

U.S., ISRAEL REACH AGREEMENT: JOINT STATEMENT SAYS U.S.-USSR ACCORD DOES NOT HAVE TO BE ACCEPTED AS A 'PREREQUISITE' FOR RECONVENING GENEVA

UNITED NATIONS, Oct. 5 (JTA)--Israel and the United States agreed today that none of the parties to the Middle East conflict have to accept the joint U.S.-Soviet statement on the Mideast issued last week as a prerequisite for the reconvening and conducting of the Geneva conference.

The announcement was in the form of a joint statement issued early this morning after a seven-hour meeting between President Carter and Secretary of State Cyrus Vance and Israeli Foreign Minister Moshe Dayan. Israel had charged that the U.S.-Soviet statement went beyond United Nations Security Council Resolutions 242 and 338 by urging that a settlement insure "the legitimate rights of the Palestinian people."

The statement issued after the Carter-Vance-Dayan talks said that the U.S. and Israel agree that the two resolutions "remain the agreed basis for the resumption of the Geneva peace conference and that all the understandings and agreements between them on this subject will remain in force." Israel had pointed out that the 1975 Sinai agreement requires the U.S. to base all Mideast negotiations on the two resolutions.

Carter, in his address yesterday to the General Assembly, stressed that "the commitment of the United States to Israel's security is unquestionable" but reaffirmed that "the legitimate rights of the Palestinians must be recognized." But he also stated that Resolutions 242 and 338 "provided the basis for peace." Neither of these resolutions were mentioned in the joint U.S.-Soviet statement issued last Saturday.

Rabbi Alexander Schindler, chairman of the Conference of Presidents of Major American Jewish Organizations, said the Conference will remain on the alert for further developments despite today's development and that he and Dayan would still make their trip to Atlanta, Chicago and Los Angeles to meet with Jewish leaders. (See separate story.)

Consultations To Continue

The joint U.S.-Israeli statement today noted that American officials and Dayan discussed "proposals for removing the remaining obstacles to reconvening the Geneva conference" and Dayan would consult his government on these proposals while Vance would discuss with the other parties to the Geneva conference. Prior to his meeting with Dayan, Carter met with Egyptian Foreign Minister Ismail Fahmy. According to White House reports, the session was "constructive, positive and indicated progress" in trying to resolve existing problems.

At an early morning press conference today after the statement was released, Dayan said he would urge the government of Premier Menachem Begin to approve the proposals which he termed a working paper worked out with Vance. He said he believed the Israeli government would act quickly. But he refused to say what the proposals were. However, Dayan would not predict when the conference would be held although he hoped it would be by the end of this year.

Text Of U.S.-Israel Statement

Following is the text of the joint U.S.-Israeli statement:

"The U.S. and Israel agree that Security Council Resolutions 242 and 338 remain the agreed basis for the resumption of the Geneva peace conference and that all the understandings and agreements between them on this subject remain in force.

"Proposals for removing remaining obstacles to reconvening the Geneva conference were developed. Foreign Minister Dayan will consult his government on the results of these discussions. Secretary Vance will discuss these proposals with the other parties to the Geneva conference.

"Acceptance of the joint U.S.-USSR statement of October 1, 1977, by the parties is not a prerequisite for the reconvening and conduct of the Geneva conference."

Meanwhile, later today, Dayan and UN Secretary General Kurt Waldheim met for one hour and "discussed extensively" the situation in the Middle East. According to a UN spokesman, Dayan informed Waldheim about the joint U.S.-Israeli statement and discussed with Waldheim the possibility of reconvening the Geneva peace conference and the present situation in south Lebanon. Dayan was accompanied to his meeting with Waldheim by Israeli Ambassador Chaim Herzog. The Israeli Foreign Minister is scheduled to address the General Assembly next Monday.

In a report issued today, Waldheim reaffirmed his "earnest hope" for an early resumption of negotiations for a settlement in the Middle East. In his report, Waldheim said that at this crucial stage of diplomatic efforts he did not wish to make substantive comment on the situation.

(In an earlier related development, Sen. Jacob K. Javits (R, NY) said yesterday in Washington that he was concerned by the "disturbing course in U.S. Mideast peace policy" and has asked Vance to explain the U.S.-Soviet joint statement. Javits also said that the Senate Foreign Relations Committee, of which he is a member, was not consulted about the joint statement before its announcement Oct. 1 despite an Administration commitment to do so. He said the committee received the announcement only 24 hours before it was released to the public.

However, Javits said, Carter's remarks on the Middle East in his address to the UN General Assembly yesterday was "a better presentation of the U.S. position than the Soviet-American statement." He added, "We need to know a lot more than we do about Soviet intentions if there is to be a just and lasting peace."

ISRAEL SATISFIED WITH NEW DEVELOPMENT

By Gil Sedan

JERUSALEM, Oct. 5 (JTA)--Israel responded favorably today to the agreement announced in New York after Foreign Minister Moshe Dayan's talks with President Carter and Secretary of State Cyrus Vance on proposals to reconvene the Geneva conference. A Foreign Ministry spokesman, briefing newsmen, noted "with satisfaction" that the agreement does not require acceptance of the U.S.-Soviet joint declaration of Oct. 1 as a precondition for participation in the Geneva conference.

The spokesman indicated that Israel was also

satisfied that the agreement reaffirmed that Security Council Resolutions 242 and 338 remain the basis for reconvening the Geneva conference without change. He stressed, however, that Israel still has grave reservations and criticisms of the U.S.-Soviet declaration. He said its mention of the "legitimate rights of the Palestinians" continues to cause concern because of the Arab and Soviet interpretation of that phrase.

The Cabinet is due to meet in special session tomorrow to consider the understanding reached between Dayan and the American leaders. Premier Menachem Begin, who remains confined to the hospital, is expected to be absent from the Cabinet meeting.

Meanwhile, the Labor Alignment and the Democratic Movement for Change have called off tomorrow's special Knesset session that they had asked for to debate the looming crisis with Washington. Labor Alignment leader Shimon Peres agreed to postpone the debate in light of the Dayan-Carter agreement until the latest developments are clarified.

(At the United Nations, diplomats said today that chances have improved for reconvening the Geneva conference following the U.S.-Israel statement. According to these diplomats, the Arabs can attend the Geneva talks on the basis of the U.S.-Soviet joint declaration that was released Saturday while Israel can attend with assurances that Security Council Resolution 242 remains the basis for negotiations, as re-stated in the U.S.-Israel announcement.)

STATE DEPARTMENT SAYS U.S. POSITION ON MIDEAST PEACE PROCESS IS UNCHANGED By Joseph Polakoff

WASHINGTON, Oct. 5 (JTA)--The State Department said today that the "basic" positions of the United States regarding the Middle East peace process continue "unchanged" and that "every statement" by the United States since Saturday is "relatively unchanged."

Hodding Carter, Assistant Secretary of State and spokesman for the Department, was asked whether the U.S. positions that the Palestinians must be represented and a unified Arab delegation would attend is affected by the agreement between the United States and Israel.

"That much, yes definitely, our positions are unchanged on the basic..." Carter said, halting without ending the sentence. Then he added, "As a matter of fact, in a relatively inconsistent world, I could give you every statement that the U.S. government has made since Saturday afternoon on this subject as being relatively unchanged except in the eloquence of the speaker. We have said the same things repeatedly."

Carter added that the U.S.-Soviet statement was offered as a "common denominator approach," on how it views what the results of Geneva should be. Saying he said it Saturday when the Soviet-American agreement was announced, Carter added that "at no time did we suggest that as either an attempt to impose a settlement or force others to sign up and certainly it was never implied that to accept that was a requisite for going to Geneva."

Carter said he could not immediately respond to a question whether a Geneva conference could be held if one or more countries did not attend. The questioner asked hypothetically whether a conference were possible if Egypt, Jordan and Israel were present but not Syria. Carter was also asked whether the Soviet Union would now enter relations with Israel in view of the Soviet-American agreement.

He referred the questioner to the Israelis and the Russians.

BEGIN TO REMAIN IN HOSPITAL FOR A FEW MORE DAYS FOR REST, TREATMENT By Yitzhak Shargil

TEL AVIV, Oct. 5 (JTA)--Premier Menachem Begin will not be released from the hospital today as planned because the mild heart ailment diagnosed when he was admitted Friday requires several more days of rest and treatment, his physicians said. The Premier is suffering from pericarditis, an inflammation of the membranes surrounding the heart. The doctors said that condition often appears in the aftermath of a heart attack such as Begin suffered three months ago.

His condition this morning was described as good. He was responding well to treatment and the slight fever he ran for the past two days has ended. Begin no longer complains of chest pains. His doctors said he would be able to leave the hospital in a few days but will have to rest at home for several days before returning to work. He will undergo another physical examination before returning to Jerusalem.

Begin's illness has not prevented him from conducting government business from his hospital bed. He has been visited by aides daily for briefings on the latest developments and has received hundreds of phone calls, cables and flowers. One bouquet of flowers held special significance. It came from the Lebanese Major Abu-Jamil, one of the Christian commanders who sent his well wishes to Begin saying that he was "the only one that came to help us and saved us."

Begin also had a long talk with Finance Minister Simcha Ehrlich who has been presiding over the government. Ehrlich raised the possibility of forming a national unity government in light of the recent events in the U.S. or, at least, to make another attempt to get the Democratic Movement for Change to join the present coalition. It was learned that there have been private talks with some DMC personalities on this but the party leader, Prof. Yigael Yadin, apparently has not been swayed.

GERMANY WELCOMES U.S.-USSR STATEMENT

BONN, Oct. 5 (JTA)--West German Foreign Minister Hans-Dietrich Genscher has welcomed the joint Soviet-U.S. Mideast-policy declaration. During talks with visiting Crown Prince Hassan Bin Talal of Jordan, brother of King Hussein, Genscher said the statement corresponded closely to principles which Germany and the European Economic Community had repeatedly outlined as the necessary ingredients of a Mideast peace.

According to official German sources, Hassan told Genscher the USSR-U.S. document made the Arabs more optimistic about peace prospects. The Prince also hinted, sources said, that his country did not seek the creation of an independent Palestinian state, but rather a Palestinian entity linked with Jordan.

Meanwhile, it has been disclosed that Israeli Foreign Minister Moshe Dayan has accepted an invitation from Genscher to visit Germany in the near future. The two met briefly at the UN General Assembly last week.

JOSE GELBARD DEAD AT 60

WASHINGTON, Oct. 5 (JTA)--Jose Ber Gelbard, who emigrated to Argentina from Poland when he was nine years old and became a Minister of Economy after a successful industrial career, died yesterday at George Washington University.

Hospital after a heart attack. He was 60 years old. Friends said that anti-Semitism in Argentina that reached out to family members there contributed to his ailment.

When the military seized power in Argentina in March, 1976, Gelbard was accused of misuse of public funds while serving under President Juan Peron and his widow Isabel. Announcing that Gelbard's citizenship was revoked, the military government sought to extradite him from the United States where he was visiting when the decree was issued. No action ever was taken on the request by the U.S. The 1972 Argentine-American extradition treaty allows the U.S. to determine whether charges are politically motivated.

Detractors in Argentina charged Gelbard was bribed when Argentina chose Canada to supply nuclear reactors. Gelbard denied any involvement. Intensive investigation failed to connect him with the charge. He also was accused of complicity with Argentine financier David Graiver, whose American Bank and Trust Company collapsed and caused considerable losses to Argentines. Graiver apparently died in a Mexican air crash last year.

The investigation in the Graiver case has involved many Argentine Jews and has been used to stir up anti-Semitic feelings by some elements in and outside the Argentine government. Gelbard in recent months had been devoting most of his time to preparations for a conference in Washington of Latin American leaders to discuss human rights and democracy in Latin America.

DULZIN SEES UPLIFT AND HOPE IN ISRAEL SINCE BEGIN GOVERNMENT TOOK OFFICE

By Asher Mibashan

BUENOS AIRES, Oct. 5 (JTA)--Leon Dulzin, treasurer of the Jewish Agency and World Zionist Organization Executives, said here that there has been a noticeable uplift in the spirit and hope of Israelis since the government of Premier Menachem Begin took office.

At the same time, Dulzin told a press conference it is difficult to see concrete changes so soon after 29 years of Labor rule although there are fewer strikes and he hopes that by the end of the year inflation will be reduced from the present level of 39 percent to 29 percent.

However, Dulzin, a leader of the Liberal Party wing of Likud, said the political situation is difficult due to the insistence by the United States that the Palestinians be represented at Geneva. He noted that the confrontation with the U.S. started after the Six-Day War in 1967, but had been shelved up to now, when it can no longer be disregarded.

President Carter's position has encouraged the Arabs to ask for more, Dulzin said. He added that Palestine is divided between Jordan and Israel and there is no place there for the Palestine Liberation Organization which, he said, poses just as much a threat to Jordan as it does to Israel.

Dulzin will go from here to Montevideo, Uruguay, and Sao Paulo and Rio de Janeiro in Brazil. At the end of October, he will be in Washington for a meeting of the World Jewish Congress' General Council of which he is chairman. He said WJC chairman Nahum Goldmann is expected to retire soon and be replaced by Philip Klutznick of Chicago, now chairman of the WJC's board of governors.

SCHINDLER SAYS U.S.-ISRAEL AGREEMENT IS ENCOURAGING, WELCOME MOVE

NEW YORK, Oct. 5 (JTA)--Rabbi Alexander Schindler, chairman of the Conference of Presidents of Major American Jewish Organizations, said to-

day in a statement on behalf of its constituent groups, "The reported agreement by the President and the Foreign Minister of Israel on how peace is to be negotiated is an encouraging and gratifying development which we welcome and support." Schindler said that "America has a vital stake in the security of Israel and in the peace and stability of the Middle East." He added:

"We are deeply gratified that our country and Israel have apparently settled their differences over the conditions for resuming the Geneva peace conference. That conference can only succeed if it is based on UN Resolutions 242 and 338 and if it concludes with the signing of formal peace treaties that lead to the establishment of diplomatic, trade and cultural relations between Israel and the Arab states."

Schindler insisted that "there can be no peace in the Middle East" if the PLO is granted the status of a negotiating party or if the negotiations "become embroiled in dispute over an independent Palestinian state on the West Bank."

FAISAL WANTS SANCTIONS AGAINST ISRAEL

UNITED NATIONS, Oct. 5 (JTA)--Crown Prince Saud Al Faisal, the Foreign Minister of Saudi Arabia, urged all UN member states today to stop supplying Israel with economic and military assistance and to bar their citizens from immigrating to Israel because "a stream of manpower through immigration" is no less important than material assistance.

Addressing the General Assembly, Faisal accused Israel of blocking peace efforts in the Middle East. He said Israel was pursuing aggressive policies and that it was no secret that Israel is producing nuclear weapons. Faisal characterized Israeli activity in the occupied territories as "the most abhorrent type of colonialism." He also charged that the "Zionist regime plays havoc with the spiritual shrines of Jerusalem which are revered by all monotheistic religions."

URGE CAUSE OF SOVIET JEWRY BE TAKEN UP AT BELGRADE CONFERENCE

TEL AVIV, Oct. 5 (JTA)--The American and French Ambassadors received petitions from a group of immigrants from the Soviet Union today urging intervention on behalf of their relatives who are prevented from emigrating from the USSR. The envoys promised to convey the petitions to their countries' representatives at the Belgrade conference on compliance with the human rights agreements in the Helsinki accords.

U.S. Ambassador Samuel Lewis invited a group of 40 emigres into his office at the Embassy. He said he would relay their request to Arthur Goldberg who is heading the 25-member U.S. delegation at the Belgrade conference which opened yesterday. He said that the question of human rights in the Soviet Union is one of the most important problems claiming President Carter's attention.

The petitioners asked that pressure be exerted on Moscow to permit the emigration of Jews imprisoned because they applied for exit visas to join their families and to every Jew in the USSR who wants to come to Israel.

LONDON (JTA)--Sir Ernst Chain, discoverer of penicillin's curative properties, was one of three British Nobel Laureates to be made members of the Soviet Academy of Sciences. Sir Ernst is an ardent Zionist and an observing Jew.

SURVEY OF SOVIET ANTI-JEWISH ACTIVITY GIVEN TO U.S. GOVERNMENT

NEW YORK, Oct. 5 (JTA)--A survey devoted to a major review of the Soviet Union's implementation of the Helsinki Final Act in regard to the Soviet Jewish community, was submitted to Assistant Secretary of State H. R. Carter by Marina Wallach and Aaron Goldman, representatives of the National Conference on Soviet Jewry (NCSJ).

The 64-page survey which was prepared last June with data through May by a Helsinki monitoring committee comprising representatives of Jewish communities of several countries, including the United States, was released on the eve of the Belgrade conference which began yesterday to review progress in human rights, European security and cooperation since the Helsinki accord was signed by 35 nations in 1975.

In releasing the document, Stanley H. Lowell, chairman of the NCSJ Helsinki Monitoring Committee, said in New York, "While the record is disappointing, the balance sheet of the performance is submitted in a constructive spirit and in the hope that it may facilitate the exchange of views on the implementation sought in the followup arrangements of the Helsinki Final Act."

The NCSJ said it has been assured by Rep. Dante Fascell (D-Fla.) and Sen. Claiborne Pell (D-R.I.), co-chairmen of the Commission on Security and Cooperation in Europe (CSCE) that copies of the report, "Soviet Jewry and the Implementation of the Helsinki Final Act," will have been made available to the 25-member U.S. delegation at the Belgrade meeting.

186,000 Requested Exit Visas

According to the report, since the signing of the Helsinki Final Act, emigration visas for Soviet Jews, despite a rise in late 1976 fell at the beginning of 1977 and has in fact been lower than the number of visas granted prior to the signing of the Act. Figures compiled for the survey demonstrate that at the end of 1976, the number of Jews who had requested invitations but had not yet succeeded in leaving the country was about 186,000. Last year alone the excess of invitations over exit permits was about 22,000.

According to the report, Soviet officials have also refused exit visas to Soviet Jews because, they claim, granting such visas would "separate families." However, there are provisions in the Final Act which are designed to "contribute to the solution of humanitarian problems," that is, to enable family members to live with the relatives they choose. The report concludes that the Soviet Union is deliberately distorting the meaning of the Helsinki Final Act and dividing Jewish families.

It also highlights that Soviet visa officials arbitrarily forbid emigration to individuals on grounds of secrecy, and security in the most "arbitrary fashion." In dealing with harassment, the survey states that "the most serious cases of harassment are the Prisoners of Conscience," who have been "arrested, tried and convicted of various charges because of their desire to emigrate to Israel and their activities demanding these rights for themselves and Soviet Jews in general. These Jewish POCs are detained in the most lamentable conditions and the health of several of them has deteriorated drastically."

Freedom Of Religion Is Area Of Concern

One of the other major areas of concern, detailed in the survey, is the matter of freedom of religion and culture. The Helsinki Final Act states

that participating states will "recognize and respect the freedom of the individual to profess and practice, alone or in the community of others, religion or beliefs in accordance with the dictates of one's own conscience."

According to the report, the USSR has subjected the freedom of Soviet Jews to religious expression to "numerous and fundamental abridgements creating a gap between the legal norm and the reality." As examples of these abridgements the report notes that the Soviet Jewish community has no all-Soviet or regional organizations, they are unable to maintain contact with Jews abroad, no religious periodicals, bulletins or literature are published, Judaic ritual objects are not manufactured and there is de facto suppression of rabbinical training within the USSR.

Fifty years ago there were more than 1100 synagogues in the USSR. Though Soviet figures today claim that there are 92 synagogues remaining, Jewish organizations initiating this report could establish the addresses of only 57. The position of Soviet Jews since the signing of the Helsinki Final Act has "in no way improved," the report states.

Possibly the worst feature of the treatment of the Jewish religion in the USSR, according to the report, is the introduction of anti-Judaic propaganda into all forms of the Soviet media. The report concludes that Soviet Jews are the most disadvantaged national minority in the USSR. Jews seeking to leave who voice their wishes via legal means (foreign press, appeals, etc.), have been subjected to the "greatest difficulties, repression and criminal prosecution."

RAPHAEL MAHLER DEAD AT 78

TEL AVIV, Oct. 5 (JTA)--Dr. Raphael Mahler, a leading Israeli historian, has died at the age of 78. He was professor of Jewish history at Tel Aviv University. Mahler was born in Nowy Sacz, Poland on Aug. 15, 1899 and immigrated to the United States in 1939. He came to Israel in 1948. A member of Poale Zion, he had been a leader of Mapam since its founding and had been a delegate to the 24th and 25th World Zionist Congresses.

A leading authority on Ber Borochov, the founder of Socialist-Zionism, Mahler was the author of a seven-volume "Modern History of the Jewish People," "History of the Jews of Poland" and "The Karaites" among other works. He was a member of the Historical Society of Israel, the World Congress of Jewish Studies and the Yad Vashem Presidium. He was a recipient of the Israel and Itzik Manger Awards.

DANIEL SAMBURSKY DEAD AT 68

TEL AVIV, Oct. 5 (JTA)--Daniel Sambursky, a composer of numerous Israeli songs, died here at the age of 68. One of his best known works was "Shir Ha'amek" (Song of the Valley) which was included in the film "Exodus." Born in Koenigsberg, Germany on Apr. 4, 1909, he came to Israel in 1933. He had previously studied at the music conservatory in Danzig and at the University of Berlin. He was a music teacher at the Teachers' Seminary here. A composer since 1933, his songs are known throughout Israel. * * *

BONN (JTA)--Ten young German army officers who took part in a symbolic burning of Jews and sang Nazi songs at a drinking party last February were suspended from duty, it was announced Tuesday by the Defense Ministry. It ordered them not to wear their uniforms and to remain at home while a full investigation was made of the incident.