

**LANDMARK RULING BY ISRAEL'S HIGH COURT**
By David Landau and Hugh Orgel

JERUSALEM, Dec. 2 (JTA) -- A Supreme Court panel ruled unanimously Tuesday that the Interior Ministry may not inscribe the word "converted" on the identification card of a person converted to Judaism.

The decision, hailed in liberal and secular circles and angrily condemned by the Orthodox establishment is seen likely to revive the bitter debate over the Who is a Jew issue because it involved a conversion performed by a Reform rabbi in the U.S. The court ruling is considered a landmark because it makes clear the supremacy of civil law in Israel.

The ruling was handed down by a panel of three justices -- Supreme Court President Meir Shamgar, Menahem Eylon and Miriam Ben-Porat. Eylon, in an addendum to the ruling, stated that the word "converted" on an identification card was contrary to religious law. A number of leading rabbis agreed with him on halachic grounds, though others have ruled differently.

A storm is centered on Interior Minister Rabbi Yitzhak Peretz of the Orthodox Shas Party whose resignation was demanded Tuesday by Orthodox leaders. The court acted on an appeal by Shoshana Miller against the Interior Ministry. Miller was converted to Judaism in 1982 by Rabbi David Klein of Colorado Springs, Colo., and immigrated to Israel three years later, claiming citizenship.

The Interior Ministry refused to register her as a Jew. But when she appealed to the Supreme Court last year, Peretz agreed to register her as a convert. He explained to the Knesset at the time that to register her simply as Jewish without the qualifying "converted" could mislead other citizens and officials as to her standing under Jewish law. But Miller continued to press her appeal.

Orthodox Establishment Isirate

The ire of the Orthodox establishment focussed on Peretz Tuesday for registering Miller as Jewish even with the qualification that she was a convert. Ashkenazic Chief Rabbi Avraham Shapiro said in a statement Tuesday night that "The Chief Rabbinate opposed the (Peretz) proposal all along in our view, a Reform conversion is just a joke because it does not require acceptance of mitzvot. It is impossible, indeed immoral, to accept such a convert whom a large part of the Jewish people does not accept as a Jew."

Religious Affairs Minister Zevulun Hammer of the National Religious Party stated that the Orthodox position is that halacha, not secular law, must determine Jewish identity.

The Committee for the Purity of the People, an Orthodox group, insisted that Peretz resign because only conversions by Orthodox rabbis are valid in Israel. Political sources said Tuesday that Shas was not likely to leave the coalition government over the Miller case.

But other observers said it was difficult to imagine that Peretz could comply with the court order by endorsing Miller's status as a Jew with-

out qualification. Shas circles said the party's Council of Torah Scholars would meet this week to decide the party's position and specifically, what action Peretz should take. The Council is chaired by former Sephardic Chief Rabbi Ovadia Yosef.

The secular Shinui Party called on Peretz to resign rather than consult with his party's Torah sages. As a Minister in the government he is obliged to be guided by the high court, not by a body of religious scholars, Shinui said.

More Test Cases Being Readied

Meanwhile, the Progressive (Reform) movement in Israel said it would follow up its court victory by introducing six more test cases of converts denied registration as Jews.

Rabbi Moshe Zemer of the Progressive Movement hailed the court decision as "a stage in our struggle for recognition and full rights" in Israel. Miller told reporters after the court ruled in her favor that she had a "most difficult year, a real nightmare," waiting for the decision. "I want to live here as a Jew, not as something else," she said.

In addition to its ruling, the Court ordered the government to pay 2,500 Shekels (about \$1,600) in legal expenses.

ISRAELI LEADERS INSIST THAT ISRAEL DID NOT TRANSFER FUNDS TO THE CONTRAS
By Gil Sedan

JERUSALEM, Dec. 2 (JTA) -- Israeli leaders voiced strong assurances Tuesday that Israel had nothing to do with the transfer of funds from American arms sales to Iran to the Contra rebels in Nicaragua. But some Knesset members persisted in their charges that Israel was involved and assailed Israeli arms sales abroad in general. The sales were defended by Defense Minister Yitzhak Rabin.

Premier Yitzhak Shamir told reporters here that Israel has informed the U.S. government and hopefully American public opinion that there was no link between the government of Israel and the Contras.

"Israel has never helped or assisted the Contras in Central America," he said. He hoped that the investigations to be carried out in the U.S. will reach the same conclusion and lay the matter to rest.

Vice Premier and Foreign Minister Shimon Peres categorically denied that Israel reaped financial gains from the re-sale of American weapons to Iran with the specific approval and at the request of the Reagan Administration. He insisted, at a gathering in Pardes Hanna, that if any money paid by Iran reached the Contras, it was without Israel's knowledge.

"Representatives of Israel" were alleged by U.S. Attorney General Edwin Meese at a White House press conference last week to have transferred \$10-\$30 million of the money paid by Iran for the arms to a Swiss bank account maintained by the Contras, the Reagan Administration-backed rebels trying to overthrow the Sandinista government of Nicaragua.

President Reagan, who claims he was not informed that Iranian money was going to the Contras, said in an interview with Time magazine November 26 that "Another country was facilitating those sales of weapons systems" and "They then were overcharging and were apparently putting the money into bank accounts of the leaders of the Contras."

Reagan did not name the other country. White House Press Secretary Larry Speakes said Monday that Reagan was not implicating Israel because he knows nothing about the secret bank account set up for the Contras in Switzerland.

Two Knesset Motions Struck Down

MK Chaika Grossman of Mapam charged Tuesday that Israeli instructors were helping the Contras and Israeli arms dealers were supplying them with weapons. She said she based her information on a recent visit to Nicaragua where she met with Sandinista officials.

The Knesset struck from its agenda Tuesday two motions to debate the sale of arms by Israel to Third World countries. MK Matityahu Peled of the Progressive List for Peace said Israel was ashamed of its arms customers and they were ashamed of Israel, a reference to the virulently anti-Israel regime of the Ayatollah Ruhollah Khomeini in Teheran.

Peled said that was why the arms deals were kept secret until they leaked out abroad. He said the Israeli arms industry was overgrown and therefore hungry for new markets.

Rabin, speaking for the government, conceded that the defense industry had to export to survive but he noted that the proportion of Israeli weapons being used in the Iran-Iraq war was insignificant compared to those of the Soviet Union and other powers.

Rabin also vigorously denied that Israel was providing military aid to the Contras. Israel supplies neither arms, money nor know-how and has not authorized anyone else to supply arms, money or know-how or any other aid to the Contras, he said. He reiterated that all Israel has done was to deliver American weapons to Iran and the request of the American administration.

REAGAN NAMES CARLUCCI AS ASSISTANT FOR NATIONAL SECURITY AFFAIRS

By David Friedman

WASHINGTON, Dec. 2 (JTA) -- President Reagan announced Tuesday the appointment of Frank Carlucci, a former Deputy Secretary of Defense and Deputy Director of the Central Intelligence Agency, as his Assistant for National Security Affairs. He succeeds Vice Admiral John Poindexter, who resigned after it was learned funds from the sale of American arms to Iran were deposited in a secret fund in Switzerland for the Contras, the force fighting the Sandinista regime in Nicaragua. Carlucci, 56, is considered close to Defense Secretary Caspar Weinberger. He served under Weinberger in the Nixon Administration and as Weinberger's deputy at the Pentagon from 1981 until December 1983.

This has caused speculation in Washington that in Reagan's last two years, Weinberger will be the major voice in national security affairs, a position dominated by Secretary of State George Shultz for the last few years.

Nevertheless, State Department spokesman Charles Redman said Shultz was "delighted" that Reagan has appointed Carlucci, who he said has "proven abilities across the whole range of national security affairs."

Proposed AWACS To Saudi Arabia

Carlucci is credited with the Defense Department's policy in the early days of the Reagan Administration of trying to sell arms abroad, particularly in the Middle East. He is believed to have proposed the AWACS sale to Saudi Arabia in 1981 and had pushed for arms for the Saudis when he was deputy director of the CIA in the Carter Administration from 1978 to 1981.

A career foreign service officer from 1956 to 1969, Carlucci also served in the Nixon Administration as director of the Office of Economic Opportunity, deputy director of the Office of Management and Budget, undersecretary of the Department of Health, Education and Welfare and Ambassador to Portugal. Since October 1984, he was chairman and chief executive officer of Sears World Trade Inc., in Washington.

Reagan Pledges Cooperation With Investigators

Reagan announced the appointment in a short televised address from the Oval Office in which he also announced that an independent counsel will be named to investigate whether any federal laws had been violated in the U.S. sale of arms to Iran or in the transfer of funds to the secret Contra account.

The President also pledged continued cooperation with the various Congressional investigations but suggested that Congress "consolidate its inquiries." There has been talk of having a special investigating committee as was the case during Watergate.

Attorney General Edwin Meese told a press conference at the Justice Department that his department would continue its investigation until the independent counsel was appointed and the information would then be turned over to the counsel.

Reagan ended his address by stressing his commitment to fight international terrorism. "It is my policy to oppose terrorists throughout the world, to punish those who support it and to make common cause with those who seek to suppress it," the President said. "This has been my policy and will continue to be my policy."

CORRECTION

Robert Kasten was misidentified in the December 2 Bulletin. He is a Republican Senator from Wisconsin.

TEL AVIV (JTA) -- Retired Supreme Court Justice Haim Cohen appeared to be recovering Tuesday after a massive heart attack Sunday which left him clinically dead. Doctors at Meir Hospital in Kfar Saba who revived him, said the 75-year-old jurist has emerged from a coma, is breathing naturally, talking, smiling and eating light food. But they said he would have to remain in the intensive care unit under observation for another 3-4 days before he can be considered out of danger.

BEHIND THE HEADLINES

OF BRAVERY, HUMANITY AND SURVIVAL

By Susan Birnbaum

NEW YORK, Dec. 2 (JTA) -- It was an evening that will long be remembered. It was an evening of recalling memories of the Holocaust, of bravery, of humanity and of survival. It all happened at the David Yellin Award Dinner last month.

A Jewish family and their friends, all Holocaust survivors, along with a Polish Christian couple that saved them from certain death at the hands of the Nazis, participated along with 300 people in the award ceremony.

The ceremony, which was originally planned to honor Zahava and Robert Burack for their long-time contributions to the David Yellin Teachers College in Jerusalem, was enlarged in scope to include a special ceremony for the Polish couple. The story behind the story of the ceremonies took place over 40 years ago.

Polish Couple Hid Jews

Three Jewish sisters -- Miriam, Sarah and Goldzia Radca, whose present married names are Miriam Oginski, Sarah Wiener and Zahava Burack -- were hidden during World War II under the floorboards of the house owned by the Polish couple, Stephania and Jozef Macugowski.

For saving the three sisters, along with their parents, a cousin and unrelated people, the Macugowskis were presented at the award dinner with Yad Vashem's designation of "Righteous Among the Nations." The honor was bestowed upon them by the Israel Consul General in New York, Moshe Yegar.

Zahava was the lone family member to immigrate to Palestine after the war. She remained there for 12 years, serving in the Haganah and the Israel Defense Force. Afterwards, she came to New York to rejoin her family and devoted her life to Jewish and Israeli causes.

Another sister, Rita Nussbaum, was separated from her family when they escaped from the line of Jewish citizens of the town of Nowy Korczyn, near Cracow, who were being transported to Bergen-Belsen. She was imprisoned in the concentration camp, where she escaped death several times, and was a slave laborer in a munitions factory. After the war she came to the United States with her family.

Nussbaum was present at the award dinner, along with a cousin, Sarah Back, now a resident of Petah Tikvah, Israel, and a man not related to them, Alan Kupfer of Chicago. The two of them and the three sisters had shared the space under the floorboards, an area that was 5 feet 7 inches wide and 18 inches high. At one time or another, nine people shared what was a living grave at one time.

Days Turn Into Years Of Hiding

The Macugowskis were long-time friends of the sisters' parents, Liepke and Gitl Radca. In April 1942, just before the Jews were rounded up for transport to Bergen-Belsen, Jozef Macugowski told Liepke, "If I can ever do anything to help you, let me know."

The night of the round-up, Liepke told his family to stay together until he gave a signal, when they would simply walk off the line and follow him. They did this when they got to the

street where the Macugowskis lived, and, unnoticed by the Nazi guards, went to the Christian couple's house.

The Radcas thought they would have to be hidden for a night or two. But the nights turned into weeks and the weeks to two-and-a-half years, hidden under the floorboards, lying silently and cramped on their sides or hands or knees. The Polish couple brought them bread and water two or three times a week, and removed the pail they used in lieu of a toilet. Miriam, who was five years old when they went into hiding, said at the award dinner, "When one turned on his side, the others would have to do the same."

Jozef Macugowski went to great lengths and distances to help the Jewish family, traveling to far away villages to get bread for them so as not to arouse suspicion for the increased amounts his family seemed to need. The Radcas, growing more despondent as they lay under the floorboards in terror and discomfort, sometimes begged the Macugowskis to give them poison "to end our torture," said Zahava. But the Polish couple told them, "No, hold on. As long as we are alive, we are going to keep you alive."

The Situation Worsens

The situation went from treacherous to deadly when, early in 1945, the German High Command decided to make the Macugowskis' house their headquarters and ordered the family out of their own home. Jozef Macugowski refused to abandon his Jewish friends. He convinced the Germans to allow him to stay on as caretaker.

They agreed, and then, once a week, Jozef miraculously was able to sneak food and water to them and attend to them the best he could. The family lay there petrified as the sound of German footsteps and voices reverberated above them.

At one point, the German officers said they were searching for one last Jewish family rumored to be hidden somewhere in the town. But soon afterward they stopped their search because they heard that the Radca family had drowned, their bodies found in the Wista River -- a rumor that Jozef Macugowski himself had spread from another town.

One night, after the town was liberated by the Red Army in 1945, Jozef led the family out of the house and took them to a town miles away where no one knew them. There, he made them promise they would never tell anyone their story, never reveal their benefactors.

Some time after the war, the Radca family lost track of the Polish couple but relocated them again last September. Last month, the Buracks, with the help of the David Yellin College, brought the elderly Macugowskis to New York, where the sisters adopted them as their parents and publicly honored them for their extraordinary deeds.

Honored For Bravery and Dedication

Yegar, speaking on behalf of the State of Israel, told the guests at the award dinner that he had heard many, many stories about Righteous Gentiles helping Jews during the war, but that "Never have I heard such a story as this."

Yegar said that in recognizing the Macugowskis, "we thank them for reminding us what human standards should be." He read a statement from Israeli Foreign Minister Shimon Peres, in which he honored the couple for their "bravery and dedication," which "has won our admiration."

The Macugowskis, appearing dazed by the attention and not speaking a word of English, said through interpreters that they had saved the Jews because "it was the right thing to do." They said that there would have been many, many more people who would have helped Jews during the war years, but that they were afraid to lose their lives and their children's, citing the case of a non-Jew in a nearby town who was executed immediately after being found out to have harbored Jews.

'We Owe You Our Lives'

Sara Wiener's daughter, Dr. Gila Wiener Kriegel, at 27 the eldest of the three sisters' children, paid homage to the couple by saying: "We owe you our lives. I am speaking here not only for those of my family who survived in your bunker, but mainly I speak for the younger generation, for the generation that followed And even now, so very many years later, we who have never been in Nowy Korczyn comprehend the ignominy of those events The Talmud says 'Whosoever saves even one soul, it is as if he saved a whole world.' You saved many Jewish souls and you made it possible for generations that would have never seen the light of day to live and to make their contributions to society."

COURT CASE ON IRAN ARMS SALE

By Margie Olster

NEW YORK, Dec. 2 (JTA) -- A Federal judge in Manhattan Monday granted a 10-day adjournment of all pretrial proceedings in the case of defendants charged with conspiracy to sell American weapons to Iran.

The ruling followed a request by the prosecution that the case be reevaluated in the light of recent disclosures of the U.S. Administration's role in the arms deal. One defendant has been added to the indictment, bringing the number of defendants in the case to 18. The trial is scheduled to begin February 2.

The U.S. Attorney's office in Manhattan, which is prosecuting the case, is presumably considering dismissal of the charges as a result of reports that the Reagan Administration condoned and orchestrated arms sales to Iran through international arms dealers in patterns strikingly similar to those spelled out in the indictment and papers filed in this case.

At a previous hearing, Assistant U.S. Attorney Lorna Schofield said the recent disclosures had "no bearing whatsoever" on this case and the U.S. Attorney's Office would pursue the prosecution. But in remarks in court Monday, Schofield backed off from her previous position.

She said her office needed 10 days to reassess the case in light of the new evidence which emerges almost daily of the Reagan Administration's deep involvement with arms sales to Iran during the past 18 months.

"We feel it is our responsibility to evaluate what, if any, bearing recent disclosures may have on this case," Schofield told Federal District Judge Leonard Sand.

Prosecutors Are In An Uncomfortable Position

The prosecutors in this case have clearly been among those placed in a somewhat uncomfortable position as the story of the Administration's role in the Iran affair unfurls. Admittedly, the U.S. Attorney's Office was unaware of the

Administration's covert policy to supply arms to Iran. But at the same time, the Justice Department and the U.S. Customs Service set up secret bank accounts and arranged a complicated sting operation to set up the defendants in this case, who are now accused of breaking the same laws President Reagan personally authorized others to break.

Attorney Neal Hurwitz for defendant Israel Eisenberg, an Israeli, told Sand Monday, "I was led to believe when called on (last) Friday that Ms. Schofield had indicated that Mr. (Rudolph) Giuliani (the U.S. Attorney in Manhattan) is conducting a full reevaluation of continued prosecution of this matter." Hurwitz said that Schofield had stopped short of saying in court Monday that her office was considering dismissing the charges.

Monday's hearing was originally scheduled to argue a motion to dismiss the indictment for reasons of lack of jurisdiction in New York, entrapment, and prejudicial pretrial publicity. Sand ordered all arguments suspended until December 11, noting that it would be unfair to the defendants to allow any more time because all but one are being held against their will under the conditions of their bonds.

Defense attorneys also voiced concern over reports that key documents in the Iran affair had been destroyed in the past week. Judge Sand issued an order to the U.S. Attorney's Office to convey to all branches of government that "no person empowered by the U.S. government or any agency is to destroy, conceal, or alter any document which relates to the shipment of arms to Iran either directly or via another country."

CABINET RATIFIES ACCORD WITH EGYPT TO SUBMIT TABA DISPUTE TO ARBITRATION By Gil Sedan

JERUSALEM, Dec. 2 (JTA) -- The Cabinet Sunday formally ratified an agreement with Egypt to submit the Taba border dispute to international arbitration. It rejected pre-conditions proposed by Minister of Commerce and Industry Ariel Sharon.

The arbitration panel, consisting of three international jurists and one representative each from Israel and Egypt, will convene in Geneva later this month. The agreement was reached last September to resolve the issue by arbitration, favored by Egypt, instead of conciliation, preferred by Israel. It followed more than a year of on-again-off-again negotiations that failed to settle the dispute.

The Israeli-Egyptian peace treaty of 1979 provides for either arbitration or conciliation in cases where the two countries cannot reach bilateral agreement. Sharon demanded that before the arbitration instrument was signed, Egypt lift all restrictions on tourism to Israel, close the Palestine Liberation Organization office in Cairo and pay compensation to the families of seven Israeli tourists killed by a berserk Egyptian soldier at Ras Burka in eastern Sinai last year.

The Foreign Ministry said the compensation issue is under negotiation with Egypt. The two governments will exchange the ratified arbitration documents prior to the start of the process in Geneva. The panel will be headed by Judge Gunnar Lagergren of Sweden. The other members from outside the region are Dietrich Schindler, a Swiss law professor, and Pierre Bellet, an international lawyer from France.