commented non-committally and with obvious caution when asked on a Dutch television program for his reaction to the Israeli rescue operation in Uganda. He refused to say whether he approved or disapproved of the Israeli action, remarking only that it was "unusual."

The Netherlands-Israel Friendship League immediately sent a telegram to Van Der Stoep expressing its "disappointment" over his lukewarm reaction. Hans Wiegel, leader of the opposition Liberal Party, sent a message of congratulations to the Israeli Ambassador at The Hague in which he expressed his "respect" and feelings of "great joy" at "the rescue of so many persons."

Meanwhile, Israel's new ambassador to The Hague, Avraham Kidron, has received thousands of enthusiastic letters, cables and flowers from citizens around the country congratulating Israel on its rescue operation.

SPECIAL INTERVIEW RIVLIN SAYS JEWISH AGENCY GENERAL ASSEMBLY WILL FOCUS ON ALIYA ISSUE

JERUSALEM, July 7 (JTA)--The sharp drop in immigration from both East and West will be the focus of greatest concern at the Jewish Agency's annual General Assembly which opens here next Sunday. Moshe Rivlin, director general of the Jewish Agency, told the Jewish Telegraphic Agency in a special interview that "We must use this period to re-examine all our methods and procedures in the area of aliya and absorption."

Rivlin said that two independent and highly qualified committees were presently making a thorough review of the problem and their interim findings would be made available to the 300 delegates from all parts of the world who will be attending the General Assembly. One is the Horev committee, appointed jointly by the government and the Jewish Agency under the chairmanship of Haifa University President Amos Horev. It is made up of recent olim from various countries and representatives of various public bodies in Israel except the government and the Agency.

The second committee was established by the Jewish Agency alone under Harvard University Prof. Richard Rosenblum. Its task, Rivlin said, was to review the work of all Jewish Agency departments for efficiency and effectiveness. The Rosenblum committee has already submitted a generally favorable report on the operations of the Jewish Agency treasury and is now devoting itself to a study of the immigration-absorption mechanism, Rivlin said. "All of its members are outside experts and none are Agency officials, he stressed.

"I know both these committees are working in depth," Rivlin said, but he declined to predict their ultimate recommendations. The feeling in many quarters here, however, is that these may call for wholesale changes in the entire aliya procedure.

Rivlin observed that the rise and fall of aliya is not altogether in Israel's hands as much depends on the policies of the Soviet authorities and on the conditions for Jews in Eastern Europe and elsewhere. "But we must see to it that our part of the process is operating efficiently and that the decisions of earlier assemblies are indeed being implemented," Rivlin said.

Reconstituted Agency A Success

The General Assembly opening next Sunday will be the fifth since the Jewish Agency was reconstituted in 1970 under the chairmanship of the late Louis Pincus to bring the heads of fund-raising organizations abroad into the same forum with the World Zionist Organization leadership.

The experience of the last six years has proven "that the experiment succeeded and proved the vital need for the existence of the Jewish Agency in its broadened framework," Rivlin said. He noted that "The constitution has certainly catalyzed world Jewish support for and identity with Israel and at the same time it gives diaspora Jewry a real part of the responsibility, it draws them into a real partnership with Israel," the Jewish Agency official said.

Rivlin said the General Assembly will be pre-occupied with long-term plans drafted by the Agency's settlement department, youth aliya department and Amigur, the Agency's housing company. It will be asked to approve 3-5 year projects, details of which have not been released. Rivlin

said that judging by past experience, the General Assembly is no rubber stamp. He said that, searching discussions can be expected and recalled that there were occasions in the past when the Assembly has ordered certain projects suspended pending further study by the Agency's Board of Governors.

Composition Of Delegations

Rivlin said that this year's Assembly will be attended by a larger proportion of younger diaspora leaders, especially in the delegations of the fund-raising bodies. There will also be more delegates from the smaller cities and provincial communities and proportionately fewer from the major metropolitan centers, he said. The WZO contingent will be expanded by the participation of delegates from the world Reform movement, the World Maccabi and the World Sephardi Federation, bodies that recently affiliated with the WZO.

Rivlin predicted that the Assembly's decisions would be influenced by the prevailing economic situation in Israel which has forced the government to make major cuts in health, education and welfare budgets. (By David Landau)

ONTARIO JUDGE REBUKED

TORONTO, July 7 (JTA)--An Ontario judge has been rebuked by a higher court for trying to force a Jewish complainant in a civil suit to waive the right of appeal in return for being granted an adjournment over the Yom Kippur holiday. Justice Samuel Grange, of the Division Court, ruled that it was "quite improper" for County Judge William Dubrule to have acted as he did.

The case involves a suit brought by Peter Kersen, a Jewish businessman, against the Steel Co. of Canada and the Dodge Construction Co. of Ontario for \$44,000 he claimed is owed his company, Benoit & Kersen Ltd. of Quebec. When Kersen asked for an adjournment to observe Yom Kippur, Dubrule ordered him to pay a \$3000 penalty and waive his right of appeal. Kersen agreed to the penalty but refused to give the waiver. He was absent from court on Yom Kippur, whereupon the judge dismissed the case and ordered Kersen to pay \$7800 in costs.

In delivering the Division Court's ruling, Grange said "It would not appear to us to be the proper exercise of judicial discretion" to have ordered Kersen to waive his appeal rights. The Division Court ordered a re-trial before a different judge.

WASHINGTON (JTA)--Gen. George S. Brown was confirmed last Thursday by the Senate for a second term as chairman of the Joint Chiefs of Staff by a vote of 57-34 after a controversy generated at the hearings by a reiteration by the General of comments he made in 1974 that Jews controlled the media and the banks and had "undue influence" over Congress.

VANCOUVER (JTA)--Tamar Eshel, Secretary General of Moetzet Hapalot in Israel, was elected Sunday as vice-president of the International Council of Women at the Council's conference here, despite strong Arab opposition. She was one of six other women who were elected as vice-presidents. Two other Israeli women were also appointed to official posts by the conference. Penina Herzog was appointed chairperson of the Health Committee and Aliza Ben Arzi vice-chairperson of the Committee on Law and Suffrage.