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## SHARON: ISRAEL IS NOT UNDULY DISTURBED BY THE MISSILE SITES IN SYRIA

By Gil Sedan and Hugh Orgel

JERUSALEM, Jan. 6 (JTA) -- Defense Minister Ariel Sharon said that Israel was not unduly disturbed by the missile sites it claims Syria is building to accommodate the Soviet Union's long range surface-to-air SAM-5 missiles.

Asked on a television interview last night about the possible consequences should the Syrians be supplied with the weapons, Sharon said Israel could cope with them. He hoped the solution would be political, not military but observed that Israel has lived with long range missiles in the hands of the Syrians and Iraqis.

Chief of Staff Gen. Rafael Eitan suggested today that any Soviet missiles deployed in Syria would be manned by Soviet technicians whose presence would deter the Syrians from "hasty action." He also suggested that the missiles would serve Soviet strategic purposes, noting that their range would make them a threat to the U.S. Sixth Fleet which often operates in eastern Mediterranean waters.

The SAM-5s, a highly sophisticated missile with a range of nearly 200 miles, has never been deployed outside the borders of the Soviet Union and its Communist-bloc allies. The SAM-5 is a defensive weapon for use against high altitude aircraft and missiles. It is equipped with a radar deflector which can be combined with a radar target-seeking system.

### Possible Soviet Motives

Sharon would not speculate as to why Moscow might supply them to Syria. He said it could be a Soviet response to the American presence in Lebanon. He also suggested the new missile sites were also meant as a gesture to restore Russian prestige lost by the comparative ease with which Israel, using U.S.-built aircraft, destroyed Soviet-built Syrian missiles during the war in Lebanon. Sharon said he hoped that the USSR has no interest in a further deterioration of relations with Israel nor of relations between Israel and Syria.

Some Israeli military experts suggested today the new missile bases under preparation in Syria may be part of the Soviet Union's strategic defense system rather than part of an Arab defense posture in the context of the Middle East conflict.

## NEW U.S. PROPOSALS TO BE CONSIDERED TO GET ISRAEL LEBANON TALKS MOVING

By David Landau

JERUSALEM, Jan. 6 (JTA) -- The governments of Israel and Lebanon will be considering new proposals this weekend put forward by the U.S. to solve the procedural problems in the talks between the three countries. Israel Army Radio reported from Kiryat Shmona, where the three sides met today in their fourth session, that U.S. envoy Morris Draper had put forward "new ideas" and both delegations had consulted by telephone with their leaders in their respective capitals.

The army radio said the two delegation heads, David Kinche of Israel and Antoine Fat-tale of Lebanon, had seemed favorably inclined to the new American ideas -- but both are subject to instructions from their home governments. The U.S. ideas are reportedly on the vexed issue of a normalization provision for the talk's agenda.

Earlier in the day, the Israel delegation spokesman Avi Pazner had sought to discount media reports of deadlock and stalemate, noting that the talks were in their very early stages and initial problems were bound to arise.

Today's round included an opening plenary session followed by an informal meeting between the three delegation heads. Once again reporters allowed in briefly were impressed by the obviously relaxed and friendly atmosphere that seemed to pervade the conference chamber, in a Kiryat Shmona community center.

## NAVON SAYS ALL ISRAELIS ARE UNITED BY A 'THIRST OF PEACE'

By David Friedman

WASHINGTON, Jan. 6 (JTA) -- Israeli President Yitzhak Navon stressed last night that while all Israelis regardless of their other differences are united by a "thirst of peace" they will not sacrifice their security for it.

"I don't know of any other people who want peace with all its heart because we have suffered so much the past 34 years" with six wars since the establishment of the State of Israel, Navon told more than 1000 persons at the Washington Hebrew Congregation at a community meeting sponsored by the Jewish Community Council of Greater Washington.

"We have had enough," Navon added. "But the price is not giving up our main assurances and guarantees of existence and of security." Israelis are determined "to live in secure and defensible boundaries," to see that Jerusalem remains a "united city" and "not to let terrorist organizations dictate to us," Navon declared.

### Problems Faced By Israel, Diaspora

At the same time he outlined problems that were faced by Israel and by diaspora Jewry. For Israel, he said the major problems, in addition to guaranteeing its existence, were to settle the Negev, which he said is 60 percent of Israel's land, and to solve the problem of the social gap.

Navon stressed that Israelis do not consider themselves a separate entity. "We are part of the Jewish people. Whatever happens in the entire Jewish world is of prime interest to us," he declared.

The Israeli President listed three problems in the diaspora. The first was education. Noting that the majority of Jewish children in the U.S. get no Jewish education, he said a "greater effort to increase" Jewish education must be made. Secondly, he urged increasing the Jewish birth rate.

Finally, Navon said the most important goal is aliya. He said while the Western countries have wealth, aliya can provide something for the "neshuma, the soul." But he said until that time comes there

is a need to "strengthen the lines" between Israel and the diaspora. He said this could be done by tourism -- more than half of American Jews have never visited Israel, Navon noted -- sending children to study there and by such things as buying Israeli products.

#### Reception For The Navons

After the meeting at the Washington Hebrew Congregation, Navon went to the Israel Embassy where Ambassador Moshe Arens and his wife, Muriel, hosted a reception for Navon and his wife, Ofra. Some 800 persons attended, including members of the Reagan Administration, Congressmen and Jewish leaders. Among those present were Philip Habib, President Reagan's special envoy for the Middle East, Defense Secretary Caspar Weinberger, Agriculture Secretary John Block and AFL-CIO president Lane Kirkland.

This afternoon, Navon spoke at the National Press Club. (See P. 3.)

#### REAGAN SENDING HABIB BACK TO MIDEAST IN EFFORT TO BREAK DEADLOCK IN ISRAEL-LEBANON TALKS

By David Friedman

WASHINGTON, Jan. 6 (JTA) -- President Reagan said last night that he is sending his special Middle East envoy, Philip Habib, back to the region in an effort to break the deadlock in the negotiations between Israel and Lebanon. Habib was summoned to Washington yesterday from his vacation in Florida.

Although the Reagan Administration is reportedly concerned about the lack of progress in the talks, Reagan did not indicate this feeling in his nationally-televised press conference last night. "It is not unexpected to us," he said. "We would have liked to have had this whole thing move faster. But in view of the situation, not only in Lebanon but the whole Middle East, we never had any illusion that this could be done overnight."

He added that the negotiations that are now going on "will lead to the removal of the foreign forces." Israel and Lebanon have not been able to agree on the agenda for the negotiations because Israel wants to discuss some sort of normalization of relations agreement while Lebanon wants to concentrate on the removal of the Israeli troops from its territory. Lebanon will also have to open negotiations with Syria and with the Palestine Liberation Organization for the removal of their forces.

Reagan said that it was a "tragedy" that fighting was going on in Tripoli. The fighting is between pro and anti-Syrian groups. Reagan noted that the fighting is another reason "why we want the outside forces out, so that the new government of Lebanon can begin to keep order itself and establish its sovereignty."

#### CONVERTED JEW NAMED A CARDINAL AND A PRINCE OF THE CATHOLIC CHURCH

By Edwin Eytan

PARIS, Jan. 6 (JTA) -- Jean-Marie Lustiger, the Archbishop of Paris and a converted Jew, was appointed yesterday a Cardinal and a Prince of the Roman Catholic Church. Vatican sources said that as far as they knew, he is the first Jew to achieve this rank. He will be officially installed by Pope John Paul II during a Vatican ceremony. February 2. Lustiger was one of 18 new Cardinals named by the Pontiff.

The 56-year-old prelate, born in France to a family of Polish Jewish immigrants, was appointed Archbishop of Paris in February 1981. He said at the time, "Yes, I am Jewish and I am conscious of it. I don't feel any sense of betrayal towards my Jewish brethren. Like them, I have known the scorn, the persecution, the rejection and tragedy of history."

Lustiger said upon his nomination that he will henceforth "carry an even greater load." He said "this (appointment) is more of an additional responsibility than an honor." He also said European culture, civilization and spirit are based "on Jewish-Christian traditions."

Born in 1926, Lustiger lived a normal life in a non-traditional Jewish family till the Nazi invasion of France. Given for safe-keeping to a Roman Catholic family in Orleans, he converted to their faith in 1944. He studied at the Sorbonne, worked in a factory and was ordained a priest in 1954, becoming chaplain to Paris University Catholic students.

His father and his sister, married to a Jewish doctor, attended the ceremonies which marked his appointment as Bishop of Orleans in 1979 and his installation as Archbishop of Paris. His mother died in Auschwitz where she was deported by the Nazis.

Both Lustiger and his family have always refused to discuss "private affairs" but the new Cardinal has invariably shown a keen interest in Jewish affairs and had said he had planned at one time to settle in Israel. He speaks and reads Hebrew.

#### BRITISH FOREIGN SECRETARY ABANDONS TOUR TO ARAB STATES FOLLOWING ROW WITH SAUDI ARABIA

By Maurice Samuelson

LONDON, Jan. 6 (JTA) -- British Foreign Secretary Francis Pym has abandoned his tour of Arab states following the refusal of Saudi Arabia to receive him. He was to have left for the region tomorrow.

The cancellation has triggered off a major political row in Britain, with the opposition Labor Party accusing the government of "apathy and incompetence."

The Foreign Office was still trying until Tuesday night to salvage Pym's tour by rescheduling his visits to Qatar, Oman and the Union of Arab Emirates. But today it announced that the whole tour had been postponed.

At the root of these developments is the Arab League's insistence on including PLO spokesman Farouk Kaddoumi in a delegation formed to explain the decision of the Fez Arab summit.

Prime Minister Margaret Thatcher had made it clear she was not prepared to meet Kaddoumi and was also insisting on a blanket condemnation of terrorism by the delegation. But the Arabs had rejected both conditions.

Pym was at pains yesterday to deny that the tour was being cancelled because his other Arab hosts had closed their doors to him. He also said the incident would cause no lasting damage to Britain's interests and that there was no question of the Arabs imposing economic sanction against her.

But Denis Healy, Labor's shadow Foreign Secretary, said the damage to Anglo-Arab relations would "very lasting" and he accused the government, especially Mrs. Thatcher, of "unparalleled incompetence and irresolution."

Accusing it of reversing its position on the PLO, Healy recalled that Mrs. Thatcher herself has signed the 1980 Venice declaration of European leaders allotting the PLO a role in Mideast peace talks and that a Foreign Office Minister had already met Kaddoumi officially. Healy accused Mrs. Thatcher of over-ruling the Foreign Office and acting like "a back seat driver."

For its part, Labor would agree to a ministerial meeting with the PLO. "You often get nationalistic movements using terrorism," Healy added. The present British Home Secretary, William Whitelaw, had met representatives of the political wing of the IRA and previous governments had held contacts with the late Archbishop Makarios of Cyprus at a time when he was supporting terrorism.

#### P.M. Reaffirms Commitment To Israel

Meanwhile, Mrs. Thatcher has given her personal blessing to a delegation of Conservative members of Parliament due to visit Israel next Sunday. In a warmly phrased letter to Michael Fidler, director of the Conservative Friends of Israel, the Prime Minister said "the people of Britain and Israel remain bound by a common commitment to democracy and freedom."

"We in Britain and all our partners in the European community remain committed to a fundamental principle of Israeli policy -- Israeli policy -- the security of the State of Israel. Our resolve to uphold that principle will not weaken, nor will our belief that real security must come from a just and lasting peace."

"As one of the founder members of the Conservative Friends of Israel, let me say that I am delighted you are making this visit. I look forward to hearing how it went."

#### NAVON SAYS HE WARNED REAGAN ABOUT EGYPTIAN INTRANSIGENCE

By David Friedman

WASHINGTON, Jan. 6 (JTA) -- President Yitzhak Navon of Israel said today that he had warned President Reagan at their White House meeting yesterday that Egypt's refusal to expand peaceful relations with Israel threatened chances for broadening the Middle East peace process.

"If this is the model, if this is what happens to peace, what sort of encouragement is that for the peace process?" Navon said in answer to questions at a National Press Club luncheon. "What sort of contribution does it give to the will for peace, the will for sacrifice, the will for giving up things?"

Noting that Israel has given up Sinai, two air bases and its oilfields and forcibly removed settlements for the sake of peace with Egypt, Navon said that Egypt has "frozen" its agreements with Israel. He said not only does Egypt criticize Israel but the Egyptian press is full of anti-Semitic articles and cartoons.

In addition, he accused Egypt of discouraging President Amin Gemayel of Lebanon from reaching a peace agreement with Israel when it should be encouraging another Arab country to have peace with the Jewish State.

Navon stressed that he believed the late President Anwar Sadat of Egypt was a "courageous leader" who moved for peace with Israel, not for Israel's sake but because he believed that instead of war, Egypt needed to concentrate on improving its economy. He said he has met three times with President Hosni Mubarak of Egypt and believes Mubarak wants peace for the same reasons. Navon said he was optimistic that the Egyptian-Israeli peace could succeed and that would "lead to additional peace steps."

Navon, who refused to answer political questions, said he also warned Reagan that two statements in his September 1 peace initiative could go against the consensus in Israel. He said that while Reagan named a Palestinian state, his

other proposals could lead to one. In addition, Navon said, Reagan's statement about more Israeli withdrawals for more peace could be interpreted as total withdrawal for total peace, but no Israeli supports withdrawal to the 1967 boundaries.

The Israeli President denied that settlements on the West Bank are an obstacle to peace. He said that while there is controversy in Israel over where to place the settlements, there is no controversy over Israel's right to establish them. He said it was "absurd" to claim that there is any place in the Holy Land where no Jews can live.

With respect to King Hussein of Jordan joining the autonomy talks, Navon said Hussein could make a contribution if he came as an independent spokesman representing his own people. But if he comes as a surrogate for the Palestine Liberation Organization, the pre-conditions for his participation would create difficulties.

Asked if Israel would negotiate with the PLO if the latter accepted Israel's right to exist, Navon replied that he does not accept the premise. He said the right to exist "we got from the Almighty God. I don't need the permission from the PLO that I have the right to exist."

He noted that the PLO covenant calls for the destruction of Israel. If they would change that clause, the questioner would then have to "ask the (Israeli) Ambassador what will happen" because it is the Ambassador, not Navon, who speaks for the Israeli government.

#### About Navon's Future

Asked about his own future, Navon said he would make an announcement in Israel in February. He said he had three choices: to seek a second term as President from the Knesset; to return to politics; or to retire into private life to write the many books he has planned.

On another issue, Navon denied that Israel's soul had changed during the "Peace for Galilee" operation. He said Israel's high moral calibre could not be shown on television as was the destruction caused by war.

Navon, a Sephardic Jew, said he believed the differences between Israel's Sephardic and Ashkenazic populations would disappear over the next 30 years, principally because of intermarriage, education and the army.

When a reporter proposed a cross country ski tournament between Israel, Syria and Lebanon as a way to promote peace, "a sort of shalom for shalom," Navon replied, "If you promise me snow, I go."

#### Stressed Peaceful Co-Existence With Lebanon

In an interview with ABC-TV "Good Morning America" program today, Navon said the U.S. could encourage President Amin Gemayel of Lebanon to resist Arab pressure and agree in peaceful co-existence with Israel. "I wish the United States would encourage him to the extent they find feasible," Navon said.

He noted that Israel seeks two objectives in its talks with Lebanon: security arrangement and some form of "civilian co-existence." He said Israel had already dropped demands for a peace treaty. "But we want to know that we are living with that neighbor peacefully and there should be some way of co-existence." However, Navon added, "There are elements in the Arab world who do not encourage Gemayel to have these relations."

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JERUSALEM (JTA) -- A quarter of Israel's non-religious Jewish population does not oppose intermarriage, according to the results of a poll published here, but almost a fifth opposed marriages to religious Jews.

# PROTECTION OF JOB RIGHTS FOR OBSERVANT WORKERS SEEN ASSURED BY SERIES OF FEDERAL COURT RULINGS

By Ben Gallob

NEW YORK, Jan. 6 (JTA) -- The decision of another federal appeals court upholding the constitutionality of a federal law requiring employers and labor unions to accommodate the religious needs of employees -- the sixth such federal appeals court ruling -- probably means that the constitutionality of that law is not likely to be challenged in the Supreme Court, a key official of a Jewish civil rights agency declared today.

The protection under law of the religious rights of observant Jewish employees is a matter of critical importance to the Orthodox Jewish community.

Dennis Rapps, executive director of the National Jewish Commission on Law and Public Affairs (COLPA), in discussing the latest ruling by a federal court of appeals, noted that the Supreme Court has never ruled directly on the constitutionality of the accommodations law, a 1972 amendment to the 1964 Civil Rights Act.

The amendment, which COLPA worked out with the cooperation of Congressional leaders, requires employers to make "reasonable accommodation" to the religious needs of observant employees, except when doing so would impose "undue hardship" on the employer.

## Law Has Helped Sabbath Observers

Howard Zuckerman, COLPA president, noted that the law has helped thousands of Sabbath observers to leave work early on Fridays in the winter and to absent themselves from work on Saturdays and Jewish holidays without suffering threats of dismissal.

Zuckerman noted that the Sixth Circuit Court of Appeals, which is based in Cincinnati, had also ruled that an employer cannot claim as an automatic defense against a charge of violation of the religious accommodation law that such an accommodation will make the employer liable to a lawsuit by its employees' union for breach of contract.

The case, though it involved a Michigan firm, Essex International, Inc. went to the Sixth Circuit Court on appeal from a district court ruling, because the jurisdiction of the Cincinnati-based federal appeals court includes Michigan, Rapps said.

## The Issue Involved

At issue was a charge of job discrimination filed by Doris McDaniel, a member of the Seventh Day Adventist church, whose adherents observe Saturday as their Sabbath. Rapps said a tenet of that faith is that adherents may neither belong to a labor union nor provide a union with financial support, such as dues payment.

Ms. McDaniel's employer, Essex International, has a collective bargaining agreement with the International Association of Machinists and Aerospace Workers (IAM), which has a union security clause. Ms. McDaniel was fired by the company at IAM's request for refusing either to join the union or to pay union dues though she had offered to pay the equivalent of the dues to a "non-sectarian, non-union national charity."

After being fired, she sued both the firm and the union, charging a violation of the 1972 amendment. In response, the union cited the prob-

lem of "free riders," and contended that allowing Ms. McDaniel to be employed by Essex, without having to pay dues to the union, would be an "undue hardship." The IAM insisted it would enforce the union security provisions of its contract with the company.

The company contended it would face a certain lawsuit by the union if it did not fire Ms. McDaniel and that it would thus suffer an "undue hardship." Both the company and the union also claimed that since, in the McDaniel case, the "reasonable accommodation" law mandated special treatment of an employee based on religion, that application was contrary to the First Amendment ban on an "establishment of religion."

The federal district court found in favor of the plaintiff and the company and the union appealed the ruling to the Sixth Circuit Court. At that stage of the litigation, COLPA filed a friend-of-the-court brief, along with the Anti-Defamation League of B'nai B'rith, in support of the law's constitutionality. The brief was drafted by Daniel Chazin, COLPA general counsel. With Chazin on the brief were Rapps, and Justin Finger and Jeffrey Sinensky of the ADL.

A friend-of-the-court brief in behalf of the constitutionality of the law was filed separately by the American Jewish Congress.

## Ruling By The Court

The Sixth Circuit Court of Appeals held that the loss of Ms. McDaniel's dues was not an "undue hardship" and that the union's complaint about the "free rider" problem was merely "speculative."

The court also dismissed the company's claim, ruling that since the company knew about the union's "complete failure to attempt any accommodation" to the plaintiff's religious needs, "the employer was not justified in acceding to the request" of the union that the plaintiff be fired.

The court also reaffirmed that the "reasonable accommodation" requirement, although it provided for different treatment of employees based on religion, was not an impermissible preference for religion, since it was designed and operates only to promote equal job opportunity.

Rapps said that while the Supreme Court "is ordinarily the final arbiter of constitutional questions in our legal system, the Sixth Circuit Court decision is the latest of six appellate court rulings, all of which have held that the 'reasonable accommodations' measure is constitutional."

Rapps added that, as a general rule, the Supreme Court will not accept a case for review and definitive decision unless there is a dispute on such a question among the federal circuit appeals courts. He said there are 11 such appeals courts in the federal court system.

Rapps pointed out that the constitutional issue did come before the Supreme Court on three occasions, although in each of those cases, other legal issues also were involved. In two of the cases, he said, the Supreme Court split, four to four, which in effect affirmed the lower court decisions upholding the constitutionality of the reasonable accommodations law.

However, the COLPA official pointed out, while the split rulings sustained the rulings of the appellate courts that the law is constitutional, this was not a decision by the Supreme Court that the law is constitutional. At the Supreme Court level, the decision on the constitutionality of the reasonable accommodations law remains unresolved. But the unbroken succession of six federal appellate court rulings upholding that law means that the victims of violations of the law can challenge such violations with confidence of the law's protection, Rapps said.