

## TWO HIGH COURT JUSTICES AND RETIRED ARMY OFFICER TO COMPRISE COMMISSION OF INQUIRY

By David Landau and Hugh Orgel

JERUSALEM, Oct. 3 (JTA) -- Two Supreme Court justices and a retired career army officer will comprise the judicial commission of inquiry set up to investigate Israel's role, if any, in the massacre of Palestinian civilians by units of the Lebanese Phalangist militia in west Beirut September 16-18.

The members of the panel were appointed by the President of the Supreme Court, Chief Justice Yitzhak Kahan, as provided under the 1968 Commissions of Inquiry Law. Kahan, 69, and due to retire in a year, designated himself chairman. He named as his colleagues Justice Aharon Barak, a former Attorney General, and Gen. (res.) Yonah Efrat who once commanded Israel's crack Golan Brigade and later served as commanding general of the central command.

The composition of the commission is bound to satisfy even the most skeptical that the inquiry will be conducted fairly and thoroughly. Kahan and Barak are distinguished jurists, regarded as "judges' judges" whose entire outlook is judicial and divorced from any other considerations.

Barak, 46, served as Attorney General in the late '70s, beginning under a Labor government and remaining in office after Likud took power. He played a key role in the Camp David negotiations of September, 1978 as a legal advisor to the Israeli negotiating team. Efrat, 56, now heads a fuel transportation company. A lifelong soldier with an outstanding record, he has never been involved in politics.

### Consequences Of Inquiry Feared

Meanwhile, a group of senior Israeli army officers who have reportedly called for the resignation of Defense Minister Ariel Sharon for his conduct of the war in Lebanon, was said to fear that the inquiry might blame the army for actions in west Beirut initiated and ordered by the political leaders.

Those misgivings were expressed before the commission's composition was announced. The officers pointed out that the decision for the Israeli army to enter west Beirut on September 15 and later to send the Phalangists into the Shatila and Sabra refugee camps where the massacres occurred, were both taken on the highest political level.

An army spokesman confirmed today that a meeting took place last week between these officers and Sharon but vigorously denied a report in the London Sunday Times today that it had turned into a "near mutiny." The Times story was co-authored by the newspaper's Jerusalem correspondent, David Blundy, and Hirsch Goodman, military correspondent of the Jerusalem Post.

The Post, which published the Times story today, reported that its details were known to Goodman and other Israeli reporters last week but could not be published.

Other Israeli newspapers and the State radio correspondent, Shmuel Tal, said today that the Times' report was "over-dramatized and exaggerated."

But it was generally acknowledged that some officers demanded that Sharon resign. The meeting, held at an undisclosed location outside Tel Aviv, lasted six hours. It was described as "highly emotional but nowhere near a mutiny." Officers who had criticized Sharon sharply earlier in the day were said to have modified their tone in his presence.

According to the reports, Sharon attacked the officers for demanding the resignation of a minister and advised them to resign their own commissions if they wanted to enter politics.

Sharon, in a radio interview last week, said he might resign if the inquiry commission proved that Israeli soldiers had taken part in the west Beirut massacre. Not even Israel's harshest critics have ever contended that was the case. The Israelis were faulted for allowing the Phalangists to enter the refugee camps.

Sharon insisted that the government did not have the slightest suspicion of what would ensue because it regarded the Phalangists as a disciplined military force.

### MUBARAK WARNS ISRAEL THAT ITS POLICY IN LEBANON WILL HAVE 'GRAVE REPERCUSSIONS'

By Judith Kohn

(Editor's note: Judith Kohn, who was an intern at the Jewish Telegraphic Agency last summer, is now living in Cairo and will be filing reports from there.)

CAIRO, Oct. 3 (JTA) -- President Hosni Mubarak, in an address marking the inauguration of this year's Parliamentary session, issued today a sharply worded denunciation of Israeli policy in Lebanon and warned Israel that its actions would have "grave repercussions."

At the same time, however, he reiterated Egypt's commitment "to every convention and every agreement" to which his country was party.

Although the President announced no specific measures against Israel in the wake of the massacre by Phalangist militiamen of Palestinian refugees in Beirut, the stinging tone of his address underscored the strain in relations between the two countries which has increased dramatically in recent weeks. Egypt has officially blamed Israel for the massacre and recalled its Ambassador from Israel.

"The Israeli policy has done a lot of harm to the cause of peace and stability in the area," he declared to the legislators. Referring to what he called Israel's illusion of military might that he said was shattered by Egypt in 1973, Mubarak declared that "once again it is beating the drums of war." This was a reference to the Yom Kippur War.

"It is imperative for the Israeli government to understand that this policy that they are adopting will have the grave repercussions and that they will definitely backfire on them, and that this policy will never annihilate the people of Palestine or eliminate the right of the Palestinians to have their own homeland, just like the other people in the world," the President warned.

Referring to the Palestinian killings, Mubarak added: "These constant and successive campaigns of mutilation and massacre by the Israelis will never destroy the will of the Palestinian people to drive

them to frustration in any way. On the contrary, this will enhance the determination of the people to stand firm and to survive and retain their identity."

In what appeared an implicit call for a PLO declaration of willingness to recognize Israel in order to build upon the wave of worldwide sympathy generated by the events in Lebanon, Mubarak said:

"... If the Palestinian people were to have the insight and foresight, then they would be able to capitalize on the international sympathy and try to translate this into tangible and positive action that would finally lead to the emancipation and liberation of the Palestinian people."

The President warned that "Israel cannot go on occupying and threatening the Lebanese people and threatening to intervene in their affairs," and said that the recent massacre "showed that occupation breeds only atrocities, crime and bloodshed."

Noting the public outcry in Israel following the massacre, as well as criticism from Jewish communities abroad, Mubarak hailed "those Israelis who have denounced the massacres within Israel itself and all over the world."

Egypt's semi-official news daily Al-Ahram reported yesterday that Foreign Minister Kamal Hassan Ali will send a letter to U.S. Secretary of State George Shultz in the coming days that will include an explanation of his country's stance on the Reagan initiative.

#### Israeli-Egyptian Relations To Be Reassessed

The President's speech marked the culmination of a growing wave of official and semi-official rhetoric condemning Israeli policy in Lebanon and its rejection of the Reagan Middle East plan. Although Mubarak made no mention of sanctions against Israel, Egypt has reportedly asked Israel not to participate in the international farm equipment fair scheduled for this month, and the Egyptian Foreign Minister has ordered the formation of a committee to assess relations between the two countries. According to a report in Al-Ahram today, Ali will review this week a detailed report prepared by Middle East and Israeli affairs experts on all aspects of Egyptian-Israeli relations and the massacre in west Beirut.

#### Egypt Wants IDF Out Of Lebanon Immediately

Meanwhile, Egypt has informed the United States that Israel should withdraw its troops from Lebanon immediately without waiting for other foreign forces to leave, according to a report in Al-Ahram. The report stated that Ali told U.S. special envoy Philip Habib in his meeting with him several days ago that an immediate withdrawal of Israeli troops would serve as a catalyst for withdrawal of other foreign forces from Lebanon.

In another development Syria told the U.S. today that it would withdraw its troops from Lebanon if asked to do so by the Lebanese government and if Israel's forces pulled out of the country. According to reports from Damascus, this position was conveyed by Syrian Minister of State for Foreign Affairs Farouk al-Shara'i and Deputy Foreign Minister Nasser Qaddour to Habib at a two-hour meeting.

The U.S. envoy arrived in Damascus yesterday on the latest stage of his mission to try to negotiate a withdrawal of all foreign troops from Lebanon, and to promote President Reagan's Middle East peace initiative. Before arriving in Damascus Habib visited Beirut where he briefed President Amin Gemayel on his latest talks in Egypt, Israel,

Jordan and Saudi Arabia. Prior to leaving Damascus today to return to the U.S., Habib met for three hours with President Hafez Assad.

#### BEGIN: BLAMING ISRAEL FOR MASSACRE IS 'TOTALLY DESPICABLE' By David Friedman

WASHINGTON, Oct. 3 (JTA) -- Premier Menachem Begin of Israel has sent a letter to Sen. Alan Cranston (D. Cal.) replying to the senator's criticism of Israel's recent actions in Lebanon and Israel's rejection of President Reagan's Middle East peace initiative. Begin charged that "the whole campaign over the last 10 days" to blame Israel for the massacre of Palestinians in refugee camps in west Beirut was "unbelievable, fantastic and totally despicable."

The Premier's letter, released by the Israel Embassy here last Friday, was in reply to a letter Cranston, the deputy Democratic leader in the Senate, wrote to Begin September 22. A spokesman for Cranston said that the Senator has received Begin's letter, dated September 29, and had no comment since he felt that both his letter and Begin's reply spoke for themselves.

At the outset of his letter to Cranston, Begin noted that the Senator has "a perfect right, even from afar, to criticize Israel's actions or proffer advice because you are a real friend of our people and country."

Explaining why Israel went into west Beirut September 15, Begin wrote that after Lebanese President-elect Bashir Gemayel was assassinated, he told the Israel Cabinet there was a need to prevent "a revenge on the Moslem population by the Christians." Begin added:

"It never occurred to anyone dealing with the Lebanese military units, which subsequently entered the Shatila and Sabra camps, that they would perpetrate a massacre." He noted that it would have been "morally untenable and sinful" to make the "assumption that a disciplined military unit will behave like beasts."

#### Cites Three Truths

Begin also wrote that "the first horrific truth is that Arabs murdered Arabs. The second simple truth is that Israeli soldiers stopped the carnage. The third simple truth is that if the current campaign should go on, without a reaction of outrage -- indeed outrage -- by decent men, then, within a matter of a few weeks or months, everyone everywhere will have gotten the impression and will begin to believe that it was an Israeli military unit which perpetrated the horrible killings."

Begin stressed that Israel has now decided to hold a commission of inquiry, adding that the delay in establishing such an inquiry was due to "several factors which could not possibly be known even to our best friends living thousands of miles away from the scene of the tragedy." But Begin stressed that, now that an inquiry will take place, "nothing will be hidden. Everything will be clarified."

#### Cranston's Letter To Begin

In his letter to Begin, Cranston said while he had initially supported Israel's efforts in Lebanon, it now appeared to both friends and critics of Israel that Begin and Defense Minister Ariel Sharon "have substituted naked military force for a balanced foreign policy which should reflect a decent respect for the opinion of mankind."

Cranston urged Israel to cooperate in achieving the swift withdrawal of all foreign forces from Lebanon and "to return to Israel's traditional concern over only immediate threats to its own borders" while abandoning "its reliance on military force for the solution of essentially diplomatic problems."

Cranston said also that "though I myself have a reservation about elements of President Reagan's proposed peace plan" for the Middle East, "I urge your government to reconsider promptly its outright, precipitous rejection of his entire proposal."

#### Basis For Rejecting Reagan's Plan

In replying to the last point, Begin said Israel could not accept the President's proposal because it would result in a "mortal danger" for Israel. Begin listed some of the various points that Israel has made before in rejecting the Reagan proposal.

Begin also pointed out that both he and Reagan have agreed that Israel and the United States are friends and allies. "Between friends and allies, there should be complete candor," Begin stressed.

"How, then, could we, the Israelis, say that the 'positions' are negotiable if we feel with all our heart and analytical reasoning that we see in them an ultimate danger to our children, to our future, to our very existence? Are we going to be asked for the sake of any interest whatsoever, to give up our innermost convictions, put in jeopardy our independence and sacrifice our most vital interests?"

#### SHAMIR: ALL FOREIGN TROOPS WILL LEAVE LEBANON BY END OF THE YEAR

By David Friedman

WASHINGTON, Oct. 3 (JTA) -- Israeli Foreign Minister Yitzhak Shamir predicted today that all foreign forces -- Syrian, the Palestine Liberation Organization and Israeli -- could be out of Lebanon by the "end of this year."

But Shamir, appearing on the CBS-TV "Face the Nation" program, indicated that Israeli forces may not leave Baabda, site of the Lebanese Presidential Palace three miles from Beirut and the area just south of Beirut International Airport, until "a timetable" is drawn up for the withdrawal of all troops, despite demands by the U.S. that they leave those two areas now. Shamir said departure from those areas as part of the general withdrawal "must be the logical conclusion."

The Israeli Foreign Minister said he based his optimism on talks he had with U.S. special envoy Philip Habib. He said Habib told him that if the Syrians are willing to leave Lebanon as they promised, the only problem is the technicalities of withdrawal. Shamir said if that happens, he does not believe PLO forces in northern Lebanon and the Bekaa valley would stay in Lebanon.

"I don't think the PLO will remain there without the protection of Syrian troops," he said. "And we have no intention to stay an additional moment in Lebanon when all the other forces will leave Lebanese territory."

Shamir said Israel's security on its northern borders will have to be worked out between the governments of Israel and Lebanon. He said it could not be done by an international force -- such as the United Nations Interim Force in Lebanon (UNIFIL) -- or by a multinational force such as that composed of U.S. marines, French and Italian troops, now in Beirut.

He said the reason was that the PLO would try to reinfiltrate the territory and only the Lebanese army would be willing to fight them. Shamir added that Israel did not want to have U.S. marines protecting its border.

He indicated that a peace treaty between Israel and Lebanon would be needed for this to be accomplished. He stressed that such a treaty would be in the "interests" of both Lebanon and Israel. "I believe the majority of the Lebanese people is convinced that such a peace is necessary," he said.

Shamir rejected a suggestion that the Reagan Administration has lost "trust" in Israel because of its activities in Lebanon and its rejection of President Reagan's Middle East peace plan. He said he felt no drop in trust from the Administration and that while there are political differences between Israel and the U.S., this is not the first time. He said he expected the U.S. and Israel to "find out how to narrow those differences."

Shamir also rejected the view that support for Israel has eroded in the American Jewish community. "I don't think there is a change in the determination of the Jewish community in the U.S. to support Israel," he said. "They will always support Israel."

He added that while there may have been some "doubts" about some of Israel's actions, this is "normal" and "natural." He said both Israel and the U.S. are democracies and "everyone is entitled to have his own views. But I don't think there is a change in the support of the Jewish community in the U.S. for the State of Israel," he said.

#### PERES: ISRAEL GUILTY OF 'MISTAKE' BUT NOT 'CRIME' IN BEIRUT MASSACRE

By Kevin Freeman

NEW YORK, Oct. 3 (JTA) -- Describing the recent massacre of hundred of Palestinian civilians as a "terrible mistake" on the part of the Israeli leadership for having allowed elements of the Christian Phalangist forces into the Shatila and Sabra refugee camps, opposition Labor Party leader Shimon Peres today maintained that a distinction must be made between a "mistake and a crime."

In an interview from Jerusalem on the WNBC-TV "News Forum" program, the NBC network affiliate here, Peres said he was not accusing anyone of malicious intent in the Beirut massacre. But he differentiated between the "purpose" of allowing the Phalangist forces to enter the camp in search of Palestinian terrorists and the resulting tragedy.

Asked by correspondent Gabe Pressman if Israel was guilty of "immorality" in the massacre, Peres declared: "I would never imagine in my darkest dreams that there would be a single Israeli that would ever give his hand to a massacre of innocent people. I don't buy it."

While he said he supported the initial objectives of Israel in the Lebanon action, which began June 6 and was designed to create a buffer zone of 40 kilometers north of the Israeli border to prevent terrorist shelling of northern Israeli settlements, Peres termed as foolish the decision by the government of Premier Menachem Begin to go to Beirut and finally enter the capital.

Peres said the Israeli army should be used only for defensive purposes and not as a police force, particularly in a city like Beirut in which, he claimed, the Israeli military failed to understand the "passions and nature" of the Lebanese situation.

#### LATE NEWS BULLETIN

JERUSALEM (JTA) -- Six Israeli soldiers were killed and 16 injured in the mountains east of Beirut when unidentified gunmen opened fire on a bus full of Israeli troops, according to Israeli soldiers on the scene. They said the attack occurred about 10 miles outside the capital. There was no immediate official confirmation here of the incident.

## NUMBER OF ORTHODOX DAY SCHOOLS INCREASED IN THE U.S. AND CANADA FOR 1982-83 SCHOOL YEAR

By Ben Gallob

NEW YORK, Oct. 3 (JTA) -- The number of new Orthodox-oriented day schools sponsored by Torah Umesorah in the United States and Canada rose again for the 1982-83 school year despite continuing inflation and higher educational costs, according to the annual report of the Society of Hebrew Day Schools.

Rabbi Bernard Goldenberg, Torah Umesorah national director, said nine new schools were set up in the United States and one high school for boys in Ottawa for a total of 495 day schools in the United States and 58 in Canada, or a total for North America of 553 day schools.

He said the totals for 1981-82 were 489 day schools in the United States and 57 in Canada, for a total for the two nations of 546. Thus, the increase for the 1982-83 school year over the prior year was seven schools, but Torah Umesorah claimed nine new schools for 1982-83.

Goldenberg explained that two elementary day schools closed during the 1981-82 year, accounting for the different totals. One school closed in Annapolis for lack of both funds and pupils, the other in Perth Amboy, N.J., where Jewish residents moved out in a major population shift, he told the Jewish Telegraphic Agency.

The rabbi reported that the new elementary schools were established in Philadelphia; Raleigh, N.C.; Newburgh, N.Y.; Rockville, Md.; and two in Brooklyn. The seventh elementary unit is a nursery school opened in Lancaster, Pa., which may be the start of a new day school there. The two new day high schools, bringing to 10 the total of new day schools established in this country, are in Edison, N.J. and North Hollywood, Cal.

### Almost Every U.S. City Has Day School

In a special report to the Torah Umesorah executive committee, Goldenberg said there is now a Hebrew day school in every Jewish community in the United States with a population of at least 5,000.

He reported that most day schools have again raised tuition but that the increased fees from that source falls far short of meeting the increased budgetary needs of the day schools.

Goldenberg said another problem is the increased number of single parents -- usually working mothers -- whose children need substantial scholarships to attend Hebrew day schools. He said the increase is particularly evident in the Sunbelt states where at least a five percent increase is evident at the start of the new school year.

He estimated the total enrollment as 95,200 -- 83,850 in the United States and 11,350 in the 58 schools in Canada. The comparable figures for the 1981-82 school year were 83,000 in the United States schools and 11,000 in the Canadian schools, or a total of 94,000.

### Concentration Of Day Schools

Goldenberg said that of the total of 495 day schools in the United States, 216 are in the New York metropolitan area, with 56,000 students of the national total of 83,850.

He reported the data again highlighted the concentration of enrollment in neighborhoods with strong ethnic and traditional orientation. He said the Williamsburg section in Brooklyn, a major Hasidic center, has 26 day schools with 6,200 students.

Boro Park in Brooklyn has 41 day schools with 16,100 students. Brooklyn's Flatbush section has 46 schools and 12,800 students.

Listing the Greater New York area as including the city's five boroughs, plus Nassau, Suffolk and Westchester Counties, he said Brooklyn has more than 120 day schools of the national total of 495.

### Several New Schools Established

Agudath Israel of America also reported that a number of day schools had closed during the 1981-82 year but that this had been offset by establishment of several new schools. Prof. Aaron Twerski, chairman of the Agency's commission on legislation and civic action, said it appeared that 1982-83 will be an even more difficult year for the hard-pressed yeshivot.

Twerski said the yeshivot would feel the full impact of the Reagan Administration's new federalism which will mean further cuts in such programs as school lunches and in funds from the 1981 Education Consolidation and Improvement Act.

In addition to the expected smaller allocations from federally funded programs, he said, the schools will continue to find it hard to raise money from middle class Jews continuing to be hurt by current economic conditions.

### SYNAGOGUE BOMBED IN MILAN

ROME, Oct. 3 (JTA) -- A bomb was hurled from a passing car in front of the main entrance of Milan's chief synagogue early Friday morning. The building was damaged but there were no injuries. Several hours later, news agencies received anonymous phone calls from a group calling itself "Communist Fire-Fighters" which claimed responsibility for the incident. The Milan Jewish community issued a statement in which it accused the Italian press of being indirectly responsible because of its anti-Israel stance.

Many Jews in this country, however, have noted that in the past week, especially after it became clear that a large segment of Israel's population is determined to uncover who is responsible for the massacre of Palestinians in west Beirut refugee camps, the media here has been warning its readers not to confuse indignation at Premier Menachem Begin or Defense Minister Ariel Sharon with accusations against either Israel or the Jewish people.

### FORMER POC RECEIVES VISA

NEW YORK, Oct. 3 (JTA) -- Former Prisoner of Conscience Anner Zavurov has received a visa to emigrate to Israel, it was reported here by the National Conference on Soviet Jewry. The long-term refusenik, who first applied for an exit permit in April 1974, has been harassed by the KGB since his initial application. He and his brother, Amnon, who applied together, were granted visas in 1975. However, the day before their departure, they were summoned to the emigration office and their permits were confiscated.

Anner Zavurov was arrested and jailed for a brief period in December 1976 on charges of "parasitism." Weeks later, he was rearrested for failing to have an internal passport, which was surrendered when his emigration visa was granted, as well as for failing to have a job and for "hooliganism." At his January 1977 trial, he was sentenced to three years in prison, which he completed in April 1980.

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TEL AVIV (JTA) -- All Israeli ports were effectively closed Sunday by a strike of the country's 18 harbor pilots at Haifa, Ashdod and Eilat. The harbor pilots are demanding salaries equal to those of sea captains.