



ISRAEL DENIES INVOLVEMENT IN CONSPIRACY TO SELL U.S. ARMS TO IRAN
By Hugh Orgel

TEL AVIV, April 23 (JTA) -- Officials of the Foreign Ministry and the defense establishment categorically denied Wednesday that Israel was in any way involved in a conspiracy to sell \$2 billion worth of American arms to Iran, following the arrest by U.S. authorities Tuesday of a retired Israel Defense Force general alleged to be one of the plotters.

Brig. Gen. (Res.) Avraham Baram, 52, an IDF veteran of 30 years' service, was one of 17 men of six nationalities who were placed under arrest or had warrants issued against them in New York and Bermuda. Baram and four of the men were arrested in Bermuda where they allegedly flew to make final arrangements for the arms deal.

Also named in the plot were two other Israelis, Guri Eisenberg, 31, and Israel Eisenberg, 55, and a man who may be Israeli, identified only as Hebroni. Others seized or wanted on charges announced Tuesday by Federal Prosecutor Rudolph Giuliani are of U.S., British, French, West German and Greek nationality.

Giuliani, the Chief U.S. Prosecutor for New York, said, however, that there is "no suggestion of involvement by the Israeli government" in the aborted arms deal which he described as "mind-boggling in scope."

The U.S. State Department had no immediate comment. But a spokesman for the Israel Embassy in Washington stated flatly that "the government of Israel has no connection or involvement with this matter." He described Baram as long retired from the IDF.

Menahem Meron, Director General of the Defense Ministry, called in the U.S. Charge d'Affaires Wednesday morning after what he called an intensive investigation. He informed the American official that no link, direct or indirect, could be found suggesting that Israel was involved in the alleged plot.

According to Giuliani and U.S. Customs officials, the accused men conspired to sell Iran several hundred F-4 and F-5 jet fighters, 15,000 TOW air-to-air missiles and scores of tanks as well as helicopters, long-range artillery and C-130 military transport planes. They said the weapons were to be delivered in Greek ships and were presently stored in Israel and several other countries.

Israeli Involvement Described As 'Ludicrous'

The implication that the plot involved the sale by Israel of combat aircraft and other weapons it acquired from the U.S. was described as "ludicrous" by well informed sources here. The sources noted that the U.S. knows exactly how many American-built aircraft are in Israel's possession and about any that might be removed from the Israel Air Force order of battle. Moreover, Israel does not sell F-4s, has no F-5s and does not sell TOW missiles.

Even if Israel had sought to sell weapons to Iran, a country it regards as one of its most fanatical foes, it would hardly do so in the U.S.,

through an IDF reserves general, the sources said. Israel has admitted selling Iran spare parts prior to the overthrow of the Shah in 1979, and did so apparently with the knowledge and approval of the U.S.

Israel Radio described Gen. Baram Wednesday as a twice-decorated officer cited for bravery. But he retired under a cloud for allegedly giving unauthorized weapons to civilians.

Last year Baram received permission from the Defense Ministry to act as a private consultant on military supplies and know-how. But he was precluded from dealing in arms or even negotiating arms deals without special permission.

Baram's arrest focused attention on the problem of senior IDF officers who have become arms dealers after retiring from active service. There is no legal way for Israel to control their activities abroad even if they sully the country's reputation.

The number of officers engaged in these activities has increased of late because they have had difficulty finding suitable civilian jobs. If they are unable to obtain licenses in Israel to deal in weapons, they become middlemen abroad, sources here said.

If Baram and the others arrested Tuesday are found guilty of the charges, each faces a maximum prison term of five years and a fine of \$250,000. The U.S. has embargoed arms sales to Iran since the seizure of hostages at the American Embassy in Teheran in November, 1979. Even if no embargo exists, the State Department must approve arms sales to a foreign country.

Iran, engaged for nearly six years in a war with Iraq, is known to be paying premium prices in cash for weapons of all types. Sources in the U.S. speculated Wednesday that the alleged conspirators may have been playing a confidence game with Iran to obtain cash for weapons they did not possess and could not deliver.

**A Landmark Legal Ruling:
WHO IS A JEW IN THE FEDERAL PRISON SYSTEM TO BE DETERMINED BY RABBIS, NOT BY PRISON OFFICIALS**
By Aviva Cantor

NEW YORK, April 23 (JTA) -- The Federal Bureau of Prisons has recently agreed, after a lengthy legal battle, that the question of "who is a Jew" -- and thus eligible for kosher food -- will not be determined by prison officials, but by religious authorities. It will send a directive to this effect to all prisons in the federal system.

The action came about as a result of a court case triggered in 1980 when prison officials at the Federal Correctional Institution at Texarkana, Tex., decided that none of the participants in the kosher food program were Jews, and removed them from the program, in effect, closing it down.

Clifford Noe, one of the then-inmates who had declared himself a Jew and had participated in the kosher food program -- sued the prison system on grounds that his First Amendment rights were violated. Robert Roach, Jr., of the Houston law firm of Mayor, Day and Caldwell,

who has represented Noe on a pro bono basis, told the Jewish Telegraphic Agency that a Constitutional issue was at stake here: "The government or any of its agencies should not decide who is a member of a religion."

Federal prison system regulations, arising out of 1976 court cases, mandate that inmates are entitled to full kosher meals within 15 days of signing a statement that they are Jews and request such food, said Roach. The rules say nothing about verifying Jewish background.

Background Of The Case

Noe, he said, was admitted to the kosher food program at Texarkana prison in 1979. The next year, he made several complaints to the warden: one was that the prison had inadequate facilities for keeping kitchen equipment, used to prepare kosher food, clean; another was that the food -- cheese, frankfurters and sardines -- was not comparable to that served to non-kosher inmates.

Prison officials, however, responded only to Noe's third complaint: that non-Jews were in the kosher food program and were flaunting their non-Jewishness. Deciding to determine "who is a Jew," prison officials turned to a local Texarkana rabbi, and later, to Rabbi Uriel Smith of Shreveport, La.

Both rabbis turned down the idea of testing the inmates to discern whether they were Jews, on grounds that this is against Jewish law except when someone is about to marry. Smith, as well as Rabbi Ted Sanders, the Jewish chaplain for the state prison system, later testified in court to this effect.

Turned down by the two rabbis, the prison officials called upon Dr. David Geigerman, a Texarkana anesthesiologist who served at the time as president of the local B'nai B'rith chapter. Geigerman spoke with the nine or 10 inmates in the kosher program for several minutes, said Roach, asking them to translate some Hebrew and provide information on several Jewish festivals. He concluded that none of them was Jewish.

Geigerman later testified in court that, had he been informed that to be eligible for the kosher food program a prisoner did not have to be knowledgeable about Judaism or to have kept kosher before applying for it, he would not have acted as he did, Roach told JTA. Hospitalized in an intensive-care unit, Geigerman could not be reached for comment.

Stipulation By Prison Officials

After Geigerman reached his decision, prison officials removed the inmates from the kosher food program and it became "inoperative," said Roach; it was resumed later, however. The prison stipulated that if the inmates wanted to be considered Jews, they would have to take religion classes from Geigerman.

Such state-sponsored religion classes, said Roach, are unconstitutional, as is the government being involved in determining who is a member of a religious faith.

Noe took the case to court -- as did another inmate who later dropped out of the subsequent legal battles. He named the warden, prison chaplain, and Geigerman as defendants.

After the case went through three courts, and three days before a fourth was to consider it, the defendants settled out of court.

Terms Of The Settlement

The terms of the settlement -- the "consent decree" -- requires the Federal Bureau of Prisons to send a directive to every one of its facilities in the U.S. stating that before any inmate can be declared ineligible for the kosher food program because he is not Jewish, the prison officials must consult with a rabbi and give the rabbi's opinion great weight.

The federal prison system must prove that this directive was issued within 90 days of the signing of the settlement agreement. It must be posted in the prison law library, said Roach, kept with the other regulations there, and made available to all prisoners.

"The federal prison system has now been educated" on this issue, Roach told JTA. "They will never again decide unilaterally if someone is a member of a religious faith or not and will, instead, defer to that faith's religious authorities." Noe, he added, was also "very satisfied" with the settlement agreement.

Sanders, calling this a "landmark" decision, said it means that no prison officials "can deny any kosher food to a prisoner on the basis of what he knows about his religion," and that "nobody can declare him a non-Jew except a rabbi." Prisoners who say they are Jews will have to be provided with kosher food if they demand it, without proving they are Jews, Sanders said.

AUSTRIAN PRESIDENT SAYS HIS REVIEW OF DOCUMENTS ON WALDHEIM'S WAR-TIME ACTIVITIES ARE NOT SUFFICIENT FOR HIM 'TO LAY DOWN AN INDICTMENT'

By Reinhard Engel

VIENNA, April 23 (JTA) -- President Rudolf Kirchschlaeger said Tuesday night that while Kurt Waldheim must have been aware of the German campaign against Yugoslav partisans during World War II, he found no connection between Waldheim and the deportation of Greek Jews from Salonika.

The Austrian President, in a 20-minute speech to the nation broadcast over national television, said that his review of documents from the United Nations archives and the World Jewish Congress on Waldheim's war-time activities led him to the conclusion that "If I would act as a public prosecutor, I would not dare to lay down an indictment on those documents."

Kirchschlaeger, at the same time, also expressed his concern about an unleashing of a wave of anti-Semitism in Austria. Saying that the tension caused by the media's reportage of the allegations against Waldheim had led Austrians to interpret the coverage as a "meddling in Austrian affairs," he appealed to all Austrians and especially to those holding political office to calm such sentiments. "Anti-Jewish sentiments never did any good in our history," he declared. "And besides that, they are deeply inhumane."

Waldheim, the conservative Peoples Party candidate in next month's presidential election, said Tuesday night that now the campaign against him had finally collapsed. He said that with the President's statements, "all accusations against me have collapsed, and I hope that now, in the last phase of the election campaign, we can concentrate constructively on the real problems."

Kirchschlaeger said the charges against Waldheim were full of questions and that the key witness against him in the Yugoslav documents

prove his own position charging other German soldiers." In addition, the President said a notable question involved why the Yugoslav authorities, neither in the past nor today, tried to prosecute Waldheim, the former UN Secretary General, or demand his extradition from Austria.

ISRAEL SEEKS ACCESS TO FILES OF EX-NAZI WAR CRIMINALS IN UN FILES

By Yitzhak Rabi

UNITED NATIONS, April 23 (JTA) -- Israel requested here Wednesday access to the files of hundreds of Nazi war criminals in the UN archives, an Israeli spokesman said.

According to the spokesman, Israel wants to examine the files of the hundreds of war criminals who are already on the list of wanted war criminals as compiled by Israel's police.

The UN archives contain some 40,000 documents on suspected Nazi war criminals compiled by the now-defunct United Nations War Crimes Commission. The UN archives are located in a building at 345 Park Avenue South in Manhattan.

Israel has already requested -- and was given -- access to the files of former Secretary General Kurt Waldheim; Alois Brunner, a major Nazi war criminal who has been living in Syria since the end of World War II; and Hermann Klenner, vice chairman of the UN Human Rights Commission in Geneva and head of the East German delegation.

MURPHY FINDS HIMSELF DEFENDING SAUDI ARABIA'S CRITICISM OF THE U.S. AIR STRIKE AGAINST LIBYA

By David Friedman

WASHINGTON, April 23 (JTA) -- Assistant Secretary of State Richard Murphy found himself Tuesday defending Saudi Arabia's criticism of the United States air raid against Libya. But Murphy, who heads the State Department's Near Eastern and South Asian Bureau, said he did not "excuse" the Saudi position.

His remarks came as he was questioned by Rep. Tom Lantos (D. Cal.) about the Saudi position as he testified before the House Foreign Affairs subcommittee on Europe and the Middle East in support of the Reagan Administration's proposal to sell Saudi Arabia \$354 million in sophisticated missiles.

The Saudi statement after the U.S. raid expressed support and sympathy for the Libyan people, Murphy noted. "You do not find words of support for Col. (Muammar) Qaddafi or the Libyan government," he added. Murphy said the Saudis are members of the Arab League's joint defense treaty. "They have said probably the minimum they could say as being a member of the joint Arab defense treaty," he said.

But Lantos rejected this argument. "If in every single incident we ourselves rationalize the anti-American attitude and actions and public statements of countries that we are supporting there will be no incentive for them to line up (with us)," he said.

Murphy noted that "I don't think that we have reason to be satisfied with the support we have gotten around the world" on U.S. action against Libya. "We've had very direct talks with our friends and allies around the world about the lack of support for us," he said.

Resolutions To Prohibit The Arms Sale

Meanwhile, Rep. Mel Levine (D. Cal.) said he has 221 co-sponsors to the resolution he introduced to prohibit the arms sale. A similar resolution in the Senate, introduced by Sen. Alan Cranston (D. Cal.) has been signed by 63 senators.

Both Houses of Congress must pass the resolution by May 8 to prevent the sale from going through. But Murphy on Tuesday reiterated that if Congress does adopt a resolution of disapproval President Reagan will veto it.

The threat of the veto was not mentioned in a letter Rep. Lee Hamilton (D. Ind.), the subcommittee's chairman, released during Tuesday's hearing from Secretary of State George Shultz.

Stressing the necessity for a "balanced policy in the Middle East," Shultz said "efforts to block all arms sales to moderate Arab states, simply because they have not been perceived as totally supportive of our efforts in the peace process, can make that balanced policy impossible and the attainment of peace all the more difficult."

"This is neither in our interest; nor, I would submit, that of Israel," he continued. "Particularly at a time when Qaddafi and Khomeini are trying to radicalize the Arab and Muslim world, our moderate friends in the area need our support, not our rejection."

The lack of Saudi support for the peace process has been one of the major objections of members of Congress to the Saudi sale, as it was to the sale of arms to Jordan, which was withdrawn earlier this year. Whatever the outcome of the missile sale, the issue will come up again when the Administration will bring before Congress the certification for the delivery of the five AWACS sold in 1981. Murphy said this would occur in June or shortly afterwards.

U.S. STRIKE AGAINST LIBYA INFLUENCED BY ISRAELI STRIKE ON PLO HQ. IN TUNISIA

By Hugh Orgel

TEL AVIV, April 23 (JTA) -- The U.S. air strike against Libya on April 14 was influenced by the success of the Israel Air Force long-range bombing attack last year on Palestine Liberation Organization headquarters in Tunisia, according to Air Force commander Maj. Gen. Amos Lapidot.

In an interview in the Israel Air Force Journal, published Wednesday, Lapidot stressed that terrorism will escalate as long as sovereign nations do not take matters into their own hands and act much more vigorously against terrorist organizations.

"As long as passive action is used against them -- security checks, searches of passengers' luggage at airports -- the terrorists are risking very little, the failure of only one operation," Lapidot said. In his opinion, such measures are not sufficient to deter them.

The Air Force Journal noted that the Israel Air Force has been taking a more active role against terrorism of late. It disclosed for the first time that Cobra attack helicopters were used to silence a terrorist position that had fired on an Israel Defense Force unit trapped in a wadi near Safira village in south Lebanon. As a result, eight terrorists were killed and the IDF men were extricated.

BEHIND THE HEADLINES ISRAEL IS A REWARDING PLACE TO VISIT By Marlene Goldman

(This is the last in a series on tourism and youth programs in Israel.)

JERUSALEM, April 23 (JTA) -- Shabbat in Jerusalem is a time for reflection and a chance to seal some of the gaps that can weaken the foundation of a person's Jewish identity. Young American Jews participating in the American Zionist Youth Foundation's summer program try to fill these voids with insight by spending one Shabbat sampling the spiritual aspect of being a Jew.

"The ideas of the Shabbat program is to try and give the Jewish kids an opportunity to discover and experience a Shabbat in Jerusalem and Shabbat as Shabbat, and at the same time to use that program to increase their awareness about their own Judaism and Jewish identity," said Charles Silverstein, a madrich (counselor) for the Shabbat program. Silverstein, 25, is in his second year of conducting Shabbat programs.

Over the course of two days, the group of about 30 participants in the program savors a traditional religious Shabbat that incorporates both rituals and thought-provoking games.

Led by male and female counselors, the program begins Friday morning when the group tours the ultra-Orthodox Mea Shearim quarter of Jerusalem and the Jewish market. In the market, comprising dozens of stalls and eager vendors, the group has an opportunity to buy challahs, wine, candles, and cookies, while the counselors have a chance to get acquainted with the group.

Elevating The Soul

The Shabbat schedule resumes after the Friday morning initiation, about an hour-and-a-half before sundown. A tour of the Old City is combined with an introductory program on Shabbat and the historical background of Jerusalem. Silverstein emphasizes the teaching of songs as crucial to a meaningful Shabbat. "We believe singing elevates the soul," he said. "It gives one a taste of what it is to feel Shabbat and an idea of what Shabbat is all about."

Prayer is also important and there are two different approaches to exposing the group to Friday night services. If the participants can read Hebrew and have been to synagogue, they conduct a full service, Silverstein explained. For groups that are less knowledgeable in Hebrew, only parts of the service are performed and these sections are interpreted. "The idea is to get them to appreciate those aspects of Judaism they usually never see," he said.

Saturday morning prayer services are voluntary, according to Silverstein, as is participation in all facets of the Shabbat program. After the services, the entire group of program participants has Kiddush together and then the identity program begins.

Heightening Jewish Awareness

The remainder of the Shabbat program is devoted to heightening the individual's Jewish awareness by means of various games. "We hope the games will inspire them to continue to discover more about the ideas we help to develop or reawaken," Silverstein said.

In "value clarification" games, Silverstein said he poses questions that start the participants

thinking about the ethics of Judaism and their Jewish identity. "We, in a nice way, get them to think about subjects related to Judaism and Jewish identity like assimilation, like God, like Jewish history, like the Holocaust, intermarriage, tradition, and the like," Silverstein said.

One identity game personalizes their experiences as Jews. Silverstein requests that they discuss a time when they felt proud to be Jewish. "I get innumerable stories," he said. "People actually start thinking about when they were proud to be a Jew or when they fought against anti-Semitism, or when they did a good deed."

During the "survival" game, people must choose from a group of 30, five priorities they think are critical to the survival of the Jewish people. Then they find people with similar lists and form "political parties." The aim is for the participants to prepare a platform representing their ideas and ultimately to argue and debate their reasons for choosing the various priorities.

In "situation" games, which Silverstein calls social dramas, people are chosen to act out certain roles in a given predicament.

For example, a girl introduces her gentle boy friend to her parents and announces that they are getting married. The father may be told to react violently while the mother does not object. "After the scene, we have a debate about the pros and cons of intermarriage," Silverstein said. "We try to get people to realize it's not one of those factors that's going to ensure the survival of the Jewish people."

Awareness Of Another Dimension

These and a host of other Jewish identity games are capped by a Shabbat-ending Havdalah service. Everyone sits in a circle with the lights out except for the Havdalah candle. "Each kid in the group has a chance to personally express what Shabbat meant for him or her," Silverstein explained.

"The invariable result is that they had an amazing experience both from a spiritual and a group dynamic point of view. There was an awareness of another dimension within their being and of increasing spiritual bonds within the group," he said.

Not A Missionary Organization

While the program is a religious observance of Shabbat, Silverstein, who is Orthodox, emphasized that he and the other counselors extend Judaism as a sense of tradition. "We are definitely not a missionary organization," he said.

"The Shabbat madrichim (counselors) do not aim to try and convert anybody to become religious. Rather, we would like to get the people to think about their own Judaism and inspire them to think about all different aspects of what their Judaism means in the hope that they will be motivated to discover on their own more about it and to go in the direction of becoming stronger Jews."

The counselors also hope the participants will "resolve to belong to the Jewish nation; that they will feel part of the Jewish nation and that they're proud to be Jews; and that they recognize the history is thousands of years old and they feel it; and what better place than in Israel and what better time than on Shabbat?"