

# JTA daily news bulletin

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## FRENCH AUTHORITIES PROBING POSSIBILITY THAT 5 NEO-NAZIS WERE INVOLVED IN ANTI-SEMITIC ATTACKS IN PARIS, LONDON, VIENNA AND BERLIN

By Edwin Eytan

PARIS, Feb. 21 (JTA) -- French authorities are investigating the possibility that five German neo-Nazi terrorists arrested in West Germany and Britain last week were involved in the attack on a Jewish restaurant in Paris last August 9 and in earlier anti-Semitic attacks in Vienna, Berlin and London. A sixth member of the gang is being sought.

They may also have been involved in an attack on a Brussels synagogue last summer and in the machinegun and grenade assault on the main synagogue in Rome last October in which a two-year-old child was killed and a number of persons wounded.

The terrorist gang was rounded up as a result of cooperation between French, West German and British police. Three arrested in Frankfurt last Tuesday are Dieter Sporleder, 22; Hans-Peter Frass, 22; and Helge Blasche, 40. Police found arms and explosives in their hide-out.

Two other suspects, Walter Kexel and Ulrich Tillmann, were arrested in Poole, England last Friday and were presented before a London magistrate today for extradition proceedings.

### Members Of Outlawed Para-Military Group

German authorities say Frass, Kexel and Tillmann were members of an outlawed neo-Nazi paramilitary organization that posed as a sports club headed by Karl-Heinz Hoffmann. Hoffmann, arrested several months ago, has been charged with the murder of an Israeli publisher, Shlomo Levin and his woman companion, Frida Poeschke in West Germany in 1980.

French police investigators said today that Kexel and Odfried Hepp, another neo-Nazi suspect detained in Frankfurt, were seen at the Jo Goldenberg restaurant on the Rue Des Rosiers in the old Jewish quarter of Paris last Aug. 9 when a terrorist hit squad killed six people and wounded 22. French detectives will interrogate Kexel and Hepp as soon as legally possible.

### 'Palestinian Connection' Seen

But French authorities close to the investigation of the restaurant attack remain skeptical that it was a neo-Nazi operation. A senior police official has been quoted as saying that undisclosed evidence and other leads point to a "Palestinian connection."

Attention was drawn to Kexel because he looks "very much like" a composite drawing of one of the terrorists based on descriptions by eye witnesses to the restaurant attack. On the other hand, witnesses shown actual photographs of Kexel failed to identify him.

Jean-Louis Bruguiere, the French magistrate who heads the investigation of the restaurant attack, has asked British and French authorities for full re-

ports on the terrorists in their custody. Le Monde reported today that the magistrate is still convinced that the terrorists involved came from the Middle East but is looking into the possibility of neo-Nazi collaboration with them. French authorities are said to believe that the neo-Nazis provided that actual hit squad with arms and logistic support.

The French also confirm West German press reports that some of the terrorists arrested last week visited Lebanon on several occasions and were in the West European countries at the time anti-Semitic attacks took place. West German newspapers said some of the neo-Nazis underwent terrorist training at Palestine Liberation Organization camps in Lebanon.

### REPORT 'CERTAIN PROGRESS' IN TALKS WITH LEBANON

By Gil Sedan

JERUSALEM, Feb. 21 (JTA) -- There has been "certain progress" in the talks between Israel, Lebanon and the U.S., Foreign Minister Yitzhak Shamir and David Kimche, head of the Israeli negotiating team, told the Cabinet yesterday. But Israel is highly skeptical of Syria's intention to pull its forces out of Lebanon and has conveyed its doubts to the U.S.

There were indications of Israeli flexibility with respect to its future presence in Lebanon. It is no longer talking of early warning stations in south Lebanon manned by Israeli troops but rather of observation posts after all foreign forces have withdrawn from the country.

On the other hand, no progress has been made toward normalization of relations between Lebanon and Israel. The Israelis insist on full normalization immediately whereas the Lebanese say this must be a gradual process.

Shamir told the Cabinet yesterday that according to his information, Syria does not intend to pull out of Lebanon. He said he raised the issue when he met with U.S. special envoys Philip Habib and Morris Draper in Herzliya last Friday. Israel demands hard evidence of a Syrian commitment to withdrawal, Shamir said and Habib is going to Damascus this week to try to get it.

(The State Department said last week that it was "not true" that Habib has set April 3 as the target date for withdrawal of all foreign forces from Lebanon. But Department spokesman John Hughes said the U.S. continues to view with a sense of "urgency" the need for a complete pull-out of Israeli, Syrian and PLO forces.)

### New Controversy Brewing

Meanwhile, a new controversy boiled in Israel over the Cabinet's majority decision to retain Sharon as a member of the Ministerial Defense Committee and of the Ministerial Steering Committee for the negotiations with Lebanon. Sharon was forced to resign as Defense Minister after the Cabinet accepted the recommendations of the commission of inquiry into the Beirut refugee camps massacre.

The proposal to keep Sharon on the two key Cabinet committees came from Premier Begin, Mordechai

Zipori, Minister of Communications, cast the only dissenting vote. Deputy Premier David Levy and several other ministers abstained. Only six voted in favor of Begin's proposal but they constituted a majority.

The Labor Alignment and the Shinui Party promptly denounced the decision as a contravention of the inquiry commission's intent and demanded that the issue be brought before the Knesset. The opposition parties contended that Sharon would continue to have a negative influence on Israel's foreign and defense policies from his position on the Ministerial Defense Committee, exactly what the inquiry panel sought to prevent.

#### SHULTZ REJECTS ISRAEL'S DEMAND FOR SECURITY POSITIONS IN SOUTH LEBANON

By David Friedman

WASHINGTON, Feb. 21 (JTA) -- Secretary of State George Shultz has rejected Israel's demand for permanent security positions in south Lebanon as inconsistent with Lebanon's sovereignty.

"Israel's security needs are an important and legitimate aspect of any withdrawal plan," Shultz said yesterday in answering questions on the ABC-TV "This Week with David Brinkley" program.

"There is no controversy about that whatsoever," But he added that "a permanent Israeli armed force present in Lebanon is hardly consistent with the idea of sovereignty for Lebanon." He stressed that he believes "assurances that Israel properly wants" can be worked out that are consistent with Lebanon's sovereignty.

Shultz denied that U.S. policy in Lebanon is the "speedy withdrawal of Israeli forces." It is, he said, "speedy withdrawal of all forces in a manner that's consistent with the security needs of Israel, recognizing the implications of southern Lebanon in the historic destabilization affect on Israel, and the emergence of a Lebanon that can govern itself."

Shultz agreed that there are problems between the various factions in Lebanon which might increase if the foreign forces left. But he noted that these "problems have been less evident where the foreign troops have not been present and where the Lebanese armed forces have been responsible for security."

The Secretary of State reiterated his personal commitment to the restoration of Lebanon's sovereignty. "I have been to Lebanon and Beirut in the days before the PLO ravaged it and have seen what a beautiful and central place it can be in the Middle East," he said.

#### Optimistic About Hussein

On other matters, Shultz said he was "optimistic" that King Hussein of Jordan will be able to join the Middle East peace talks and rejected the view that one of the reasons Hussein was hesitant was fear that Saudi Arabia would cut off funds to the Hashemite kingdom.

"King Hussein wants to enter the peace process, he recognizes the importance of working out peace problems with Israel," Shultz said. "I'm pretty optimistic that one of these fine days the conditions will be right."

When it was noted that during his appearance recently on the ABC-TV program, Hussein had said that Israel must withdraw from the West Bank and Gaza as a condition for him to enter

the negotiations, Shultz replied that the final status of the territories is what will be negotiated. But Shultz said that the Camp David agreements calls for a transitional period before determining the final status of the West Bank and Gaza and said he believes this would be the first issue "that would be tackled" if Hussein enters the talks.

#### Lauds Saudi Arabia's Role

As for the Saudis, Shultz said they have "been playing a constructive role" both with Hussein and in Lebanon. He said this "doesn't mean they have done everything that at least we think they might do. But they have done a lot, will continue to do a lot. I think they are a very constructive partner in this whole process."

Shultz also called Moshe Arens, who is leaving Washington after a year as Israel's Ambassador to become Minister of Defense, an "outstanding man."

#### MORE THAN 100 PEOPLE KILLED IN BLIZZARD IN LEBANON; ISRAELI TROOPS AIDED IN RESCUE OPERATIONS

By Hugh Orgel

TEL AVIV, Feb. 21 (JTA) -- A severe winter storm with blizzard conditions has taken over 100 lives in Lebanon where Israeli troops are helping in rescue operations, it was reported today. In addition to clearing roads, including the section of the Beirut-Damascus highway which they control, the Israel soldiers were extricating people from villages buried in snow drifts yards deep and from stranded vehicles.

There have been no casualties among the Israelis who are equipped with winter clothing and sheltered in heated huts and glass-walled observation posts. But soldiers are finding routine patrols difficult and uncomfortable.

Chief of Staff Gen. Rafael Eitan claimed yesterday that "certain elements" may be deliberately keeping the roads blocked with snow and doing nothing to rescue stranded motorists in danger of freezing. He did not elaborate but was believed to be referring to the Syrians.

The Israeli meteorological services forecast a slight let-up in the storm over the next two days but predicted a return of blizzard conditions by the weekend.

The storm conditions did not prevent an ambush attack on an Israeli Merkava tank west of Aley village, last Friday. A rocket propelled grenade (RPG) tore a hole in the tank's armour but caused no casualties. The tank returned the fire in the direction of the attack but its commander said the fog and heavy snow prevented him from seeing if any hits were scored.

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TEL AVIV (JTA) -- A mass demonstration against violence and for freedom of expression, which was to have taken place here Saturday night, was cancelled because of meteorological forecasts of inclement weather. The organizers, the Peace Now movement and the Labor Alignment, feared that heavy rain, high winds and a cold spell, with possible snow in Jerusalem and its environs, would greatly reduce the expected attendance. They rally was to have memorialized Emil Grunzweig who was killed when a hand grenade was hurled into a group of Peace Now demonstrators on February 10. Nine other persons were injured in the incident opposite the Prime Minister's office.

## PRECEDENT-SETTING RULING BY NEW YORK STATE'S HIGH COURT DOES NOT SETTLE ISSUE OF 'GET'

By Ben Gallob

NEW YORK, Feb. 21 (JTA) -- A precedent-setting ruling by New York State's highest court, that a prenuptial agreement between a civilly-divorced Jewish couple to submit differences over their religious obligations to a rabbinical tribunal is enforceable in civil courts, may have to go back to a lower state court to be implemented, a Jewish legal rights agency official said today.

Howard Zuckerman, president of the National Jewish Commission on Law and Public Affairs (COLPA), which filed a friend of the court brief in the case, said the wife, as plaintiff, will probably have to apply to a lower state court for an order compelling her husband to grant her a Jewish divorce, a "get".

The Court of Appeals, the state's highest court, ruled 4-3 in Albany last Tuesday that the prenuptial agreement in the Jewish wedding certificate, the Ketubah, of Susan Avitzur and her former husband, Boaz, is enforceable in civil court.

Mrs. Avitzur filed the suit initially in the Supreme Court of Albany County following the couple's civil divorce in May, 1978. Zuckerman told the Jewish Telegraphic Agency that the 4-3 Court of Appeals ruling was the first on that issue by the highest court of any of the 50 states.

Dennis Rapps, COLPA executive director, said that if Boaz Avitzur accepts the high court's order to appear before a Beth Din (Rabbinical Court) with his civilly-divorced wife, which Rapps said was unlikely, the order of implementation would be met. However, he added, a number of issues stemming from the high court's ruling remain to be resolved.

### Background Of The Issue

The Avitzurs, prior to their marriage in May, 1966, entered into an agreement in their Ketubah that, in the event that a dispute arose during their wedded life about their ability to live in accordance with Jewish marriage standards, either party could summon the other to a Beth Din for arbitration.

At some time before August, 1978, the woman sought to summon her spouse to a Beth Din, pursuant to the commitment in their Ketubah. Her goal was to obtain her spouse's agreement to give her a get. In the absence of a get, the woman is an Agunah, a description in Jewish religious law for a woman who is in marital limbo, neither married nor divorced, and religiously banned from another marriage.

Rapps said the woman, as plaintiff, claimed that the purpose of the summons she sought, and obtained, in the Albany Supreme Court, was to have the Beth Din implement a get. The man, as defendant, refused to comply. She then sued for a court order that the defendant appear before the Beth Din pursuant to her request. The defendant, appealing the lower court ruling, contended that the Ketubah commitment could not be enforced in civil court on grounds such as enforcement would compel him to perform a religious ritual, in violation of the First Amendment church-state separation mandate. In the first ruling, the Supreme Court in Albany County held on October 10, 1980, that there was no constitutional ban against requiring a person to submit himself for determination of religious law to a religious tribunal "as purportedly

agreed to by him in the basic prenuptial paper," the Ketubah. The lower court ruled further that ordering the defendant to do "what he had agreed to do in advance" would not be an interference by the civil court "in or with the religious functionings of such religious bodies."

However, the Appellate Division, based in Albany, to which the defendant appealed the lower court ruling, held in an April, 1982 decision that it would be "a dangerous precedent to allow state courts to enforce liturgical agreements" and that a state court should not be used to compel the defendant "to appear before the Beth Din."

### Several Groups Join In The COLPA Brief

COLPA filed a brief, drafted by its vice president, Nathan Lewin, a Washington attorney, on behalf of the plaintiff, which was joined in by the Union of Orthodox Rabbis of the United States and Canada; Agudath Israel of America; National Council of Young Israel; Rabbinical Alliance of America; Rabbinical Council of America; and the Union of Orthodox Jewish Congregations of America.

Also joining in the COLPA brief was a new organization, Getting Equitable Treatment (GET) which seeks by conciliation to bring recalcitrant spouses before religious courts to resolve such problems. The Jewish Theological Seminary of America, the Conservative institution, filed a separate brief for the plaintiff.

The couple was married by a Conservative rabbi. Rapps explained that while the Orthodox community represented by COLPA differed fundamentally in religious outlook from that of the Conservative movement, COLPA undertook to back the plaintiff on the principle that the legal issues involved transcended such religious differences.

Rapps added that while Orthodox Ketubahs do not have such commitment clauses, the Court of Appeals ruling does have implications for disputes between Orthodox Jews.

### Reasoning Of The High Court

The Court of Appeals, in its ruling handed down in Albany, rejected the appellate ruling, declaring that the relief sought by the plaintiff "is simply to compel the defendant to perform a secular obligation to which he contractually bound himself. In this regard, no doctrinal issue need be passed upon, no implementation of a religious duty is contemplated and no interference with religious authority will result."

Rapps noted that the reasoning of the high court was in substantial agreement with the arguments submitted by Lewin in the COLPA brief. Rapps also noted that while the high court ruling could not apply to Orthodox Ketubahs, it would have an effect on Orthodox disputes, including those involving a wife's demand for her husband's agreement to a get.

He said that, as an example, when a wife agreed to give up her alimony rights as an inducement to her spouse to give her a get and that he agreed and then reneged, no civil court has upheld the woman's claim of a violation of a contractual obligation on the part of the husband. He said one effect of the high court's ruling last week is to make an arbitration action by a Beth Din as having the same court-enforceable status as any other decision by a properly constituted arbitration panel.

Since there is a constitutional issue, that is, whether the high court's ruling involves a violation of the First Amendment, there could be an appeal by the defendant to the United States Supreme Court, Rapps said. If this happens, he added, COLPA will continue

its participation in behalf of the civil courts' enforceability of such an agreement.

He noted that the Ketubah of the Avitzurs makes no reference to a get, declaring merely that the parties agree to recognize the Beth Din of the Rabbinical Assembly, which is the association of Conservative rabbis, and the Jewish Theological Seminary, and its right "to impose such terms as compensation as it may see fit for failure to respond to its summons or to carry out its decision" if either party decided that the husband and wife were not living in accordance "with the standards of the Jewish law of marriage."

#### Several Developments Likely To Occur

In response to the anticipated action of the woman in taking her claim back to the Supreme Court of Albany County for implementation of the Court of Appeals ruling, any of several developments might occur, Rapps said.

One is that the defendant will be required to accept the lower court order to appear before the Conservative Beth Din, subject to contempt of civil court charges if he continues to refuse.

Another is that if the Beth Din, after consideration of the dispute, rules that the man must give the plaintiff a get, the man may refuse on contention that, under the prenuptial agreement, it is not clear that he is required to subject himself to a Beth Din order to give the woman a get.

The woman may, at that point, have to go back to civil court to get a court order that the Beth Din decision be enforced like any other arbitration agreement, again under threat of contempt of court penalty.

It is also possible, Rapps said, that the lower court will agree with the plaintiff that the Ketubah does not require him to submit to a Beth Din decree to give his spouse a get and that the Beth Din ruling is therefore unenforceable; or the lower court may declare that an enforcement order would involve it in a religious ritual and refuse the woman's request. Rapps said this last option is not likely to happen but that it cannot be ruled out.

#### NJCRC LEADER URGES UNITY IN SUPPORT OF ISRAEL

CLEVELAND, Feb. 21 (JTA) -- A call for "unity in crucial matters affecting Israel's security," while still strengthening "channels for free debate and free expression within the family" was issued by Bennett Yanowitz, chairman of the National Jewish Community Relations Advisory Council (NJCRC), at the group's plenary session meeting here last week.

Yanowitz appealed for the "discipline in the American Jewish community" needed to maintain "pluralism joined with unity" as he addressed the 400 delegates to NJCRC's annual plenum. NJCRC, the national coordinating body for the field of community relations policies, is comprised of 111 local and 11 national Jewish community relations agencies.

"What we as an American Jewish community do or don't do makes a difference in how this nation responds to Israel's economic, diplomatic and military needs," Yanowitz said as he underlined the critical need to maintain unity of support.

Addressing the question of dissent, Yanowitz said, "The question for us is not whether we should express ourselves, but how we do it, when we

do it and on what issues." He noted that many opportunities exist within the American Jewish community to fully discuss dissenting views and that "no government is more accessible to those who advocate varied points of views than the government of Israel."

"Suppression of dissent within the Jewish community is not a real issue," Yanowitz asserted. "No responsible leader of the American Jewish community seeks to suppress the expression of differences," he said. "The dissenters are dissatisfied not because they are not heard, but because their views are not accepted and are not reflected in policy," Yanowitz charged.

The NJCRC chairman drew a sharp distinction between public and private expressions of differences. He claimed that resorting to public forums represents "pressure not persuasion," which should remain "a function of the Israeli electorate."

Yanowitz also warned that the nature of the media "stimulates, exploits, and magnifies" divisions.

"Dissent, broadcast nationally through the media, contributes to undermining the national climate of support for Israel," he asserted. But Yanowitz also stressed that he was not urging "blind, unreasoned maintenance of unity and discipline."

#### POLL ON ISRAEL

NEW YORK, Feb. 21 (JTA) -- A clear majority of Americans continue to view Israel as the United States' closest ally in the Middle East although many have indicated disenchantment with the manner in which the government of Premier Menachem Begin has handled the fate of former Defense Minister Ariel Sharon following the publication of the findings of the commission of inquiry into the massacre of Palestinians at the Sabra and Shatila refugee camps, according to the latest Harris poll published here.

The poll was conducted by telephone between February 11 and 16 and surveyed 1,248 adults nationwide. According to the poll, 80 percent of those surveyed agreed with the claim that "unless Israel punished those who allowed the massacre to take place, then Israel will lose much of its claim to being a moral, democratic country."

Seventy-two percent agreed that "by keeping Sharon in his Cabinet, Begin has created a real doubt that his government is really admitting it was wrong" to have allowed Lebanese Christian Phalangists into the refugee camps, the poll said. Furthermore, 67 percent maintained that "since Begin has not really gotten rid of Sharon, Begin should dissolve his government and call an early election to let the people of Israel decide whether Begin has done the right thing about the Lebanese massacre," the poll reported.

But according to the poll, many Americans, 62 percent of those surveyed, still view Israel as basically a friendly state. The poll noted that in November 1982, 72 percent, and in 1981, 81 percent, viewed Israel as a friendly state. Also, many Americans, the survey noted, expressed some understanding of why Begin pursued the course of action that allowed Sharon to remain a member of the Cabinet although being relieved of his defense portfolio.

#### MEMORIAL SERVICE FOR THE FALLEN

JERUSALEM, Feb. 21 (JTA) -- Despite heavy rain, snow and hail, a modest ceremony took place on Mt. Herzl yesterday in memory of fallen Israeli soldiers whose burial places are unknown. The service traditionally takes place at the seventh of Adar, the date on which Moses died and was buried in an unknown place.