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GOVERNMENT SAYS IT WILL NOT SEEK TO NULLIFY COURT RULING ON ELON MOREH

By Gil Sedan

JERUSALEM, Oct. 23 (JTA) -- The government said today that it would not try to circumvent the Supreme Court's ruling that Elon Moreh on the West Bank must be removed in 30 days from the seized Arab lands on which it was built. Nevertheless, Premier Menachem Begin continued intensive consultations today with other ministers and government aides in an attempt to find a way to comply with the court order but avoid a confrontation with the Gush Emunim.

One proposal, advanced by Mattityahu Drobless, co-chairman of the Jewish Agency's Settlement Department, was to convert Elon Moreh into a military outpost just beyond the land the high court ordered returned to the Arabs of Rujeib village. The court's decision was based on its finding that Elon Moreh was established to satisfy a political constituency, the Gush Emunim, rather than for security reasons as claimed by the government.

Agriculture Minister Ariel Sharon, reportedly furious over the court decision, was said to be the driving force behind the efforts to preserve Elon Moreh in one form or another. Sharon has avoided making comments to the press. He conferred with Begin yesterday and again today. He also toured the settlements on the West Bank, including Elon Moreh, today.

Report Sharon Threatens To Resign

According to Israel Radio, Sharon has threatened to resign if the settlement is dismantled. He reportedly told Begin today in a private meeting that he could not be a member of a government which would uproot settlements in Samaria. Begin, according to Israel Radio, asked Sharon to find a solution to the problem the government was facing as a result of the court decision, saying the Elon Moreh affair has placed the government in a difficult situation. The conversation between Begin and Sharon could not be officially confirmed. Sharon himself declined to talk to reporters and sources close to him said all the details regarding the conversation were "speculations."

Meanwhile, Begin has also been consulting with Justice Minister Shmuel Tamir, Attorney General Yitzhak Zamir and State Attorney Gavriel Bach. Bach represented the government in its unsuccessful attempt to have the Supreme Court reject the appeal of the Arab land owners of Rujeib against the seizure of their land for Elon Moreh.

DAYAN, OFFICIALLY OUT AS F.M., SAYS HE WILL CONTINUE TO SUPPORT BEGIN GOVERNMENT, BUT NOT ON ALL ISSUES

By Yitzhak Shargil

TEL AVIV, Oct. 23 (JTA) -- Former Foreign Minister Moshe Dayan, referring to himself as a "free man" after his resignation from the Cabinet took effect officially today, said he would continue to support the government of Premier Menachem Begin in the Knesset, though not necessarily on all issues. He said he had no

intention of joining the Cabinet of any future government, of joining any other party or of starting a new party. He also said that when his present Knesset term expires, he will not stand for re-election.

He said his differences with the government were not over the principle of Jewish settlement on the West Bank and Gaza Strip, which he supports; but over the way the government is conducting the autonomy negotiations with Egypt and the expropriation of Arab-owned lands for settlement purposes, which he firmly opposed.

Dayan expressed his views and spoke of his future plans at a press conference at the Beth Garon Hall in Jerusalem jammed with reporters representing the Israeli and world news media.

He reiterated the reasons for his resignation -- he did not see eye-to-eye on autonomy with the majority of his fellow ministers -- but what he said, and left unsaid created the impression in some circles that his health may have had something to do with his departure from the government at this time. Dayan, 64, underwent surgery last June for the removal of a malignant tumor from his intestines. He is said to have fully recovered. In his letter of resignation to Begin Oct. 2 explaining why he wished to resign, reasons of health were not included.

Outlines His Views On Issues

Dayan said he would support the government against the motion of no-confidence by the Labor Alignment and four other Knesset groups which was debated into the late hours tonight in the Knesset. However, Dayan said, "I cannot commit myself as to the voting in the future." He said "I am a Laborite" -- he was a farmer before and after he became a soldier -- but even as a member of Labor-led Cabinets, his views on the West Bank and Gaza Strip were closer to those of Begin than of some fellow Laborites.

"I am for continued settlement, even in the midst of dense Arab population," Dayan said. "But there should be no land expropriation, even if the land is rocky and bare. Only government-owned lands should be used for settlement and there is an ample amount of such land." Speaking of his differences with the government over autonomy, Dayan said:

"I was offered thrice or twice the chairmanship of the Israeli team to the talks. But I rejected and I had a feeling Begin understood me. It is not like the negotiations for a peace agreement with Egypt. The autonomy talks are something else. They concern the future life of Jews and Arabs side-by-side and my views are other than those of the Likud and the National Religious Party," he said.

He stressed that Israel must remain loyal to the Camp David agreements. "There is no reason to leap out of the framework of Camp David. It provides everything that is needed now. We have to guarantee our essential interest -- not the question of borders or sovereignty. We have five years of autonomy and only then should the question of sovereignty come up and then only with Jordan, not with anyone else. This is written and signed by Egypt, the U.S. and Israel," Dayan said.

He admitted there will be difficulties because it will be the Palestinian Arabs who will implement autonomy. "But one should not underestimate the importance of the three signatories to the Camp

David agreements that call for autonomy for a five-year period and only then would there be talks over sovereignty."

Dayan noted that the Camp David agreements do not mention the settlements issue. There should be settlements, he said, but with one reservation: "Do not confiscate privately-owned lands whether cultivated or bare. The same goes for water sources. No water of Arab villagers should be diverted to the Jewish population if it deprives the Arabs of water."

He said that if the autonomy talks fail, Israel should unilaterally remove its military government from the territories and replace it by a civilian authority and allow the population to handle their own affairs through civilian channels. Israel would remain, however, the source of authority.

Dayan made it clear that should the Palestine Liberation Organization get control of the areas evacuated by the military, Israel would have the right to return to those areas with increased force. This, Dayan insisted, should be made clear in any agreement with Egypt or the U.S. or the Palestinians. "There will be no 'no return' clause. Israel will retain the right to return to the areas if the population turns to the PLO," he said.

He said he did not accept the view that the Palestinians will not join the autonomy negotiations because the PLO is opposed. He noted past instances in which the local population acted against the rulings of the PLO, such as taking jobs in Israel.

May Write A Book

(In an interview this morning from Jerusalem via satellite on ABC-TV's "Good Morning America" program, interviewer Barbara Walters asked Dayan if he is tired of serving in governments and what he intends to do next. Dayan replied, "I think governments are tired of me." He said he intends to write a book on the history of the Egyptian-Israeli peace negotiations and to visit Jewish communities.

Dayan also told Walters that he opposed either a Palestinian state or Jordanian administration of the West Bank. He said, also, that Israel should withdraw its military administrators from the West Bank and the Gaza Strip and "let the Arab people take care of themselves with their own policemen and their own technicians." He said he disagreed with the Labor Party position on the West Bank and claimed that if Labor had won in the last election "part of the West Bank and Gaza would have been given to Jordan which eventually would have turned it over to the PLO.")

TWO TERRORISTS CONVICTED IN 1978 COASTAL ROAD RAMPAKE

TEL AVIV, Oct. 23 (JTA) -- A military tribunal in Lod today convicted two Palestinian terrorists on 13 charges for their part in the coastal road March, 1978 in which 34 civilians were murdered and 73 injured. Haled Mohammed Ibrahim Housein, 22, and Ibrahim Mahmoud Fuad, 19, the only two survivors of the 11-member terrorist group, will be sentenced Thursday.

The two were convicted of 10 charges of firing at people, two of placing and detonating explosives, and one of being members of a hostile organization. The court said Housein and Fuad violated not only the law but morality by firing at unarmed women and children. It said the terrorists did not come to Israel to take hostages but to kill people. They fired at civilians, not soldiers.

The court rejected the claims of the defense

counsel that the Israelis aboard a bus seized by the terrorists were killed by Israeli soldiers firing at the terrorists, not by the two defendants. The court also rejected the claim that Housein and Fuad did not themselves kill anyone. The court said there was ample evidence that they killed at least one person as well as being part of the group that killed the other Israelis.

Housein and Fuad were members of a gang that landed on a beach near Kibbutz Maagen Michael and killed, on its way to the highway, American nature photographer Gail Rubin of New York. The gang then hijacked a bus full of passengers and in the shootout with police north of Tel Aviv, set the bus ablaze and fired at and threw hand grenades at the passengers.

The trial itself was an emotional event with frequent shouts from the relatives of victims and surviving victims at the two defendants who spat at the crowd and smiled when the brutality of the terrorists was described. However, the anger of the crowd was especially aimed at their Israeli lawyer, Leo Zemel, especially when she cross-examined survivors of the attack. (By Yitzhak Shargil)

STRAUSS SAYS U.S. SHOULD NOT IMPOSE ITSELF IN ISRAELI-EGYPTIAN TALKS IN ORDER TO SPEED UP AUTONOMY PLANS

By Joseph Polakoff

WASHINGTON, Oct. 23 (JTA) -- President Carter's special Ambassador to the Middle East, Robert Strauss, declared to Congress today that the U.S. should not attempt to impose itself in the Israeli-Egyptian talks to speed autonomy plans for the West Bank and Gaza Strip, even though not a single decision has been achieved in four months of discussions.

Appearing before the House Foreign Affairs Committee's subcommittee on the Middle East in the wake of Moshe Dayan's resignation as Foreign Minister of Israel and the Israeli Supreme Court's decision affecting Jewish settlements on the West Bank, Strauss said, in effect, in the course of the two-hour hearing that the U.S. must take "a hands off position and let Israeli affairs take their own course."

Warns Against Pushing Too Hard

"The worst mistake we could make is to be short-sighted and get this nation involved" in the internal matters of Israel, Strauss told subcommittee chairman Lee Hamilton (D. Ind.). Hamilton had expressed dissatisfaction with the results of the Israeli-Egyptian talks to date.

Warning against attempts to "push too hard when an ally at home is undergoing political change," Strauss said "there will be debate in the next 30, 60, 90 days on the settlements and Dayan. That's a healthy debate. I don't know where it is going to come out over there. I don't know if it will speed up the process. But it will help in the long run," he said.

Referring to the court's decision as a "classic example" of democracy at work, Strauss advised, "rather than have us force ourselves, we should let the country (Israel) do it." Dayan's resignation, he added, is a "loss" to the Israeli government "indeed the world loses -- but it provides for political debate."

Rep. Paul Findley (R. Ill.), a leading proponent of U.S. recognition of the Palestine Liberation Organization without preconditions, opposed "letting the dust settle over the Dayan resignation" and waiting for months because the U.S. Presidential primaries are advancing. "You are advising caution," he told Strauss, when the Israeli situation calls for "daring and imagination."

Strauss replied, "I'm cautious about too much

daring. I don't want to jump out of windows. It would be great domestic politics for President Carter to kick the hell out of somebody, but in the end he won't be very further ahead in the peace process."

In a prepared statement to the subcommittee Strauss described the two-day U.S.-Egyptian-Israeli talks that start in London Thursday as "not a major occasion" and said "no policy decisions or dramatic developments should be expected" since "we will deal mostly with the minutiae of technical issues" and "plans for the future." When Hamilton asked if his impression that the current talks have "low priority" is correct, Strauss replied, "Your impression is inaccurate."

With May, 1980 the target date for the establishment of the autonomy machinery on the West Bank and Gaza Strip under the Israeli-Egyptian treaty, Strauss testified that if "only half" of the necessary arrangements are completed by that time, the talks can be considered successful because of the complexity of the issues and the "vast, vast differences" between Egypt and Israel. He cited as an example the fact that some Palestinian Arabs want dual citizenship, that is, he said, to live in the country where they are and vote on West Bank and Gaza issues.

While saying that "not a single iota of agreement" has been reached between Israel and Egypt on autonomy, Strauss emphasized that "We are going through a posturing stage" and "that does not mean we don't see the light." He noted that Egyptian Prime Minister Mustapha Khalil had told him of a change in his own mind from "skepticism to moderate confidence" in success of the talks. "That's a good sign," Strauss observed.

He said, however, that should the discussions not bring about significant progress in the next few months, the U.S. would propose its own recommendations before the May 1 deadline.

The Issue Of Oil

Asked by Rep. Stephen Solarz (D. N.Y.) about the suggestion in Middleast Presidential aspirant John Connally's Redcoat plan linking Israel's return to its 1967 borders with supply and price arrangements with the oil-producing Arab states, Strauss said "The rejectionist states want the oil question hanging as a cloud over the world, particularly as it relates to the Middle East."

But, he observed, it was his own experience that "folks that have oil tend to sell it. Arab states will sell it at the best price in their own interests, whatever takes place. The price is going up, up and up no matter what we do" in the Arab-Israeli situation, he said.

Strauss emphasized that the Saudi Arabians have not linked oil and the Palestinian issue in their talks with him. But he said he did not know what they may be saying to others. Saudi officials have been quoted here as supporting the Connally plan and demanding that the U.S. move toward negotiations with the PLO.

When Solarz asked if the Israeli-Egyptian treaty would survive should neither the Palestinians nor the Jordanians enter the autonomy negotiations, Strauss replied, "The treaty will probably survive but not meet our objective, a comprehensive peace." He predicted that if the results of the talks give "sufficient self-determination" to the Palestinians, they will participate. He added that it is in Jordan's "self-interest to participate ultimately." He said the chances for this are "likely, not just possible."

KNESSET DEBATE OVER NO-CONFIDENCE MOTIONS CONTINUES LATE INTO THE NIGHT; MOTIONS DEFEATED 59-47

JERUSALEM, Oct. 23 (JTA) -- A heated Knesset debate over five no-confidence motions in the government of Premier Menachem Begin continued late into the night with denunciations of government policies by opposition factions on the left, center and right wings.

Although Begin's parliamentary majority stood fast and survived the assault by a 59-47 vote, the nature of the attacks reflected the political turmoil in Israel arising from Moshe Dayan's resignation as Foreign Minister and the Supreme Court's ruling that the settlement of Elon Moreh built on confiscated Arab land on the West Bank must be removed in 30 days.

The original no-confidence motion presented by the Labor Alignment dealt with deteriorating economic and social conditions and the government's alleged inability to function properly. But the attack was broadened to include the government's conduct of the autonomy negotiations with Egypt -- the issue that precipitated Dayan's resignation -- and the settlement policies.

In addition to Labor, no-confidence motions were presented by the Communist Party, Sheli, Shai and the new ultra-nationalist Tehiya faction, represented by Geula Cohen, some of whose members are defectors from Begin's Herut Party.

Shimon Peres, chairman of the Labor Party, presented a long list of "malfunctions" by the government. "The foreign policy was handed to the Minister of Interior," he said. "There is no Foreign Minister. There is a Finance Minister, but they want to replace him." Peres directed some of his criticism directly at the Liberal Party, which he accused of "leaving us without the Treasury, and itself without a candidate as Minister of Finance." Calling toward the Cabinet benches, Peres said: "You will do good with the people if you will release us of your incompetence." He also denounced the government for bringing about the Elon Moreh fiasco by its policy of expropriating Arab land.

New elections were demanded by Amnon Rubinstein of Shai and Meir Wilner of the Communist Party. Rubinstein said the idea of autonomy has become meaningless with Dayan's resignation and that the Knesset needed a new mandate from the people. Wilner claimed that Israel is in great danger of fascism. Meir Payil of Sheli said the deteriorating economy and the settlement policy were threatening democracy in Israel.

Minister-Without-Portfolio Moshe Nissim responded for the government by accusing the Labor Alignment of being the first to seize land for settlements when it led the government. He referred to Kinyat Arba near Hebron and land in the Rafah salient of Sinai. Cohen, a one-time disciple of Begin who quit Herut because she opposed the peace treaty with Egypt, denounced the Cabinet as "good for nothings" and predicted that a war with the Arabs is inevitable and that a civil war would take place in Israel if Elon Moreh is dismantled.

WASHINGTON (JTA) -- Sen. George McGovern (D. SD) and Rep. Christopher Dodd (D. Conn.) have introduced bills in Congress to honor Nazi hunter Simon Wiesenthal for his untiring efforts to bring Nazi war criminals to justice. The bills, S. 1792 and H.R. 5542, would allow Congress to authorize a gold medal to be struck and to be presented to Wiesenthal by the President.

GOP CHAIRMAN REFLECTS, BY IMPLICATION, CONNALLY'S VIEWS ON THE MIDDLE EAST

NEW YORK, Oct. 23 (JTA) — In a letter to the Conference of Presidents of Major American Jewish Organizations, Bill Brock, chairman of the Republican National Committee rejected an imposed peace in the Middle East, condemned any negotiations with Palestine Liberation Organization terrorists and repudiated any link between Israeli territorial withdrawal and lower Arab oil prices. Brock was replying to a telegram by Theodore Mann, chairman of the Conference of Presidents, asking for clarification of the party's views in the light of a recent speech by Republican Presidential aspirant John Connally.

Brock's letter appeared to take issue with Connally's proposal that Israel withdraw to the pre-1967 borders and that the Palestinians be granted the right to have a separate state. If they so choose in exchange for which Arab oil producers would stabilize prices and assure an uninterrupted flow of oil to the West.

Brock called for a "total national commitment to the development of our own resources" and "the most decisive and expeditious" efforts to "achieve the capacity to supply America's needs for energy by the production of energy in the United States."

On the PLO, the letter declared: "No group committed to terrorism and violent action against human life should be dignified by, or even given the recognition implicit in, direct talks. The Palestine Liberation Organization whose covenant so clearly calls for the destruction of Israel and whose terrorist actions threaten the stability of the entire Middle East must be condemned by all people who value human life, democratic governance, and freedom. Terrorism seeks no compromise and deserves none."

Supports Face-To-Face Talks

In criticizing proposals for an imposed settlement in the Middle East, Brock's statement asserted: "Peace in the Middle East requires face to face negotiations between the states involved, and must include the recognition of safe, secure and defensible borders for Israel. True peace, lasting peace, can come only from within the region, and only from the decision of the affected parties therein that their own best interests have been reflected in any settlement."

In pledging Republican support of Israel "politically, economically, and by working to provide the military aid that Israel requires to remain strong enough to deter any potential aggression," Brock declared:

"Israel is of enormous strategic consequence to the United States. It is the strongest and freest democratic society in that part of the world. Thus any action which would require Israel to make unwarranted concessions which endanger the security and safety of its citizens would constitute a threat, not only to that nation, but to our own as well."

DULZIN WARNS AGAINST MAKING ISRAEL SCAPEGOAT FOR THE OIL SHORTAGE

NEW YORK, Oct. 23 (JTA) — Leon Dulzin, chairman of the Jewish Agency and the World Zionist Organization Executives, urged the U.S. Jewish community and "all Americans of good will who are committed to the ideals of morality and democracy to stand against the very dangerous current tendency to make Israel a scapegoat for the serious problems of the oil short-

age and the resulting energy and inflation crisis."

Dulzin, who is in the U.S. on a 10-day visit, also emphasized that "despite all differences of opinion in Israel, there is complete consensus in our nation on the three critical issues facing our people. First, Jerusalem will remain united as the capital of Israel. Its redemption as a unified whole in 1967 will never be repudiated. Second, Israel and its people are opposed to a Palestinian state on the West Bank. Third, there shall be no negotiations with the PLO whose covenant calls for the extinction of the State of Israel."

Dulzin is appearing at four major regional conferences of the United Jewish Appeal, and will open the UJA campaigns in Milwaukee, Cleveland, Chicago and Boston. He will also be the featured speaker at the International Leadership Conference of the Zionist Organization of America in Miami which begins tomorrow. While here, Dulzin will meet with the top UJA and Federation leaders to launch their fund-raising campaigns for this year and to discuss the problem of Soviet Jewish dropouts.

LAW NOT VIOLATED BY BLACK LEADERS WHO HELD TALKS WITH PLO OFFICIALS

By Joseph Polakoff

WASHINGTON, Oct. 23 (JTA) — The Department of Justice has declared that the discussions by American Black leaders with the Palestine Liberation Organization in Lebanon is not a "prosecutable" case in violation of the Logan Act, Rep. James F. Sensenbrenner (R-Wis.) told the Jewish Telegraphic Agency. The Logan Act, which was enacted in 1799, prohibits any citizen from attempting to influence, without U.S. authority, any foreign government to defeat measures of the United States.

A letter from Philip Heymann, Assistant Attorney General in charge of the criminal division, ruled that the PLO is not a government, "as we understand it," and since it "exists within more than one particular country, there is a serious question as to whether it would meet the definition of 'foreign government.'"

"Further," the Heymann letter said, "because the announced purpose of the visits to the PLO and Israel was to seek peace in the Middle East, it is not at all clear that the matter discussed related to a dispute or controversy between the PLO and the United States."

Sensenbrenner and 13 other Republican Representatives two weeks ago, in a letter to Attorney General Benjamin Civiletti, called for U.S. investigation of possible violations of the Logan Act because of actions taken by Jesse Jackson, Joseph Lowery and Walter Fauntroy.

Sensenbrenner expressed disappointment with the Justice Department position. The Heymann letter had also said that the Justice Department has "recommended" that the Logan Act, which has never been invoked successfully, be dropped entirely from the revised U.S. Criminal Code being considered by Congress.

TEL AVIV (JTA) — The heavy rain, which has been plaguing the southern portion of Israel and the Sinai all week, covered the entire country Tuesday. Rain caused floods throughout the usually dry Negev Monday. Heavy equipment was placed at damaged areas to help vehicles get across. The streets in Beersheba were under two feet of water, preventing any but large vehicles from getting through. In addition, the floods in the Negev and at Sharm el-Sheikh have washed away hundreds of mines and have uprooted hordes of snakes. Army sappers and nature reserve workers were hunting for the mines and the snakes.