



FOREIGN MINISTRY ANGERED BY MODAI'S COMMENTS ON WALDHEIM
By David Landau

JERUSALEM, June 5 (JTA) -- The Foreign Ministry, which has been quietly campaigning in Europe to thwart the election of Kurt Waldheim as President of Austria, is furious with Justice Minister Yitzhak Modai for stating this week that Israel does not have sufficient evidence to support charges that Waldheim committed war crimes while a Wehrmacht officer serving in the Balkans during World War II.

Modai defended his statement Thursday. He said it represented an "accurate picture" based on the information Israel has been able to obtain. He said the evidence showed that Waldheim, as an intelligence officer who briefed the General Staff, aided others in the commission of atrocities but was insufficient to implicate him personally.

Such evidence, if it exists, is to be found in other countries and Israel has not been given access to it, Modai said. He was apparently referring to Greece and Yugoslavia. Sources at the Foreign Ministry insisted Thursday that there is sufficient prima facie evidence against Waldheim to bring war crimes charges against him.

Witnesses' Testimony 'Not Strong Enough'

The Justice Minister disclosed that two Holocaust survivors living in Israel testified to Ministry officials that they had seen Waldheim himself commit atrocities. But their testimony was "not strong enough," Modai said. He said that Israel and the United States are continuing to exchange information on Waldheim who served two terms as Secretary General of the United Nations, from 1972-1981.

Modai's statements have been welcomed by Waldheim's campaign staff in Vienna. Along with a similar statement this week by the Greek Minister of Justice, they absolve him of all charges, his staffers say.

Waldheim, the candidate of the conservative People's Party, faces a run-off election this Sunday against his Socialist opponent, Kurt Steyrer. He has a comfortable lead in public opinion polls in Austria.

The Foreign Ministry has been engaged in low-key diplomatic efforts in recent weeks to convince key European opinion-makers of the inadvisability of Waldheim becoming President of Austria, even though the office is largely ceremonial. A senior Israeli diplomat, Dov Shmorak, was sent to various European capitals to meet with intellectuals and government figures on this issue.

Ministry sources acknowledged that Israel has not been able to persuade several Eastern European governments to cooperate in the search for evidence against Waldheim. They believe that Modai's remarks were unnecessary, untimely and prejudicial to their efforts.

POLLARDS PLEAD GUILTY IN SPY CASE

By David Friedman

WASHINGTON, June 5 (JTA) -- Jonathan Pollard pleaded guilty Wednesday to spying for Israel while working as a civilian intelligence analyst for the United States Navy.

His wife, Anne, also pleaded guilty to the charges of conspiring to receive embezzled government property and being an accessory after the fact to the possession of national defense documents.

The pleas worked out between the Justice Department and the Pollards means that the government avoids a jury trial in which revelations could have further damaged relations between the United States and Israel.

Chief Judge Aubrey Robinson, Jr. of the U.S. District Court for the District of Columbia withheld sentencing pending a report from the Probation Department on the two Pollards.

'Conspiracy' To Commit Espionage

Pollard, 31, actually pleaded guilty to conspiracy to commit espionage rather than to espionage itself, apparently as a result of the agreement between the Justice Department and his lawyer.

But either charge carries a maximum of a life prison sentence and a \$250,000 fine. Anne Pollard, 26, could receive up to 10 years in prison and fines totalling \$500,000.

U.S. Attorney Joseph diGenova indicated to reporters that he will not seek the maximum but would seek "substantial" sentences. Pollard's attorney, Richard Hibey, told reporters that "at no time" did Pollard believe "he was acting contrary to the interests of the United States."

He said Pollard was "totally committed to America" but was also concerned about the survival of Israel and the need to fight terrorism. Pollard worked in the Navy's newly established anti-terrorist alert center.

Probe Is Continuing

However, diGenova said Pollard pleaded guilty to espionage and by definition that meant damaging the national security of the U.S.

DiGenova said that the investigation is continuing and that the Pollards are cooperating as part of their agreement with the Justice Department. He said it was possible that others would be indicted, but would not say whether they were Israelis or Americans.

The indictment and the Factual Proffer signed by Pollard lists four Israelis as co-conspirators. They are: Rafael Eitan, who headed the unit to which Pollard reported; Israeli Air Force Col. Aviem Sella, the first Israeli Pollard dealt with; Joseph Yagur, the science consul at the Israeli Consulate in New York; Irit Erb, a secretary at the Israeli Embassy in Washington. The documents give details of the case since Pollard in the Spring of 1984 said he wanted to supply information to the Israelis. According to the documents, Pollard first began supplying documents to Sella, at that time a graduate student at New York University.

In September 1984, Sella said he was returning to Israel and directed Pollard and his wife to go to Paris at Israeli expense. There, they met with Sella, Eitan and Yagur.

Brought Documents To Embassy Employee

Back in Washington, the documents said, Pollard brought documents every two weeks to the Washington apartment of Erb. He also met once a month with Yagur, who paid him at that time. The documents were photographed and brought back to Pollard's office.

In Washington and during a trip to Israel, Pollard also met with an Israeli identified only as "Uzi." Di Genova refused to identify him any further.

Pollard received \$1,500 a month at first and then was raised to \$2,500 for a total of \$45,000 by the time he was arrested outside the Israeli Embassy last November.

The documents also reveal that in the fall of 1985 Yagur showed Pollard an Israeli passport with Pollard's photograph and the name "Danny Cohen," the name Pollard would have when he eventually went to Israel.

Yagur said a foreign bank account was opened in the name of "Danny Cohen" with a deposit of \$30,000.

He was told \$30,000 would be deposited each year for nine years since the espionage operation was expected to last 10 years.

The documents state that Anne Pollard, who was doing public relations work, was given classified information on China by her husband to help her in a presentation she was to make at the Chinese Embassy.

Di Genova noted that the Israeli government cooperated in the investigation with the "unprecedented" act of allowing U.S. investigators to go to Israel and interview persons involved in the case.

NEW ATTORNEY GENERAL POSTPONES PROBE INTO 'SECURITY AIDE' SCANDAL

By David Landau

JERUSALEM, June 5 (JTA) — Newly appointed Attorney General Yosef Harish has postponed a police investigation of the head of Shabak, Israel's internal security service, and has gotten the Supreme Court to agree to defer "for a week or two" a scheduled hearing on a related case.

Harish, who took office Wednesday, replacing Yitzhak Zamir, conferred with Police Inspector General David Kraus Thursday. He told reporters that he hoped to conclude his study of the case as soon as possible and implied this might be done in a matter of days or weeks rather than months.

Zamir had ordered a police probe of Shabak chief Avraham Shalom who is accused of obstructing justice in the case of the unexplained deaths of two Arab terrorists while in custody of security agents in April, 1984. It was delayed ostensibly because Kraus was out of the country. But Zamir is known to have acted against the express wishes of a majority of the Cabinet.

His abrupt replacement by Harish was seen by many as an expression of Cabinet displeasure, though Zamir had announced his intention to resign several months ago. Premier Shimon Peres and Foreign Minister Yitzhak Shamir have said they would try to persuade the new Attorney General to forego a police investigation, in the interests of national security.

Peres and the Labor ministers however seem prepared to accept some sort of investigation and favor a judicial commission of inquiry. Shamir and his Herut colleagues insist the matter should be dropped altogether because of the sensitive security ramifications.

KISSINGER SAYS MIDEAST NEEDS TO REACH PARTIAL AGREEMENTS

By Yitzhak Rabi

NEW YORK, June 5 (JTA) — Henry Kissinger said here Thursday that he did not believe an overall settlement in the Middle East is attainable at this time. But the former Secretary of State suggested that

the parties to the conflict concentrate instead on reaching partial agreements for the time being.

Addressing a luncheon, Kissinger contended that as long as the Iraq-Iran war continued, and the economic situation of the Middle East countries did not stabilize, an overall comprehensive peace treaty is not possible in the region. The nations of the Middle East, Kissinger said, should therefore concentrate on "attainable objectives" of partial interim agreements.

The luncheon was a tribute to Kenneth Bialkin, upon completion of his terms as national chairman of the Anti-Defamation League of B'nai B'rith and chairman of the Conference of Presidents of Major American Jewish Organizations.

President Reagan and Premier Shimon Peres of Israel sent congratulatory telegrams to Bialkin, praising his contribution to strengthening relations between Israel and the United States.

Israel's Ambassador to the United States, Meir Rosenne, and author Elie Wiesel also addressed the luncheon and paid tribute to Bialkin. More than 500 persons attended the meeting at the Grand Hyatt Hotel where the ADL is currently holding its 73rd national commission meeting.

Burton Levinson, a leading Los Angeles attorney, was elected national chairman of the ADL, succeeding Bialkin who had been chairman for the past four years. Currently a member of the International Presidium for Soviet Jewry, Levinson is a member of the board of the Jewish Telegraphic Agency and of the American Israel Public Affairs Committee.

WEST BANK DEVELOPER COMMITS SUICIDE

By Hugh Orgel

TEL AVIV, June 5 (JTA) — Avraham Gindi, a housing contractor and real estate developer under formal charges of fraudulent land sales deals in the West Bank, committed suicide at his Rishon LeZion home early Thursday morning by self-immolation.

His charred body, which he had doused with kerosene, was found in a drained swimming pool next to his penthouse apartment. His wife, who smelled smoke, alerted neighbors who called the fire brigade.

Gindi attempted suicide twice before. He is said to have suffered severe depression after being charged with fraud, theft, forgery and disrupting an investigation last year into a West Bank land scandal. His housing construction firm reportedly owes more than \$10 million to clients, suppliers and banks.

Warrants Out For Brothers

His brothers, Moshe and Yigal Gindi, who operated their own construction company, fled to Brazil when the investigation of suspect West Bank land sales began. They reportedly are seeking amnesty from the police who have warrants out for their arrest, to return to Israel for Avraham Gindi's funeral.

Gindi was arrested last year and released on bail. A condition of his release was that he report weekly to the local police precinct pending completion of the investigation. He was under close watch by family and friends after his suicide attempts.

About 400 people who made down payments to Gindi's firm for apartments he contracted to build, appear to have lost their investments and their new homes. The firm allegedly undertook to build on land it did not own and on which the authorities never issued building permits.

SENATE CLEARS WAY FOR SAUDI ARMS SALE; REAGAN VETO SUSTAINED

By David Friedman

WASHINGTON, June 5 (JTA) — President Reagan got the exact number of votes he needed in the Senate Thursday to go ahead with his proposed sale of sophisticated missiles to Saudi Arabia.

The Senate voted 66-34 to sustain Reagan's veto of the Congressional resolution rejecting the sale, one vote short of the two-thirds needed to override the veto. Reagan worked to the last minute to convince Senators to support him, even at a break-fast meeting at the White House attended by most of the Senate Thursday morning to discuss tax reform.

Sen. Richard Lugar (R. Ind.), chairman of the Senate Foreign Relations Committee, who led the fight to sustain the veto, stressed that "the authority of the Presidency is at stake" in the vote. That was the position taken by a number of Senators who voted last month to oppose the sale, but switched sides on Thursday. The Senate vote last month was 73-26 against the Saudi missile deal.

Carter Calls Senators

The latter included Sens. James Exon (D. Neb.) and Chic Hecht (R. Nev.). Both stressed the need to support the President in international relations. Exon revealed that former President Jimmy Carter had called several Senators urging them to support the arms sale to the Saudis. He noted that Reagan had not asked Carter to make the calls.

Sen. Alan Cranston (D. Calif.), who led the fight against the sale, said that despite the vote sustaining the veto, it was still a victory. He noted that two-thirds of the Senate and an overwhelming majority in the House which voted 356-62 against the sale, sent a message to the Saudis that the U.S. expected more from their friendship than it has been receiving.

Cranston also noted that the sale, which includes 1,666 Sidewinder air-to-air missiles and 100 Harpoon air-to-sea missiles at a cost of \$267 million, is 90 percent less than the Saudis reportedly wanted in January. He said this was not because the President, just before his veto, removed 800 Stinger shoulder-fired missiles from the package, but also because the Saudis' original request for more F-15 aircraft, M-1 tanks and enhancement equipment for the F-15s previously sold to them, was dropped.

Intense Pressure Cited

Both the Israeli government and the American Israel Public Affairs Committee (AIPAC) did not actively lobby against the sale, though they went on record as opposed to it. However, Sen. Barry Goldwater (R. Ariz.) said Senators had been under "intense pressure" — the use of money and "threats" from a foreign government he did not name — to oppose the sale.

Sen. Alan Simpson (R. Wyo.), stressing his friendship for Israel, said that friendship comes from mutual respect and not from an attitude that you must be with us at all times. He said friendship cannot be built on political threats.

Sen. Rudy Boschwitz (R. Minn.) replied that all lobbies argued that you have to be with us. He said the Senate vote against the sale last month had nothing to do with one lobby or another but with the belief in Congress that the Saudis were not "truly moderate."

While Israel was mentioned throughout the debate by both sides, the argument against the sale basically was that Saudi Arabia had not supported U.S. peace efforts in the Middle East, has bankrolled the Palestine Liberation Organization and had not supported U.S. national interests in the region.

Exon and Sen. Pete Domenici (R. NM) said the original vote in the Senate and House against the sale was a message to the Saudis in part that the U.S. was angry over Saudi criticism of the American punitive air raid on Libya May 14. Domenici said he believed the Saudis got the message.

Lugar, as he has done several times in the past, brought up the economic consequences of not selling arms to the Saudis. He noted that by not selling them F-15 fighters, the Saudis are buying planes from Britain in an amount that will eventually come to \$20 billion.

He said the Senators consistently ignored this fact at a time when the U.S. needs to improve its balance of payments, its foreign trade and to provide more jobs for Americans. He added that the U.S. was not giving the Saudis anything. "We're making a cash sale."

Sen. Paul Simon (D. Ill.) said that to argue that if the U.S. does not sell arms to the Saudis someone else will, is not a valid argument. The decision should be on "whether it is right or wrong," he said.

After the vote, Lugar told reporters he did not believe the Administration will have similar problems when it presents to Congress later this month the certification needed to begin delivery of the five AWACS reconnaissance planes sold to Saudi Arabia in 1981. He said he believed the whole issue was discussed during the present debate and the air was cleared.

ALL DAY FAST FOR SOVIET JEWRY

By Judith Kohn

WASHINGTON, June 5 (JTA) — Dozens of legislators, joined by relatives of refuseniks and the father of a Hebrew teacher facing trial this week in the Soviet Union, participated in an all-day fast Thursday on behalf of those denied the right to emigrate from Russia.

The Congressional prayer and fast vigil, sponsored this year by Rep. Bob Mrazek (D. NY) in conjunction with the Union of Councils for Soviet Jewry, stressed the theme of divided families. The issue, which was planned as this year's theme some time ago, has been in the forefront of the news media this week, following the Soviet government's announcement that 244 individuals represented in a U.S. list of divided family cases were being permitted to leave. Some fifty percent were said by the State Department to be Jewish.

But Rep. Tom Lantos (D. Calif.), speaking at the vigil on the steps of the Capitol, declared that "symbolic gestures will not suffice." Human rights is not a symbolic issue, Lantos said, addressing himself to Soviet leader Mikhail Gorbachev.

Also speaking at the vigil were Vladimir Magarik, father of Alexei Magarik, a Hebrew teacher and refusenik whose trial on trumped-up drug possession charges has been scheduled to begin on Friday in Tbilisi, capital of the Georgian Republic.

"Tomorrow he will face a false trial on a false charge," Magarik said of his son's plight. He observed that "a kind of miracle" has taken place in the Soviet Union where, in spite of the authorities' attempts to suppress the Hebrew language and Jewish life, "courageous Jewish men and women" are yearning to learn about and live the culture of their people.

Vladimir Magarik and Elena Fridman, sister of refusenik Ida Nudel, had been brought to Washington from Israel by the National Conference for Soviet Jewry.

**WALDHEIM'S 'HIDDEN YEARS' DETAILED
IN 95-PAGE WJC CONGRESS REPORT**

NEW YORK, June 5 (JTA) -- The World Jewish Congress this week released a 95-page report detailing its findings on what the organization calls the "hidden years" of Kurt Waldheim, the former United Nations Secretary General and front runner in Sunday's Austrian Presidential run-off election.

The report details "one of the most elaborate deceptions of our time" and includes the recently-released secret UN file on Waldheim. According to that file, the UN War Crimes Commission in 1948 said Waldheim should stand trial for "murder" and "putting hostages to death."

The WJC has transmitted a copy of the report to the U.S. Justice Department and it again called on Attorney General Edwin Meese to implement the recommendation of his Department's Office of Special Investigations which concluded that American law requires that Waldheim be barred from entering the United States.

The WJC released its report in conjunction with a major address in London by the organization's president, Edgar Bronfman, who described Waldheim as an "amoral and unrepentant liar" whose election as President of Austria "would be an act of symbolic amnesty for the Holocaust."

The WJC Report

The annotated WJC report elaborates on what has begun to emerge about Waldheim:

* A section on "Kurt Waldheim's own words" details how "he has lied about his past" and continues to do so.

* Documents from Waldheim's personnel file show he belonged to three Nazi organizations, including Hitler's "Brownshirts."

* A medal awarded to Waldheim was one of only three received for merit "under enemy fire" in the brutal anti-partisan campaign known as the Kozara Massacres in Yugoslavia during 1942.

* Waldheim, who long claimed an anti-Nazi background, wrote his dissertation on a pan-German ideologist. In his dissertation he wrote of the "magnificent collaboration of all the peoples of Europe under the leadership of the Reich."

* Waldheim is pinpointed in a series of SS photographs at a strategy session for "Operation Black" - a campaign involving a brutal series of atrocities by Axis forces against Yugoslav villages in 1943.

* On August 8, 1943, Waldheim entered in the war diary Hitler's criminal order on the shootings of partisans after capture.

* Captured Nazi war documents show Waldheim's briefing another officer about arrangements for the forcible transport of tens of thousands of Italian soldiers from Greece to German slave labor camps.

* As a senior intelligence officer, Waldheim's duties were listed as including "prisoner interrogation" and "special tasks" - the latter, a euphemism in Nazi reports which generally described secret measures related to mass terror, torture or executions.

* Waldheim's oft-repeated claims of being a low-level soldier are shattered by documents showing he personally gave briefings to the chief of the general staff of the high command of Army Group E.

* Nazi war documents show the presence of Waldheim at general staff meetings during which the

"effective" use of hostages and the utilization of civilian slave labor were discussed.

* The WJC has to date located 19 intelligence reports signed by Waldheim in which he relayed information extracted from prisoners.

* In 1944, in both Greece and Yugoslavia, intelligence reports signed by Waldheim which pinpoint centers of anti-Nazi activity, were followed by reprisal measures by the German army which carried out murderous atrocities against civilians.

* A Waldheim report was actually used at Nuremberg as evidence of war crimes in Greece.

* It was Waldheim's very intelligence unit that detailed the number of Jews in Corfu prior to their subsequent deportation to Auschwitz in 1944.

Governmental Investigations Summarized

The report also summarizes governmental investigations to date on Waldheim. It finds:

* In 1947, Yugoslavia branded Waldheim a war criminal and said his extradition was mandatory in order that he stand trial as a murderer.

* The U.N. war crimes commission in 1948 said there was "sufficient evidence to justify prosecution" of Waldheim on charges of "murder" and "putting hostages to death."

The U.S. army, on the basis of the U.N. Commission's findings placed Waldheim on its 1948 "wanted list" which listed him as wanted for "murder."

The current investigation by the U.S. Justice Department's Office of Special Investigations concluded that Waldheim should be barred from entering the United States. Under American law, "Nazi-persecutors" are prohibited entry into the U.S.

Israel's Justice Minister said his country's continuing investigation had already shown "there is a basis for putting Kurt Waldheim on trial."

* In Austria, the head of the State police between 1945 and 1947, Heinrich Duermayer, confirmed that his office had not investigated Waldheim in 1945 when he began his service in the Foreign Ministry. On April 22 of this year, Austria's President sought to exonerate Waldheim of war crimes charges in a television address to the nation. He acknowledged Waldheim must have known about atrocities.

Although Waldheim has claimed the superpowers had checked into his background and cleared him, on April 9 a Soviet spokesman said "no attempt was made to investigate Mr. Waldheim."

In releasing the report, the WJC stressed it is of an interim nature. "We are presently looking through several hundred pages of more documents which will be released as we complete our analysis of them," the WJC noted.

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JERUSALEM (JTA) -- Soviet officials at Moscow airport confiscated a copy of "The Communist Manifesto" by Karl Marx and also a copy of "Marx's Early Writings." But the owner of the books, Shlomo Avneri of the Hebrew University, believes that the works of Communism's founding father were barred from the Communist "motherland" because the officials simply did not recognize them. Both books are Hebrew translations. Avneri was in Moscow last week to attend an academic convention at the invitation of the Soviet Academy of Sciences. The airport watchdogs allowed him to keep another Hebrew volume -- a sidur.