

JTA daily news bulletin

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Published by Jewish Telegraphic Agency / 165 West 46th Street / New York, New York 10036

Vol. LIX - 64th Year

Thursday, July 16, 1981

No. 135

TERRORIST ROCKET ATTACK KILLS 3 PEOPLE, INJURES 13 IN NAHARIYA

By Hugh Orgel

TEL AVIV, July 15 (JTA) -- Three people were killed and thirteen were wounded in a Katyusha rocket attack on the coastal resort town of Nahariya today. Rockets fired by Palestinian terrorists based in Lebanon also hit the border town of Kiryat Shemona. The casualties in Nahariya were among people walking the streets or riding in cars, Israel Radio reported. The names of the fatalities were not immediately announced.

The attack followed a heavy Israeli air raid on Palestinian targets near Damour south of Beirut yesterday. It was the third Israeli air attack over Lebanon since the weekend. The earlier attacks also touched off retaliatory rocket barrages on towns and settlements in northern Israel. Israeli artillery replied by pounding a Palestinian base in south Lebanon.

There were no reports of casualties in Kiryat Shemona where at least a dozen rockets hit the town and its outskirts sending the populace into bomb shelters. (See late bulletin P. 3).

ISRAEL PROTESTS TO EGYPT OVER CAIRO'S CRITICISM OF ISRAEL'S RAID ON IRAQ'S NUCLEAR REACTOR

By David Landau

JERUSALEM, July 15 (JTA) -- Israel has delivered what sources here termed a "sharp protest" to Egypt over Cairo's conduct following the Israeli air raid on the Iraqi nuclear reactor on June 7. In a letter from Foreign Minister Yitzhak Shamir to Egypt's Foreign Minister Kamal Hassan Ali, Israel complained forcefully and bitterly at Egypt's vehemently hostile criticism of the Israeli attack. The letter, which was understood to have been written in close coordination with Premier Menachem Begin himself, was delivered today by Ambassador Moshe Sasson.

Shamir cited particularly Egypt's leading role in the Organization Of African Unity (OAU) condemnation of Israel, issued by the OAU summit in Nairobi last month. Cairo's Minister of State for Foreign Affairs, Boutros Ghali, made a speech at that summit which Israel regarded as unwarrantedly strident and hostile.

Shamir also cited Egypt's behavior at the United Nations and at the International Atomic Energy Agency in Vienna, where Egyptian delegates echoed Israel's most hardlined foes in their attacks on the Israeli air raid.

The letter also dwelt on the vehement -- and in some cases virulent -- reactions in the Egyptian press to Israel's action. Shamir sought to remind Ali that the peace treaty between the two states, in Article V of Annex III, requires that "the parties shall seek to foster mutual understanding and tolerance and will, accordingly, abstain from hostile propaganda against each other."

F16s DEADLINE STILL PENDING

WASHINGTON, July 15 (JTA) -- The Reagan Administration apparently plans to go down to

the wire on its self-imposed deadline for an expected announcement that the United States will resume shipment of F-16 jet fighters to Israel.

State Department spokesman Dean Fischer continued to maintain today that "no decision" has been made whether to lift the suspension on delivery of four F-16s that was ordered after Israel attacked Iraq's nuclear reactor on June 7. But he reiterated that a decision will be made by this Friday when six more F-16s are scheduled to be shipped to Israel.

Fischer said that the statement issued at the conclusion of the visit to Israel by State Department Counsellor Robert McFarlane Monday night "does not reflect" that a decision has been made on the resumption of F-16 deliveries. The statement said that the "misunderstandings" between the U.S. and Israel over the Iraqi raid had been "clarified to the satisfaction of both sides."

McFarlane, who returned to Washington last night, is scheduled to brief the House Foreign Affairs Committee tomorrow morning and the Senate Foreign Relations Committee tomorrow afternoon. Fischer said that McFarlane's scheduled testimony before the Senate committee today was postponed to give him more time to consult with Secretary of State Alexander Haig and with President Reagan who must make the final decision on the resumption of F-16 deliveries.

Fischer refused to disclose anything McFarlane may have discussed while in Israel nor would he clarify what the "misunderstandings" were between Israel and the U.S. He said that he could not say whether McFarlane had discussed the use of American-made weapons by Israel in its raids on Palestinian terrorist bases in Lebanon. He said McFarlane went to Israel for the "specific" purpose of discussing the use of American-made weapons in the raid on Iraq. (By David Friedman)

BEGIN STARTS TASK OF FORMING NEW GOVERNMENT

By David Landau

JERUSALEM, July 15 (JTA) -- Premier Menachem Begin, formally summoned by President Yitzhak Navon today to form a new government, lost no time beginning that task. He met this afternoon with leaders of Likud's Liberal Party wing. He will start coalition talks tomorrow with the National Religious Party, with the Aguda Israel Party on Friday and with Aharon Abu Hatzeira's Tami faction Sunday. He said today that he hoped to have his new Cabinet ready for presentation to the Knesset within two weeks.

The three religious parties, with 13 Knesset seats between them, would give Begin the 61-seat Knesset majority he needs to govern. Danny Vermus, Secretary General of the NRP, told reporters last night that he expected negotiations with his party to be completed in a week. But the controversial "Who is a Jew" amendment to the Law of Return may complicate Begin's efforts.

Some elements of the NRP were reported today to be insisting that the party demand a guarantee from Begin that the amendment will be adopted as its price for joining his coalition. The NRP is under heavy pressure from the Chief Rabbinate and from the Lubavitcher Rebbe, Menachem Schneerson in New York, to hold out for a commitment to amend the law. The focus shifted to the NRP after the ultra-Orthodox Aguda

Israel's "Council of Sages" took a surprisingly moderate position, agreeing not to press the issue in coalition talks.

They did so after Begin declared flatly this week that he would not force the non-Orthodox members of his party to support the amendment which has drawn angry protests from leaders of Reform and Conservative Judaism here and abroad. Observers believe that Begin and the Aguda will agree to "try their best" to have the amendment adopted without any commitment from Begin on Likud's behalf.

Liberal Party Seeking Portfolios

Leaders of the Liberal Party, meanwhile, appeared less concerned with issues than with obtaining portfolios in the new Begin Cabinet. They have already been barred from the most powerful posts which are reserved for Herut hardliners. Ariel Sharon, the most vociferous hawk in the outgoing government, is virtually certain to be appointed Defense Minister.

Foreign Minister Yitzhak Shamir and Finance Minister Yoram Aridor are expected to retain those posts and Yaacov Meridor, a millionaire businessman and close friend of Begin from his Irgun days, is slated to be named economic "coordinator."

This leaves few jobs of any real influence for the Liberals. Their leader, Simcha Ehrlich, has been promised that he will remain Deputy Premier, an office he shared in the last government with Yigael Yadin of the now defunct Democratic Movement, who has retired from politics.

Moshe Nissim, another Liberal front-runner, will stay on as Justice Minister. Energy Minister Yitzhak Modai is expected by informed sources to be installed as Minister of Commerce, a promotion in Cabinet ranks, albeit a slight one.

FRANCE TO HONOR ALL COMMERCIAL CONTRACTS SIGNED WITH LIBYA UNDER PREVIOUS GISCARD ADMINISTRATION

PARIS, July 15 (JTA) -- The French government has announced that all commercial contracts signed with Libya under the previous Administration of Valery Giscard d'Estaing would be honored. The decision implied the lifting of an arms embargo which had been applied by the Giscard government in protest against Libya's intervention in Chad.

Arms contracts signed with Libya are estimated at about \$600 million and include gunboats, helicopters and missiles. The French government, however, stated that it did not intend to sign new arms contracts with Tripoli. It added that it hoped Libya would help promote the peace process in Chad. The decision of the French government is the sign of an improvement of relations with Libya.

N.Y.C. BOARD OF EDUCATION TO PRODUCE RADIO SERIES ON HOLOCAUST

NEW YORK, July 15 (JTA) -- An educational radio series on the Holocaust will be produced by WNYE-FM of the New York City Board of Education as a result of a \$60,889 grant from the U.S. Department of Education. The funding from the Ethnic Heritage Studies Program will provide for an 18-part series to be broadcast on WNYE, 91.5 on the FM dial, from Oct. 1, 1981 to Sept. 30, 1982.

The series will also be distributed nationwide through the Intercollegiate Broadcasting Service and will be offered to National Public Radio and In-Touch Network for their member stations.

Chancellor Frank Macchiarola, who made the announcement, described the significance of

the radio series saying, "This will foster greater understanding between ethnic groups in the city and throughout the nation." Dr. Perry Davis, director of the Office of Funded Programs, also commented, "This is a breakthrough in funding for ethnic studies and a tribute to the Emmy award-winning WNYE-FM which will produce the series."

Programs In English And Spanish

WNYE-FM will produce the programs in both English and Spanish with the first broadcast being a training film for teachers on the Holocaust. There will be seven dramatic scripts written by a professional writer as well as one prize-winning script selected from a city-wide writing contest among high school students studying the Holocaust.

The final program will be a panel discussion with students interviewing experts. High school students participating in the project will prepare the research for the dramatic scripts. Research for these programs will be drawn from the oral history collections at the Center for Holocaust Studies and at John Dewey High School in Brooklyn.

At The 11th Maccabiah MEXICAN ATHLETES REFUSE TO PLAY AGAINST SOUTH AFRICAN TEAM By Haskell Cohen

TEL AVIV, July 15 (JTA) -- The only untoward incident at the Maccabiah pertained to the competition against South Africa during the first draw of the soccer schedule. When Mexico learned it was to play in the same division as South Africa it threatened to withdraw from the games, it was revealed by sources in the know here.

Mexican Maccabiah officials, upon learning they would have to play the team from South Africa, informed the Maccabiah organizing committee that the Mexican government advised the squad in no uncertain terms before they left for the games that it would not tolerate the squad's participation against the representatives from that country in any of the venues.

As a result of this mandate the Mexicans requested the local organizing committee to move Mexico to a second division, in soccer, so that there would be little or no possibility of the soccer teams meeting on the soccer field. The organizing committee acquiesced and revised the two division set-ups to preclude a possible meeting between the two teams.

South Africa was barred from competing in the 1969 and 1973 maccabiot by that country's soccer federation. The ban was lifted for the 1977 games by that federation but despite this action, the Mexican government persists in boycotting all sports activities involving South Africa.

U.S., ISRAEL BATTLING FOR MEDALS AT THE 11th MACCABIAH By Haskell Cohen

TEL AVIV, July 15 (JTA) -- As the 11th Maccabiah Games starts its wind-down, it is clearly evident that the battle for medals is between the United States and Israel and will be settled on the basketball court and in the track and field events. Currently the U.S. leads with 59 gold medals to Israel's 42, while Israel is ahead of the U.S. in total medals with 137-131. The other countries are lagging far behind, with South Africa having a total of 30 medals including 11 gold.

The South Africans are hurting since they can only compete in sports in which they are not excluded by the international governing bodies.

The American women's basketball team didn't fare too well in the basketball finals when it yielded to Israel 93-70 at the Kfar Maccabiah court. Barbara

Weiner of Philadelphia kept the U.S. in the running early with her playmaking, but the Israelis had too much height and savvy for the Americans who practiced together a total of nine days.

The U.S. reached the semi-finals in the men's basketball events when it swamped Uruguay Tuesday night by over 100 points. The club has to get by Canada to meet Israel for the title. Israel already has beaten the Canadians in the eight-team round robin by 12 points.

In an exciting jump-off in the high jump competition, Jason Meisler, a recent UCLA graduate edged out Israel's Gideon Hamat when he cleared 2.19 meters (72 1/4) after tying with the Israeli at 2.17 in the regular competition.

New Maccabiah Record

William Lipsey of Evanston, Ill. established a new Maccabiah record in the 110 meters hurdles at 15.09 seconds while Gary Willicky, a high school All-American, out of Boca Raton, Florida, captured the discus throw with a toss of 57.18 meters. The U.S. continued its chances for a medal in soccer by downing Sweden 3-1 in the long series of football matches.

After the second round in men's golf singles, Joel Hirsch of the U.S. continued his lead with 147 points followed by teammate Joel Gross of Pembroke Pines, Florida with 148. Hirsch, a top flight linksman, took a second place in the Dixie amateur in 1980 and played in the British amateur finals last month and took down third place in the northern amateur in 1980 as well as a third in the 1980 Illinois State amateur.

Team-wise, the Americans lead Canada 598 points to 611 with South Africa third at 625 tallies. American Renee Heading of Wesley Chapel, Florida, maintained her lead in the women's singles with 160 points to Ms. Halman of Great Britain in second position with 163 points. Overall, the South African women's team is leading, with the U.S. in the third spot.

In judo, Moss Brad took a first in the over 95 kg weight while teammate Hyman Barry of New York City, coach of the Columbia University judo team, captured a third in the up to 95 kg division. On the rowing front, U.S. came first in quadruple sculls while taking all the water events. In singles Scot Fisher won.

In the next to last round standings in Bridge, the U.S. stands second to France with 180 1/2 points to the first place unit's 186. In tennis semi-finals, American defending woman top seeded Dana Gilbert will meet Anette Leand, a teammate, while a third American, Patricia Schiff, goes against South African Elana Smukler, seeded second to Gilbert. Brad Gilbert, brother of Dana, is the only American in the semis.

LATE NEWS BULLETIN

TEL AVIV, July 15 (JTA) -- Military sources said tonight that 13 persons were injured in the Katyusha rocket attack on Nahariya today in addition to the three killed. Earlier reports put the number of injured at eight. Several casualties were reported in Kiryat Shemona, also hit by rockets today, but the exact number was not given. Both Nahariya and Kiryat Shemona sustained severe property damage in what military sources described as the heaviest attacks since the Yom Kippur War.

United Nations sources said over 120 rockets rained down on the two towns. Nahariya and Kiryat Shemona are on a line with the Palestinian

terrorist bases at Damour on the Lebanese coast and Nabatiyeh, inland, both of which were the targets of heavy Israeli air raids yesterday.

SWISS FOREIGN OFFICE BOOSTS ROLE OF THE PLO

GENEVA, July 15 (JTA) -- The controversial visit here of a senior Palestine Liberation Organization official, Farouk Kaddoumi, was followed by a Foreign Office communique describing the PLO as "an important factor in the search for a solution on the Middle East" but denying it official recognition by the Swiss government. The communique explained that recognition can be extended only to sovereign states.

Kaddoumi, who is the PLO's spokesman in foreign affairs, met with Foreign Minister Pierre Aubert in Bern under tight security measures. "Security reasons" were cited to explain why photographers and television camera crews were barred from the meeting which was also attended by Raymond Probst, Director General of the Foreign Ministry, and by the director of its Middle East division.

But observers here believe that Aubert, who invited Kaddoumi, was embarrassed by the visit and wanted minimum publicity. He was reported to have extended the invitation only reluctantly and under pressure from pro-Palestinian elements. He chose mid-July when most people are on vacation in order to avoid publicity and protest demonstrations. The Jewish community dropped the idea of a protest march because there was only a handful of marchers still in town.

Effort At Even-handedness

The Foreign Office communique was an effort at even-handedness. It stated that all proposed solutions to the Middle East problem must take into consideration the security of Israel in internationally recognized borders and also the right of the Palestinians to self-determination.

The communique said that Switzerland deplores the use of force by states, groups or individuals as a means of solving international problems. It specifically condemned acts of terrorism but also reaffirmed the principle of international law barring the acquisition of territory by force. The communique stated that Switzerland is ready, if called upon, to support and contribute to efforts to find a peaceful solution to the Middle East conflict.

Despite the summer doldrums, some demonstrators handed out leaflets in front of the Palais Federal, the government house, when Kaddoumi arrived for his meeting with Aubert. One group favored his visit and the other was opposed. Police were present but did not intervene as the demonstrations on both sides were carried out in proper "Swiss order." They indicated, however, that whatever their sympathies, the Swiss were not indifferent to Kaddoumi's visit.

The PLO leader left for Geneva where he is the guest of the Arab League office. The Arab League was arranging a press conference limited to the Swiss and Arabic press.

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JERUSALEM (JTA) -- Israeli workers' productivity went up only three percent last year, according to Social Bettement Minister Israel Katz. He said productivity should rise by seven to eight percent annually. Katz spoke at the award ceremony of the Kaplan prize, given to 11 persons and organizations which made a significant contribution to the economy. The prizes were awarded to farmers, construction workers, tourism officials, and a navy team which developed a control system using advanced technology.

CALIFORNIA COURT RULING ON CIVIL RIGHTS ACT AMENDMENT PROTECTING OBSERVANT JEWS' JOB RIGHTS SEEN AS BOOST TO LAW'S CONSTITUTIONALITY

By Ben Gallob

NEW YORK, July 15 (JTA) -- A California federal appeals court ruling, upholding the constitutionality of a law protecting the job rights of observant Jews, was viewed here today by the law's supporters as a hopeful indication that the law's continued viability is unlikely to be crippled by a Supreme Court ruling that it is unconstitutional.

The supporters pointed out that the California ruling was the third federal appeals court ruling in a row upholding the constitutionality of the law, a trend which decreases any possibility that the law might come up for review by the Supreme Court.

The law is a 1972 amendment to the 1964 Civil Rights Act, known to attorneys as Section 701J. The National Jewish Commission on Law and Public Affairs (COLPA) helped to draft the 1972 amendment, Howard Zuckerman, COLPA president, noted. The law requires that employers make reasonable accommodation to the religious needs of observant workers except in situations in which doing so would create "undue hardship" for the employer.

Background Of The Ruling

The ruling by the Ninth Circuit Federal Court of Appeals involved the case of a Seventh Day Adventist, David Anderson, who joined the Convair Aerospace division of General Dynamics in 1965. In 1972, the firm signed a contract with the International Association of Machinists and Aerospace Workers, requiring that all Convair division workers join the union.

Anderson cited a Seventh Day Adventist ban against joining a union or paying dues to a union. He offered to donate to charity, on a regular basis, an amount equal to his dues. When the union rejected that offer and said Anderson had to join and he refused, General Dynamics fired him in 1976.

Anderson appealed the firing and the first hearing was before Federal District Court Judge Robert Denney in San Diego. Denney ruled in 1977 that non-payment of dues constituted an "undue hardship" for the union, as a matter of law, because of the problem of "free riders" which he said would occur if Anderson could continue to work at Convair without joining the union. Denney did not raise any issue of constitutionality in his ruling.

The Ninth Circuit Federal Appeals Court struck down Denney's ruling on Sept. 8, 1978, declaring that the "undue hardship" claimed by the machinists union must be proved to be factual and that "hypothetical speculation regarding 'free riders' is insufficient."

The appeals court remanded the Anderson case back to the federal district court with instructions that the lower court write an order resulting in reinstatement of Anderson with full pay and benefits, without requiring him to join the union.

Concern Of Orthodox Jews

Zuckerman, in explaining the concern of Orthodox Jews about a Supreme Court test of 701J's constitutionality, explained that while the law might be found constitutional, there was also the prospect that the Supreme Court might have

found 701J unconstitutional. For COLPA, which has won hundreds of cases in which the job rights of observant Jews were threatened by employers, that prospect of an unconstitutionality ruling has always been a matter of profound concern, Zuckerman explained.

When the Anderson case was returned to the San Diego federal district court, it was assigned not to Judge Denney but to Judge Edward Schwartz. He ruled in May, 1980, that such laws as 701J violated the First Amendment and resulted "in an impermissible government entanglement with religion." He ruled in favor of General Dynamics.

At that time, Zuckerman said, there were "serious questions" as to whether Schwartz, the first Federal Judge to raise the issue of the constitutionality of 701J, had not been in error on procedural grounds, particularly since the Ninth Circuit Court of Appeals had made no reference to 701J.

COLPA thereupon filed a friend of the court brief in the appeal from Schwartz' ruling to the Ninth Circuit Court of Appeals. The brief was filed on behalf of COLPA, the Anti-Defamation League of B'nai B'rith, Agudath Israel of America, the National Council of Young Israel, the Rabbinical Council of America, and the Union of Orthodox Jewish Congregations of America.

Argument In COLPA Brief

The COLPA brief argued that the "reasonable accommodation" standard was in no way a preference for religion, but simply provided equal job opportunity to all persons, regardless of their religious belief or practice, by ensuring that no person would be denied a job because of his or her religious beliefs.

The COLPA brief also argued that "all aspects of religious observance and practice are covered by the law and the fact that all religions have more or different kinds of religiously-dictated observances than other religions does not invalidate a law that applies to all faiths equally."

A COLPA volunteer attorney, Daniel Chazin, who filed the brief, noted that while dues payment poses no problem for Jews, continued protection of Sabbath observance rights is of critical importance for thousands of observant Jews and for members of other faiths, such as Seventh Day Adventists, who observe Saturday as a holy day.

The ruling by the Ninth Circuit Court of Appeals rejecting Judge Schwartz' decision was the third of the appeals court decisions upholding the 1972 amendment.

Zuckerman, in explaining the wider meaning of the three appeals court rulings, said the Supreme Court generally regards consistent rulings by the three-man appeals courts, on either side of a law involving the constitutionality issue, as relieving the Supreme Court of a need to consider a particular law.

Zuckerman said that, in the case of the 1972 amendment, for the Supreme Court to intervene would mean overruling the judgments of three three-man federal appeals courts, which, he said, legal authorities consider highly unlikely, though not impossible.

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TEL AVIV (JTA) -- Samuel Flatto-Sharon, who failed to gain re-election to the Knesset and is awaiting his appeal to the Supreme Court against a nine-month prison sentence for pre-election bribery four years ago, slipped out of the country quietly last week. Flatto-Sharon, whose extradition to France has been requested by Paris where he was sentenced in absentia to a 10-year prison term for embezzlement, is said to be in Ecuador on business.