

**HIGH COURT UPHOLDS PRESIDENTIAL
PARDONS OF SHIN BET OFFICIALS**

By Gil Sedan

JERUSALEM, Aug. 6 (JTA) -- The High Court of Justice upheld Wednesday the pardons granted by President Chaim Herzog to the head of the Shin Bet intelligence agency, Avraham Shalom, and three Shin Bet officials in the 1984 case in which two Palestinian bus-hijackers were killed in Israeli custody.

Several groups of private attorneys and the Citizens Rights Movement had petitioned to invalidate the pardons.

The court also turned down a request that it order the government to investigate the affair, accepting Attorney General Yosef Harish's statement that the police would investigate.

The court was asked to rule following the pardons issued some six weeks ago, even though the four officials have not been tried for their alleged involvement in the cover-up of the killings.

Justices Meir Shamgar and Miriam Ben Porat upheld the pardons. They ruled that the President could grant a pardon at any stage of a case, even before trial, and out of any consideration, including that of security. This means the President's authority to pardon individuals is practically unlimited.

Dissenting Justice Aharon Barak decided such authority was in conflict with the democratic principles of the State.

The investigation's ruling was unanimous.

Expected To Seek Pardons

With the pardons upheld, subordinate Shin Bet officials were expected to seek pardons, too. Justice Minister Avraham Sharir had earlier declared that he was freezing further treatment of pardons until the court decision was studied.

Immediately following the decision, Police Inspector General David Kraus gave the go-ahead to the special investigations team. Kraus announced last month that the team had gathered and analyzed the relevant information.

Herzog had no official reaction to the decision. His spokesman said any additional requests for pardons would be evaluated on their own merits.

Sharir said the decision was a step toward terminating the affair. Harish also expressed satisfaction. Former Justice Minister Yitzhak Modai said the decision showed that the government had acted correctly on the inquiry. He expressed hope that the commotion surrounding the affair would dissipate.

Citizens Rights Movement MK Yossi Sarid also expressed satisfaction and said that the result was expected. "We have achieved our main target," he said, "to force the government to open an official investigation." It was begun, he said, "only under the sword of the High Court of Justice."

The losing petitioners can appeal to the President of the Supreme Court, Shamgar, to appoint a special forum of five justices for an additional ruling, which can overrule that of the three-justice panel. However, the forum can be established only if there is evidence that is "hard, new and important."

KNESSET PASSES ANTI-RACISM LAW

By David Landau

JERUSALEM, Aug. 6 (JTA) -- The Knesset passed a law outlawing racist incitement. Hard on the heels of this legislation, and not unconnected to it politically, the Knesset also passed into law a bill forbidding meetings with terror organizations.

On both measures the government coalition achieved a solid majority -- since Labor and Likud had reached agreement beforehand. But on both measures there was some Labor defection, and both were hotly opposed by the left-of-center opposition in the Knesset.

The new legislation was voted into law during a drawn-out nocturnal session that began Tuesday afternoon and ended close to dawn on Wednesday.

Heavy Burden Of Proof

The racism bill bans publication of racially inciteful material. The bill places on the prosecution a heavy burden of proving intent to commit incitement by the publication.

This proviso was inserted into the bill during more than a year of controversies in the Knesset Law Committee. In the eyes of many leftist Knesset Members, the proviso effectively empties the new measure of its content and renders it toothless.

Victor Shemtov, Mapam MK, delivered a scathing attack on the bill close to midnight, pointing out that the man against whom it is principally intended, Kach MK Meir Kahane, had announced that he intended supporting it.

Kahane Votes For The Measure

And, sure enough, in the vote Kahane joined with Labor, Likud, National Religious Party, and Shinui members in voting for the bill.

Clearly, his purpose was to embarrass the government and to build up a favorable voting record so that when his party's credentials are challenged in court before the next election -- as they almost certainly will be under legislation passed earlier this year banning racist parties from running -- he will be able to point to his vote in favor of the law against racism.

The vote tally was 56 for, 22 against and seven abstentions. The latter comprised members of the two ultra-Orthodox parties, Shas and Aguda Israel, and the rightist Tehiya party.

Labor and Likud whips had sought throughout the day to modify the bill's wording so as to assuage concerns in the religious camp that purely religious or ritual actions could be prosecuted as racist or discriminatory.

A Special Provision

The bill in its final form contains a special provision excluding the citation of Biblical or other sacred passages from ever being considered racist.

On the bill, the religious vote was split: NRP in favor, Shas and Aguda abstaining and the lone Morasha MK, Avraham Verdiger, voting against the bill. Also voting against, along with the leftist parties, were Labor's Abdel Wahab Darousha and Shinui's Mordechai Wirshubsky.

The anti-PLO bill, passed by a narrower majority, forbids private Israeli citizens from meeting with members of a terrorist organization abroad (the PLO qualifies under the law's definition). Exceptions are press conferences, international symposia, and family ties.

Throughout the months of debate on both of these controversial measures, it had been clear to Labor and Likud leaders that the chances of passing the one hinged on the passage of the other, since in the Likud they were seen as somehow balancing each other.

JUSTICE DEPARTMENT'S DECISION TO QUASH SUBPOENAS AGAINST ISRAELIS LAUDED BY PRESIDENT'S CONFERENCE HEAD

By Margie Olster

NEW YORK, Aug. 6 (JTA) -- Morris Abram, chairman of the Conference of Presidents of Major American Jewish Organizations, Wednesday lauded the Justice Department decision to quash subpoenas against Israelis alleged to have illegally attempted to export American technology to manufacture cluster bombs.

Tuesday, the Justice Department announced that the subpoenas issued for eight unnamed Israelis working for the Israeli Military Industries' procurement offices in New York were withdrawn in exchange for the Israeli government's promise to cooperate in the investigation.

"I have full confidence that the accusations against Israel will prove to be without foundation," Abram said. "But I am deeply concerned that the campaign of rumor, innuendo, leaks and similar tactics carried out by unnamed sources in the bureaucracy is intended to jeopardize the positive attitude toward Israel that exists at the highest levels of our government and among the American people generally."

Loose Charges And Media Manipulation

Abram is not alone in his suspicion, voiced by both Israeli officials and American Jewish leaders in recent weeks, that strategic press leaks on alleged Israeli espionage cases in America are aimed at sabotaging American-Israeli relations.

"...There are some people in Washington who apparently do not accept the policy of this Administration toward Israel and who appear determined to challenge it," Abram said.

"They do so by leaks, by loose charges, by manipulating the media, as in the recent case when TV camera crews accompanied Customs agents who showed up at a warehouse in upstate New York to investigate the possible 'illegal' acquisition by Israel of U.S. military technology."

Abram said in a press conference last week that those responsible for the leaks are "lower echelon" officials in the Justice Department and Customs bureau. He pointed out that the news of the cluster bomb investigation leak to the press occurred before Israel was notified. The U.S. government formally apologized to Israel for this embarrassing disclosure.

The Israelis would have been called to testify before federal grand juries in Cedar Rapids, Iowa, and in Pennsylvania this week.

The U.S. Customs Service initiated the investigation and has reportedly conducted searches at three companies in Iowa and Pennsylvania last month, according to a New York Times report.

In a meeting last week with Stephen Trott, the Justice Department's chief criminal prosecutor, representatives for the Israelis argued that some of the subpoenaed Israelis should not be called to testify because they are protected by diplomatic immunity.

Israeli diplomats have categorically denied any wrongdoing in the cluster bomb controversy. Israel has developed its own cluster bomb design and manufactures them in its own facilities, according to Israeli sources. They also said that any American technology or equipment related to cluster bombs was exported with the required licenses.

The United States halted the export of American-made cluster bombs to Israel after reports in 1982 that Israel used the anti-personnel weapons against civilians in Lebanon.

LONG-TERM REFUSENIK ARRIVES IN ISRAEL

NEW YORK, Aug. 6 (JTA) -- Aleksandr Kushnir, 38, a refusenik since 1977, has been reunited with his family in Israel, after 13 years' separation, according to the National Conference on Soviet Jewry. His mother, Rachel, and his brother, Efim, have been in Israel since 1973, where his grandparents live. His father, Semyon, was killed in a tragic work accident in Odessa in 1970, at the age of 42.

Aleksandr, a construction engineer, studied nights and worked as a porter to support himself while living alone in Odessa. Having served in the Soviet Navy, he waited the customary five years from his demobilization to apply. However, since his application, he lived under constant threat of arrest. He could not find work in his profession and was forced to work as a building technician in a small town near Odessa.

In a related development, Leningrad refusenik Isaac Kogan, 40, and his family were promised exit visas. Kogan, who applied for a visa in 1974, is an observant Jew. He gave classes in Torah and Talmud, and was recognized by Soviet Jews as one of the most knowledgeable Jews in the Soviet Union.

THE UNITED STATES AND ISRAEL

NEW YORK, Aug. 6 (JTA) -- The following segment was inadvertently dropped from the interview with Morris Abram in Wednesday's bulletin:

Q: How do you view the recent meeting in Rabat between Premier Shimon Peres and King Hassan of Morocco?

A: I think the meeting was a positive development, mainly because the head of the Arab League, the King, was the second head of an Arab state to openly meet with an Israeli Premier. It is, therefore, another breach in the hitherto solid wall of rejection.

I also think the meeting took the courage of both parties and, while no positive result has been announced, in itself was a breaking of the ice. It is also interesting to note the reactions of the Arab states, excluding Syria and Libya, which were relatively mild and might serve as an encouragement to other Arab leaders to follow suit.

Q: What is your reaction to Vice President George Bush's visit to Israel?

A: The visit is another demonstration of the friendship of this Administration to the State of Israel and another seal put on the alliance between the U.S. and Israel. The Vice President went from Israel to Jordan and Egypt, where, I believe, he must have conveyed Israel's thirst for peace.

BUSH'S VISIT TO MIDEAST SHOWS PROGRESS TOWARD PEACE IS BEING MADE, STATE DEPARTMENT SAYS

By David Friedman

WASHINGTON, Aug. 6 (JTA) -- The State Department said Wednesday that Vice President George Bush's 10-day visit to the Middle East did not reflect any change in the United States Middle East policy, but demonstrated that progress toward peace is being made.

Five common goals by the leaders of Israel, Jordan and Egypt, outlined by Bush in Cairo Tuesday, "are a measure of the steady incremental progress that has been made toward the goal of a negotiated peace," State Department deputy spokesman Charles Redman said. "It expresses our recognition of the commitment of all three governments to the common goal of a just and lasting peace in the region," he said.

Bush, at a press conference in Cairo before returning to Washington, said that the leaders of the three countries which he had visited had agreed on a joint statement listing the goals. He conceded some of the goals were not new.

Goals Endorsed By Three Leaders

The first goal endorsed by Israeli Premier Shimon Peres, Egyptian President Hosni Mubarak and King Hussein of Jordan is that "a just and lasting peace is essential, urgent and can only be reached through negotiations."

Bush said the second goal is that "negotiations should produce peace treaties between the parties based on the recognition of the right of all states and peoples in the region to a life of peace and security."

The third goal said that "Negotiations must take into account the security needs of Israel, the security needs of all other states in the region and the aspirations of the Palestinian people." Negotiations to resolve the Palestinian problem within "the context of a relationship between Jordan, the West Bank and Gaza" was the fourth goal outlined by Bush.

The Vice President said the fifth point is that the U.S. believes "in the importance of face-to-face negotiations. We recognize that direct negotiations may involve the framework of an international conference or forum structured in such a way that permits progress and not paralysis, agreement, not dictates."

Bush's Call To Palestinian Representatives

Redman took particular note Wednesday of Bush's "call to Palestinian representatives, persons of peace and goodwill who reject violence and terrorism, to recognize this opportunity to shape their own future." This is part of the efforts to get Palestinians on the West Bank and Gaza to join with Jordan in negotiations with Israel, despite the opposition of the Palestine Liberation Organization.

The statement read by Bush Tuesday said negotiations "should provide for talks between an Israeli delegation and a Jordanian-Palestinian delegation, as well as between Syrian and Israeli delegations. Delegates must consist of individuals who seek peace and openly reject violence and terrorism."

Redman added that the U.S. intends to "continue to work closely with the Israeli and Jordanian governments about ways to enhance the quality of life of the Palestinian inhabitants of the West Bank and Gaza."

Bush reportedly said in Cairo that an international conference would include the permanent members of the United Nations Security Council as Hussein has demanded. This would appear to be at odds with the policy of the Reagan Administration which has rejected Soviet participation in the Mideast process.

Israeli Premier Shimon Peres said Tuesday that Israel would drop its opposition to Soviet participation "on the condition that they establish full diplomatic relations with us."

He was commenting on the announcement that Israel and the Soviet Union will hold consular talks in Helsinki later this month.

Asked for a comment on Peres' statement, Redman said Wednesday, "We have long said that we would welcome constructive Soviet contributions to peace in the Middle East."

"We and Israel agree that full diplomatic relations between the Soviet Union and Israel would be a positive step. We hope that the Soviets will take a more constructive attitude toward the problems in the Middle East and the peace process. He added that the U.S. will be "consulting closely with Israel" on the issue.

Redman also pointed to a statement he made Monday, without repeating it, in which he stressed that restoring diplomatic ties with Israel was only one of the conditions the U.S. felt Moscow should meet if it wanted to participate in the Mideast peace process.

He said that in order "to show that it's willing to play a responsible role," the Soviet Union should also do things like increasing Jewish emigration from the USSR and end support for regimes like Col. Muammar Qaddafi's in Libya.

Meanwhile, Bush left Cairo without achieving one of his hopes, a settlement of the dispute between Israel and Egypt over Taba. However, Richard Murphy, Assistant Secretary of State for Near Eastern and South Asian Affairs, remained in Cairo to work on the issue, which Bush said was "very close" to agreement. "We intend to continue to work closely with Egypt and Israel in order to achieve an expeditious settlement of the Taba issue," Redman said.

500 PEOPLE AT JABOTINSKY MEMORIAL

By Yitzhak Rabi

NEW YORK, Aug. 6 (JTA) -- More than 500 people attended Tuesday night the 46th annual memorial service for Ze'ev Jabotinsky, the founder of Revisionist Zionism, at the Roosevelt Hotel here.

Binyamin Netanyahu, Israel's Ambassador to the United Nations, underscored the major role of Jabotinsky in the development of the Zionist movement which led to the establishment of the State of Israel.

Asserting that the loss of Jabotinsky to the Zionist movement "was equal to the loss of Herzl," Netanyahu said that the people in Israel today are the keepers of Jabotinsky's flame.

Former Premier Menachem Begin and Foreign Minister Yitzhak Shamir sent special statements for the occasion, stressing Jabotinsky's contribution to the establishment of the Jewish State.

Cantor Zvi Aroni read and sang from the poetry of Jabotinsky.

**SPECIAL TO THE JTA
THE HORRORS OF AUSCHWITZ**
By Rochelle Saidel

NEW YORK, Aug. 6 (JTA) — "The Liberation of Auschwitz," a documentation of the camp's liberation by the Soviet Army, presents rare footage that was kept for 40 years in Soviet archives and presumed lost. The hour-long film, which uses images shot by a Russian cameraman from the time of liberation, January 27, 1945, until evacuation two months later, is premiering commercially here at the Film Forum on August 13.

In an interview incorporated into the newly produced film, the cameraman, Alexander Vorontsov, says Auschwitz was "far more terrible than anything I'd ever filmed," and the Soviet camera crew had no idea what they would find there. "Time has no power to heal these memories," he says. "What I saw and filmed in the camp was more horrifying than anything else I experienced in the war."

"The Liberation of Auschwitz" was directed and produced by West German filmmakers Irmgard and Bengt von zur Mühlen. Vorontsov gave them the original footage when they interviewed him in Moscow last year, they told the Jewish Telegraphic Agency.

An 18-minute film of Vorontsov's footage was made by the Soviet government for use at the Nuremberg War Crimes Tribunals, but experts in the West had presumed all other film shot by the Soviets at Auschwitz had been lost. Vorontsov, reportedly the last surviving cameraman who was present at the liberation of Auschwitz, had his footage in his private archives, the von zur Mühlen said.

Harrowing Documentary Evidence

Vorontsov's documentary evidence of Nazi brutality is harrowing, including skeletal corpses of babies who had died of starvation, and close-ups of victims of savage "medical" experiments. Women survivors lie in tiers of bunks in a roofless hut, with snow piling up around them. Twins who were the subjects of Dr. Josef Mengele's genetic experiments are shown leaving the camp at the time of evacuation.

One of these twins, Marc Berkowitz, now of Rockland County, New York, was almost 13 when the Soviet Army arrived. He had been brought to Auschwitz about two weeks earlier, on a forced march from the outer area of Birkenau, he told the Jewish Telegraphic Agency. For some 10 - 14 days, the camp inmates had been left unsupervised and unfed.

He recalls the moment when the Russian troops arrived; he had found some dried beans and was trying to cook them in a pot near the gate. When he saw the Soviet tanks, he stopped cooking and opened the gate.

One soldier, perhaps a Czech, was wearing a Mogen David on a necklace, Berkowitz says. This, for him, was the significant symbol of his rescue. While waiting for possible liberation, he and his friends had discussed their hope of celebrating the forthcoming holiday of Purim, he recalls. They had survived the worst Haman of all, and wanted to properly mark their salvation, he says.

None of Vorontsov's silent footage gives a glimpse of the dreams of Berkowitz and other inmates. His images are of the stark, inhuman reality of Auschwitz. Unlike film crews accompanying the Western Allied armies, Vorontsov had only a hand-operated 35-milli-

meter camera with no sound facilities. The von zur Mühlen has left the most shocking footage unedited, with neither sound nor background music.

The enormity of the Auschwitz-Birkenau operation, and its profitability for the Nazis, is apparent. As the camera pans over piles of shoes, hair, false teeth, eyeglasses, shaving and tooth brushes, even prayer shawls, the narration records the volume of each commodity shipped back to the Third Reich for profitable utilization. Slave labor for I. G. Farben was an integral part of the mammoth complex, as aerial and other shots illustrate.

Much of the film shows the work of the Soviet commission that gathered evidence for the Nuremberg trials. Medical experts are shown examining victims of sadistic experiments, and the narration describes diagnoses. Escorted by former prisoners, the commission views the punishment block and gallows.

Four young Jewish women were hanged there only days before the Soviet Army reached Auschwitz, according to the narration. Their "crime" was the smuggling of explosives from a weapons factory attached to the camp.

Some 7,000 survivors were at Auschwitz when the Soviet Army arrived. The film records them as too exhausted and demoralized to show any emotion when the Soviets entered the camp. Vorontsov points out, in contrast, some staged and then discarded footage that depicts "joyful survivors" welcoming the Red Army.

"The Liberation of Auschwitz" will have a two-week run at the Film Forum. A non-commercial 16-millimeter version is being distributed by the National Center for Jewish Film at Brandeis University.

**REPORT RESTORATION OF
JEWISH SITES IN EAST GERMANY**

EAST BERLIN, Aug. 6 (JTA) — Official East German media outlets have publicized restoration efforts for a former synagogue and a Jewish cemetery ravaged by the Nazis in the late 1930's, the World Jewish Congress reported here.

The East German News Agency said the synagogue on Berlin's Orientburger Street, which was set on fire by the Nazis during the Kristallnacht anti-Jewish rampage of 1938, is to be rebuilt on the basis of the existing structure. The reconstruction project is to be in line with the original building.

The press department of the Ministry of Foreign Affairs reported the reopening last month of the Adas Yisroel cemetery in Berlin. "Members of the Jewish communities in the German Democratic Republic and descendants of members of this community, blotted out by the Nazis in 1939, from the Federal Republic of Germany, France, Great Britain, Israel, Sweden, Switzerland, the United States and West Berlin took part in the ceremony," the Foreign Ministry said.

A memorial stone was inaugurated bearing the names of Jews killed in concentration camps whose urns were installed in the cemetery between 1939 and 1942. The Foreign Ministry also said that the day's ceremonies included the unveiling of a commemorative plaque on a building situated in East Berlin where there had been a community center, a synagogue, and a rabbinical seminary of the Adas Yisroel Congregation.