

# JTA daily news bulletin

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## EITAN DENIES THERE HAD BEEN 'INCIDENTS' BETWEEN U.S. MARINES AND THE IDF NEAR BEIRUT

By Hugh Orgel

TEL AVIV, Jan. 25 (JTA) -- Chief of Staff Gen. Rafael Eitan today denied there had been any "incidents" with U.S. Marines near Beirut, as no shots had been fired.

Answering questions at the end of a day-long symposium on "The Middle East After the Lebanon War" organized by the government's information center and the Shiloah Institute, Eitan said: "There was no incident -- not even a confrontation as no shots were fired. The whole thing has been blown up out of all proportions."

He said that what had happened was that Israeli troops, acting on information and following the tracks of assailants who had shot up a bus, wounding Israeli soldiers, had advanced towards an abandoned railway line skirting Beirut, agreed between Israelis, Lebanese and Americans as the border beyond which Israeli soldiers would not advance. Beyond that line, the marines and Lebanese troops are in command.

The marines were taken aback by the advance of the Israelis "and did not seem to realize that we knew where the line was," the Chief of Staff said. (Related story, P. 3.)

### Says Israel Needs 3-5 Warning Stations

On the issue of early warning stations, Eitan said that Israel required "three to five stations" within the 45-50 kilometer zone north of the Israeli border "to ensure implementation of any agreements reached with the Lebanese. They should be places manned by Israelis, for an agreed period, to guard against the return of terrorists to the area and prevent their infiltration and opening fire on Israel."

The Chief of Staff said Israel had not planned to enter west Beirut and had been assured by Bashir Gemayel, two weeks before his assassination, that by October 15 the Lebanese army and the Phalangists would have disarmed all Palestinians and assumed control of the capital. "But when he was killed the situation changed, and the Israel government decided quickly to act quickly," Eitan said.

He stated that Israel had not sought land war with the Syrians and had tried to avoid conflict apart from air battles. It was the Syrians who had taken the initiative to attack Israeli forces on land, Eitan noted.

He said the Syrian soldiers had fought well, but their officers had lacked training and experience with the operation of larger formations.

### Israelis Are Better Fighters

Asked whether it was the Israeli soldiers who had been responsible for Israel's victories, or the largely American equipment they had used, he said: "An Israeli soldier flying a Russian-made MIG against a Syrian pilot flying an American-made F-15 would win. The same goes for the Russian-made tanks. The T-62 tank -- and we have several of them -- are good tanks, and the T-72 is even better. It is the man who counts, more than the equipment."

Meanwhile, a new dispute developed today between Israel and Lebanon over the meeting site of the subcommittees dealing with various aspects of the withdrawal of foreign forces from Lebanon. The dispute led to the cancellation of two scheduled meetings of their representatives this week. Lebanon wants the subcommittee to convene in Nahariya while Israel suggested Herzliya.

The working committees dealing with negotiations withdrawal, comprising Israeli, Lebanese and American representatives, have been meeting alternately at Kiryat Shmona and Kahlde. The subcommittees were set up to deal with bilateral relations between Israel and Lebanon. They were scheduled to meet today and tomorrow in Israel. The disagreement over venue represents a further delay in the negotiations which began last month but have so far achieved little.

## U.S. SAYS MUBARAK IS FULLY COMMITTED TO TREATY WITH ISRAEL

By David Friedman

WASHINGTON, Jan. 25 (JTA) -- The Reagan Administration stressed today that while it "regrets" the "strain" in relations between Israel and Egypt, Egyptian President Hosni Mubarak who will meet with President Reagan here Thursday, is fully committed to Egypt's peace treaty with Israel.

"The hallmark of President Mubarak's leadership has been the continuity of Egyptian policy" as established by his predecessor, Anwar Sadat, a senior Administration official said in briefing reporters on Mubarak's upcoming visit. "Egypt has maintained its commitment to the Camp David process. The peace treaty with Israel remains firm," he said.

Israel's President, Yitzhak Navon, in his speech to the National Press Club here earlier this month, expressed concern that Egypt has "frozen" relations with Israel. The Administration official said today that the U.S. is in "favor of unfreezing these relations as soon as this can be achieved." But, he said, the Israeli-Egyptian relationship will be discussed in the context of the general Middle East peace process.

### Issues On The Agenda

Mubarak, who arrives here late tomorrow afternoon for a working visit, will have a meeting followed by lunch with President Reagan at the White House Thursday. The official said the main points of discussion will be Reagan's peace initiative, the situation in Lebanon and regional security.

He said there will also be a chance for the two Presidents to renew their personal relationship and to "review and reiterate the special relationship between Egypt and the U.S." The official said the fact that Mubarak will be meeting with Reagan less than a year after his first visit to Washington last February 3, "underlines the importance we accord to Egyptian-U.S. relations."

Also on the agenda will be bilateral issues, the official said. Mubarak has scheduled meetings with Secretary of State George Shultz, Defense Secretary Caspar Weinberger, the Administration's top economic officials and leading members of the Senate and the House.

The Administration official denied that the situation in Lebanon has been the major cause of strained relations between Israel and Egypt. "We believe the basic Egyptian-Israeli treaty has stood the test of Lebanon," he said. But he added, "success in Lebanon will have a positive impact" on Israeli-Egyptian relations.

The situation in Lebanon has also caused strains in Egyptian-U.S. relations, the official said. But he noted that this has been eased by President Reagan's Middle East peace initiative. He said Mubarak has been an "active supporter" of the President's initiative, has encouraged other Arabs to join it and has urged the Palestine Liberation Organization to recognize Israel.

The official said that despite the situation in Lebanon, the peace process was going on with talks being held all the time. He added however that "continued impasse (in Lebanon) will have an increasingly negative impact" on the peace process.

The official said that although the U.S. has been concentrating in recent months on bringing Jordan into the peace process, Egypt still remains a "vital partner for peace in the Middle East."

#### Says Peace Table Must Be Broadened

He said the only change in U.S. policy is the "recognition that the (peace) table must be broadened." He explained this meant that in addition to Israel and Egypt, Jordan and the Palestinians should be included.

In that context, the official indicated that Egypt has refused to resume the autonomy negotiations until other Arabs are at the table. However, in interviews with the Jewish Telegraphic Agency and others, Egypt's Foreign Minister, Kamal Hassan Ali, has said Egypt refused to resume the autonomy talks until Israel pulls its troops out of Lebanon or establishes a timetable for such a move.

On the question of arms for Egypt, the Administration official said that most of the U.S. "hardware" has already gone to Egypt in an effort to modernize the Egyptian army which needs to replace its "outdated" Soviet equipment. He said Egypt has received 300 tanks, 20 F-16 jets, 800 armored personnel carriers and four I-Hawk anti-aircraft missile batteries, Egypt is also seeking Hawk reconnaissance planes, the official said.

#### FREIJ URGES ARAFAT TO SUPPORT FORMATION OF PALESTINIAN-JORDANIAN DELEGATION TO PARTICIPATE IN MIDDLE EAST PEACE NEGOTIATIONS By Judith Kohn

CAIRO, Jan. 25 (JTA) -- The Mayor of Bethlehem, Elias Freij, called upon PLO chief Yasser Arafat today to support the formation of a joint Palestinian-Jordanian delegation to participate in Middle East peace talks.

Emerging from a one-hour meeting with Egyptian Foreign Minister Kamal Hassan Ali, the mayor, who arrived in Cairo yesterday, was asked by reporters if he would urge the PLO leader to raise the issue before the Palestine National Council, scheduled to meet in Algeria next month.

"He has to do so," Freij responded. "He has to do that if he wants to save the West Bank as an Arab territory."

Widely regarded as a moderate because of his long-standing call for mutual recognition between Israel and the PLO, Freij addressed himself to "Mr. Arafat and all leaders of the PLO," warning them "that we have no time left, that Israel is proceeding at full swing to change the face of the land in the occupied territories of the West Bank and Gaza. And the Israelis are building settlements at an extensive rate, and unless there are political talks between the Palestinians and the Israelis, they are not likely to stop their policies of making settlements at this rate."

#### Agrees With Mubarak

Speaking to reporters upon his arrival at Cairo airport last night, the mayor said he would be willing to participate in a Jordanian-Palestinian delegation if asked to do so. He also praised Egypt's foreign policy as having succeeded in liberating the Sinai, and called on the PLO to recognize Israel.

"I fully agree with President (Hosni) Mubarak's statement that we have to recognize the right of Israel to exist, in order to give the Israelis an incentive," Freij said today. He also called upon the Arab states to restore relations with Egypt and to coordinate their policies with it, with a view toward achieving a just and lasting peace.

Freij, who came here after a two-day visit in Jordan, is expected to remain in Egypt for two weeks, during which time he will meet with a number of Egyptian officials. He is scheduled to confer this evening with Mubarak, who will leave for talks in Washington tomorrow.

#### UN CHIEF CALLS FOR 'COMPROMISE FORMULA' TO SETTLE MIDEAST CONFLICT By Yitzhak Rabi

UNITED NATIONS, Jan. 25 (JTA) -- Secretary General Javier Perez De Cuellar said today that the Middle East conflict could be settled through a "compromise formula" which will include "all the positive elements" in the various Mideast peace plans. He cited the Reagan plan, the Fez plan and the Franco-Egyptian plan as those that can contribute to the "compromise formula."

Speaking a press conference here, his first for 1983, the Secretary General said that the UN could provide the "framework" for negotiations for a Mideast solution once there is an agreed plan by all the parties concerned.

De Cuellar said in response to a question that it is not the role of the Secretary General to initiate peace proposals. "The Secretary General must be judicious and should not come up with suggestions if he is not sure that they are going to be helpful and conducive to the parties involved," he said.

De Cuellar said that he is following closely the present negotiations between Israel and Lebanon. He said that he will be discussing the Mideast situation with President Hosni Mubarak of Egypt during the upcoming visit of the Egyptian leader here. He also said that he will discuss the Mideast in his just announced meeting with Soviet leader Yuri Andropov, scheduled to take place at the end of March in Moscow.

#### NO-CONFIDENCE MOTIONS DEFEATED By Gil Sedan

JERUSALEM, Jan. 25 (JTA) -- The coalition easily defeated two no-confidence motions on the government's social policies in the Knesset yesterday. The vote was 60-51.

The motions were presented by the Labor Alignment and the Hadash (Communist) party on the basis of surveys showing that poverty has increased in Israel under the Likud-led government. According to the surveys,

published by the National Insurance Institute, more than 300,000 Israelis live below the poverty line.

These include 70,000 children and 155,000 elderly persons. The poverty line is defined by a monthly income of 16,000 Shekels for a family of four.

Speaking for the Alignment, MK Rafael Eidi said the figures were ample proof of the government's failure to cope with poverty. Charlie Biton of Hadash claimed that people were actually going hungry in Israel. He said people could be seen scavenging garbage cans for food in the cities.

Benzion Rubin, Deputy Minister of Labor and Social Affairs, defended the government's record in the war on poverty. He promised that the government-sponsored Large Families Bill would be submitted to the Knesset no later than the beginning of March and it is expected to be voted into law by April 1. Rubin claimed the benefits provided by the bill would improve the situation of large low income families.

**U.S. DENIES CHARGE THAT ZONE PATROLLED BY MARINES IN BEIRUT IS A 'BUFFER' USED BY TERRORISTS**  
By David Friedman

WASHINGTON, Jan. 25 (JTA) -- The State Department denied today as being without "substance" a charge by an Israeli general that the zone being patrolled by U.S. marines in Beirut had become a "buffer" used by Palestinian terrorists to attack Israeli troops and then flee to safety.

"We have no information to suggest that the PLO are slipping through the marines' cordon," Department spokesman John Hughes said. He added that if that was the case there "certainly are adequate mechanisms" which the Israelis could use to discuss the situation with the U.S.

The charge was made yesterday by Maj. Gen. Amir Dori, the Israel army northern commander. His remarks were explained later by the army's chief spokesman, Brig. Gen. Yaacov Even, who noted that since December 22 there have been nine incidents near the U.S. lines in which one Israeli was killed and 25 wounded. Israeli pursuits of the terrorists have resulted in several clashes with the marines, the last on January 17, as the marines refused to let the Israelis cross their lines.

"We are clearly confident that the U.S. marines contingent ... continues to fully discharge its responsibilities to bolster the authorities of the government of Lebanon and particularly throughout its area of operations," Hughes said.

**ROCKETS FIRED FROM LEBANON HIT ISRAEL**

TEL AVIV, Jan. 25 (JTA) -- Two Katyusha rockets launched from Lebanon fell inside Israel today, near the border kibbutz of Zarit. An army spokesman said there were no casualties or damage. Army patrols are searching for the launchers and persons who fired the rockets.

This was the third time rockets have fallen on Israel territory since the war in Lebanon began last June. Premier Menachem Begin promised at that time that no more Katyusha rockets would ever fall on Israel and has reiterated that on frequent occasions.

**SAMUEL JENKINS DEAD AT 81**

By Maurice Samuelson

BIRMINGHAM, Jan. 25 (JTA) -- Dr. Samuel Jenkins, one of the world's foremost biochemists in the field of water purification, died at his home here last Friday at the age of 81. One of a poor family of 10, he was born in Manchester, and attended evening classes to win a scholarship at Manchester University, where he gained a Bachelor of Science degree with first class honors.

He entered private industry after an appointment as a British government fuel scientist was denied him because his father was not British-born. In 1928, after a year at the Rothamsted experimental station, Harpenden, Jenkins was appointed chief scientist at Birmingham's drainage board, a post he retained until his retirement 31 years later in 1969.

A Fellow of the Royal Institute of Chemistry, he had already reached the pinnacle of his profession in Britain in 1957 with his election as president of the Institute of Water Pollution Control. Jenkins then played a central role in fostering international talks among scientists from industrialized and developing countries and both sides of the Iron Curtain.

Accompanied by his wife, he travelled tirelessly to many parts of the world, organizing scientific conferences and advising governments. He also edited two of the leading learned journals on water pollution control.

A strictly observant Jew, Jenkins was also an ardent Zionist, serving for many years as treasurer of the Birmingham Friends of the Hebrew University and the city's Zionist Council. He took a close interest in environmental questions in Israel where he presided at an international conference on water pollution in 1972.

**SOVIET JEWISH MATHEMATICIAN SENTENCED TO 5 YEARS IN EXILE**

NEW YORK, Jan. 25 (JTA) -- Boris Kanevsky, a 38-year-old Soviet Jewish mathematician was sentenced on January 21 by a Moscow court to five years of internal exile on the charge that he circulated "fabrications known to be false which defame the Soviet state and social system," it was reported today by the National Conference on Soviet Jewry.

Kanevsky, a refusenik and the first Jew to be sentenced in the new year, reportedly accumulated statistical data on anti-Semitism in Soviet institutions of higher education in a treatise entitled "Intellectual Suicide." His studies disclosed that special admission examinations, comprised of unusually difficult problems, were administered to Jewish students seeking entry into Moscow's prestigious institutions, among them, the Moscow State University.

Kanevsky's sentencing raises to 13 the number of Jewish Prisoners of Conscience who are serving prison, labor camp or internal exile terms, the Conference reported.

**EL AL TO RESUME SERVICE SUNDAY**

NEW YORK, Jan. 25 (JTA) -- El Al announced here today that it is resuming service between New York and Tel Aviv. The first flight will depart from Kennedy Airport Sunday, January 30 and there will be two flights weekly thereafter, a spokesperson for the airline said. El Al was grounded four months ago. Its last flight from New York was on September 13.

# BATTLE OVER LEGALITY OF TUITION TAX DEDUCTIONS FOR FAMILIES OF CHILDREN ATTENDING PRIVATE SCHOOLS

By Ben Gallob

NEW YORK, Jan. 25 (JTA) — Orthodox supporters and non-Orthodox foes of government aid to private schools, specifically Jewish day schools, have squared off again in a renewal of their long-running legal fight over the constitutionality of such aid. The forum for the latest clash again is the United States Supreme Court.

At issue is a Minnesota state law which permits parents of pupils of elementary and secondary schools, both public and private, to claim as a deduction on their state income tax forms up to \$700 per year of the cost of tuition and other educational services for their children.

Minnesota parents of students attending schools in Minnesota, North and South Dakota, Iowa and Wisconsin may deduct up to \$500 for each dependent in grades kindergarten to six, and up to \$700 for each pupil in grades seven to 12 for tuition, textbooks and transportation costs. Such parents may also deduct from their state taxes outlays for summer school, driver education and tutoring. The law was passed in 1955.

The opposing sides have prepared friend of the court briefs. The Jewish Telegraphic Agency was told that, barring any abstentions from participation by any of the nine judges, a definitive ruling is certain and that it will be the first Supreme Court ruling on the constitutionality of any law which provides tax deductions for outlays by parents of children attending private schools.

## Background Of Present Case

The Minnesota case is at present before the Supreme Court after first rulings in district courts in St. Paul, Minnesota and a hearing in the Court of Appeals for the Eighth Circuit, sitting in St. Louis. The three courts upheld the constitutionality of the Minnesota law.

In the first of the initial lower court tests, which dealt with Minnesota Civil Liberties Union v. Roemer, a three-judge federal district court decided on June 19, 1978 that the Minnesota law was constitutional. Before 1976, any plaintiff raising a constitutional issue had the right to ask for a three-judge federal district court, an arrangement which made it possible to take such a case directly to the Supreme Court without having to bring the issue to a federal appeals court. The suit was filed before 1976.

However, the JTA was informed, the three-judge ruling was not appealed to the Supreme Court by the plaintiffs because they were reportedly uncertain whether the facts developed during the district court trial would provide the best vehicle for Supreme Court consideration.

The second hearing at the district court level before a single judge, dealing with Van D. Mueller v. Clyde Allen, et al, developed when Mueller, as a St. Paul taxpayer, sued to overturn the Minnesota law. The district court ruled on May 13, 1981, that the law was constitutional.

It was that ruling which was appealed by Mueller to the Eighth District Circuit Court which ruled last April 30 that the Minnesota law did not violate the First Amendment ban on religion.

In response to the Supreme Court's agreement to hear the case, the opposing sides filed friends-of-the-court briefs. The opponents' brief contended that such deductions are just as unconstitu-

tional as direct government grants to such schools. In response to that brief, a group of Orthodox organizations joined in a brief which argued that there is no difference between deductions for tuition and other related schooling costs for pupils of parochial schools and charitable contributions to such schools and other religious institutions.

The major sponsors of the opposing brief are the National Committee for Public Education and Religious Liberty (PEARL); the National Parent Teacher Association; the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO); and the American Jewish Congress.

Each of the four major sponsors signed the brief on behalf of itself and a number of other organizations, including eight Jewish Federations, eight Jewish Community Relations Councils; and two Jewish Community Councils.

The brief for the law was written by Nathan Lewin, a Washington attorney who is vice president of the National Jewish Commission on Law and Public Affairs (COLPA). Joining in the COLPA brief are nine national Orthodox organizations.

A spokesman for COLPA said the Supreme Court could order and hear oral arguments and rule on the constitutionality of the Minnesota law during its current term, which ends next June; or the high court could schedule arguments and reach a decision during the next term, which begins in October and ends in June 1984.

## Agudath Statement Sparks Latest Battle

The latest battle on the deductions issue was sparked by a statement from Agudath Israel of America, one of the nine Orthodox agencies joining in the COLPA brief, which charged that the Jewish organizations joining in the other brief were guilty of "irresponsible behavior" because they were "fighting the interests of Jewish education."

The Orthodox agency added that it was "almost hypocritical to believe that Jewish fund-raising agencies would deny assistance to parents of children in yeshivos at the same time that they continue to keep their purse strings knotted when funds are needed for Torah education, for which most of them provide only paltry, token allocations."

The American Jewish Congress noted that the Minnesota law grants income tax deductions for education costs of parents of children attending both public and private schools. But, the AJCongress declared, because public schools are prohibited by law from charging for tuition, textbooks and transportation to and from school, the tax deduction benefit, in reality, affects only parents of private school pupils.

The opposition brief added that, in Minnesota, some 90 percent of all non-public schools are religious institutions, and that, in 1980, Minnesota taxpayers, taking advantage of the law, reduced their taxable income by \$32 million.

The brief asserted that since the tax deduction benefit is not restricted to expenditures for secular items for religious schools, the Minnesota law violates the constitutional requirement of church-state separation. The brief cited earlier Supreme Court opinions declaring direct government aid to religious schools unconstitutional and contended the same principle should apply to the tax deduction option, on grounds such deductions should be considered equivalent to government grants. The COLPA brief stressed that a tax credit could arguably be viewed as providing direct government financial support, while a tax deduction or exemption did not involve direct government aid but represents a decision by the government not to tax potential sources of revenue.