

SIX IDF SOLDIERS WOUNDED IN LEBANON

By Hugh Orgel

TEL AVIV, May 31 (JTA) -- Six Israeli soldiers were wounded early Sunday morning, none seriously, when mortar shells were fired at their patrol in the south Lebanon security zone from outside the zone. Three were taken to Rambam Hospital in Haifa by helicopter and three were sent home.

The shelling occurred simultaneously with an attack by the pro-Iranian Hezbollah, an extremist Shiite group on Lebanese Christian militia positions near Jezzine, north of the security zone. A search of the area yielded the bodies of eight of the attackers. Five militiamen were killed and 10 wounded in the clash.

The militia is a paramilitary force composed of local civilians living in a Christian enclave around Jezzine. It is loosely connected with Gen. Antoine Lahad's Israel-backed South Lebanon Army (SLA). Military sources said Hezbollah attacked the militia because they are an easier target than the SLA and Israel Defense Force positions in the security zone.

CABINET ORDERS JUDICIAL INQUIRY INTO ALLEGATIONS AGAINST SHIN BET

JERUSALEM, May 31 (JTA) -- The Cabinet voted unexpectedly Sunday to order a judicial inquiry into allegations that agents of the General Security Services (GSS) lied to a military tribunal which convicted former Israel Defense Force officer Izat Nafsu of espionage and treason in 1981 and sentenced him to 18 years' imprisonment.

Nafsu's conviction was overturned by the Supreme Court last Sunday and the 32-year-old Circassian soldier was released. The high court, in its ruling, affirmed his charge that the GSS, also known as Shin Bet, fabricated evidence and extracted a confession by illegal means.

The Cabinet's decision came as a surprise since most ministers, including Premier Yitzhak Shamir and Foreign Minister Shimon Peres, had opposed a judicial inquiry. Shamir and Peres consulted with their Cabinet colleagues Friday but it appeared unlikely, according to an Israel Radio report, that the matter would be raised at Sunday's session. Apparently the ministers preferred a judicial inquiry to the police investigation Attorney General Yosef Harish ordered of GSS personnel last Friday. That investigation is likely to be delayed until a judicial commission reports its findings.

Shamir, on May 22, named former State Comptroller Yitzhak Tunik and former Mossad chief Zvi Zamir to comprise a commission of inquiry to study the operational methods of the GSS and make recommendations. The composition of the judicial commission is not yet known.

**Schindler In Moscow:
CONDEMNNS SOVIET REPRESSION OF JEWS
BUT WARNS AGAINST 'COLD-WAR WARRIORS'
WHO URGE ACCELERATION OF ARMS RACE**

MOSCOW, May 31 (JTA) -- A leader of American Reform Jewry strongly condemned Soviet

repression of Jews in the USSR here Sunday but warned at the same time that the efforts for peace between the world's two superpowers, the avoidance of nuclear confrontation, must not be abandoned "in the name of protest."

Rabbi Alexander Schindler, president of the Union of American Hebrew Congregations (UAHC), addressed a conference of the International Physicians for the Prevention of Nuclear War.

He and Father Theodore Hesburgh, former president of Notre Dame University, were invited to participate in the conference by Dr. Bernard Lown of Boston, president of the physicians' group which won the 1986 Nobel Peace Prize. The theme of the conference is "Religion and Ethics in the Nuclear Age." Schindler bore down hard on the Soviet Union's "severe strictures on the right of Jewish emigration" and its "trampling" on the religion and culture of Soviet Jews, "denying them books, the schools, the teachers and the language required for its sustenance."

But "having protested these and other civil rights injustices, we must not fall into the trap of joining the shrill voices of those who wish to sink the Soviet Union and America into incendiary rhetoric and reciprocal military confrontation."

Protest And Peace Are Not Mutually Exclusive

Schindler stressed that "protest and peace are not mutually exclusive. If we swallow our protest for the sake of peace -- for the sake perhaps of not offending the governments of our East European delegates -- then the frail peace will be overturned by the writhings of the injustice itself," Schindler said.

"But if we abandon the peace in the name of protest -- by becoming cold-war warriors and urging an acceleration of the arms race -- then the protest corrodes into an immoral threat."

Schindler was critical of both the U.S. and the USSR. "Each of the superpowers arrogantly considers itself to be Jacob, the one worthy of Isaac's blessing, the one capable of carrying the values of the present into the future. And each considers the other one to be Esau: the hunter, the predator that would sell his principles for a bowl of porridge.

"The world watches us now as the great powers attempt negotiations, and we pray for their success...yet there can be no genuine end to the obscenity that we know as the arms race--until 'glasnost' (openness) becomes a way of life rather than an extraordinary experiment within the Soviet Union; until the policy-makers of the United States realize that the heavens are themselves a canopy of peace over our earth," an apparent reference to the U.S. Strategic Defense Initiative (SDI) which would deploy nuclear weapons in outer space.

Continuing in the same vein, Schindler said peace remains remote "until the spiritual might rather than the armed might of the Soviet Union is proudly displayed in the May Day parade; until the U.S. government understands that national security cannot be attained by being the first among the countries of the world in arms sales, even while we are only 15th in literacy, 16th in doctor-patient ratio, 18th in life expectancy and 19th in infant mortality."

MAREK EDELMAN REPORTED TO HAVE BEEN FIRED FROM LODZ HOSPITAL AND DENIED A PASSPORT TO TRAVEL ABROAD
By Edwin Eytan

PARIS, May 31 (JTA) -- Marek Edelman, a prominent heart surgeon and one of the last survivors of the 1943 Warsaw Ghetto uprising, was fired from his position at the Lodz hospital last week and denied a passport to travel abroad, it was reported Sunday by Le Monde. His wife and family live in France.

According to Le Monde, Edelman, 65, was dismissed without explanation. The paper noted that because of the shortage of medical practitioners in Poland, physicians are generally allowed to continue working after retirement age.

The paper quoted Edelman as saying he was refused a passport because "it was probably considered that such a visit (to France) would endanger the security of the Polish State."

As a young medical student in 1943, Edelman helped organize and then led the ZOB (Zydowska Organizacja Bojowa -- Jewish Fighting Organization). He was one of a handful of Jews who managed to flee the ghetto before it was razed by the Germans.

After the war he completed his medical studies in Poland and worked as a surgeon, chiefly in his native city of Poznan. Although he avoided politics, he became one of the main spiritual leaders of the Solidarity Movement. He was imprisoned in 1981 for his statements in favor of Solidarity and its leader, Lech Walesa.

In 1983, Edelman refused to join the Honorary Committee to commemorate the 40th anniversary of the Ghetto uprising because of its official sponsorship by the Polish government.

MASSIVE CRACKDOWN ON TERRORISTS
By Gil Sedan

JERUSALEM, May 31 (JTA) -- Israeli security forces raided the Balata refugee camp near Nablus early Sunday morning in a massive crackdown on terrorists held responsible for recent unrest in the West Bank. A number of arrests were made, including that of Jihad Mseimeh, described as head of the local branch of Shabiba, the El Fatah youth organization.

A deportation order was promptly issued by Maj. Gen. Amram Mitzna, commander of the central sector. It was not immediately carried out to give Mseimeh a chance to appeal to the military appeals board, as allowed by law.

A similar sweep in the Gaza Strip culminated in the deportation Sunday of Ahmad Nasser, a resident of the Khan Yunis refugee camp and the Shabiba leader there. He indicated he would not appeal and was expelled to Jordan.

The Balata camp, long one of the worst trouble spots in the West Bank, was hit by surprise following several gasoline bomb attacks on Israeli soldiers Saturday night which played caused no casualties. The camp was put under curfew and closed off as a military zone while suspects were lined up for questioning.

But women and children filled the narrow alleys of the camp chanting anti-Israel and pro-Palestinian slogans. Tear gas was used to disperse them.

Mseimeh was a major catch. He was once sentenced to 15 years' imprisonment for planting a bomb in the central square of Nablus and illegal possession of explosives. But he was freed three

years ago as part of a prisoner exchange with the Syrian-backed Popular Front for the Liberation of Palestine-General Command, headed by Ahmed Jabreel.

Since then he had been placed under administrative detention for four months on suspicion of terrorist acts. He resumed his subversive activities after his release, security sources said Sunday.

The arrest and deportation of Ahmad Nasser capped 10 days of counter-terrorist activities in the Gaza Strip during which several El Fatah cells were uncovered and a number of arrests made, it was disclosed Sunday.

The suspects are believed to have been responsible for terrorist and sabotage acts in the Gaza Strip and in Israel. A bomb explosion in a Ramat Gan market recently was attributed to the group, as was a bomb planted in a bus in Ashkelon. It was discovered before it exploded.

Two terrorists were killed in the Gaza Strip in recent days. One was shot fleeing security forces and the other blew himself up while making an explosive device.

'YOUNG ISRAELI MERCENARIES' ACCUSED OF SPREADING AIDS AROUND THE WORLD
By Edwin Eytan

PARIS, May 31 (JTA) -- A crude, anonymous leaflet accusing "young Israeli mercenaries" of introducing and spreading AIDS (Acquired Immune Deficiency Syndrome) in Western Europe and the rest of the world, is being widely distributed among French high school students.

But there is more serious concern over a pamphlet issued by the respected "French League Against Sexually Transmissible Diseases" which implies that Jews are somehow responsible for the fatal ailment for which no cure has yet been found.

The pamphlet claims that Kaposi's sarcoma, one of the earliest symptoms of AIDS, is an affliction of elderly Jewish patients. While the latter are not accused of spreading AIDS, the inference has been deplored by civil rights organizations.

The tracts appearing in high schools are clearly anti-Semitic in intent. Some handwritten, others badly typed, they are signed by "The Anti-AIDS Committee." The students are urged to "pass on the word."

They accuse Israeli "mercenaries working for Mobutu" of having contracted the disease and infected young French women tourists visiting Israel. The reference is apparently to Mobutu Sese Seko, the President of Zaire.

NEO-NAZI QUESTIONNAIRE

BRUSSELS, May 31 (JTA) -- Leading questions about the Holocaust have been sent in the form of a questionnaire to a number of Belgian families, it was reported by the World Jewish Congress. The questionnaire, which asks Belgians whether they believe Germans made soap from the bodies of Auschwitz victims, has been compiled by the French publishing house, La Vieille Taupe (The Old Mole).

The firm specializes in publishing books and pamphlets which deny the Holocaust, including a thesis proposing that the gas chambers were a fabrication, the WJCongress pointed out. Belgian Jewish organizations are being extra-vigilant at this latest manifestation of neo-Nazi activity.

SPECIAL INTERVIEW

HAIG: U.S. CREDIBILITY IN THE MIDEAST HAS BEEN SEVERELY DAMAGED
By Margie Olster

NEW YORK, May 31 (JTA) -- American credibility in the Middle East has been severely damaged and is hindering America's ability to play a vital role in the peace process and other critical issues in the region, according to Gen. Alexander Haig, President Reagan's former Secretary of State and a candidate for the Republican Presidential nomination.

"I think the aftermath of the Lebanon conflict was a fundamental discrediting of the United States in the Middle East," Haig said. "American policies at that time snatched defeat from the jaws of victory and upset prospects for progress in the peace process."

Haig, who was widely viewed as one of Israel's staunchest friends in the Administration before he resigned in June 1982, discussed his views on the Middle East in an interview with the Jewish Telegraphic Agency last week.

Haig declared his candidacy for the Republican nomination last March. Since leaving government, Haig formed a consulting firm on international politics, trade and national security, World-wide Associates Inc.

U.S. Interests And Objectives In The Mideast

Haig discussed America's interests in Israel's relations with its neighbors in the Middle East.

"I think our near-term objectives in the Middle East will be best achieved by continuing enhancement of de facto cooperation between Jordan and Israel in the West Bank and Gaza, the elimination of the PLO's influence, and the strengthening of Jordanian influence in a host of practical ways which provide evolution of internal autonomy or a greater role in the determination of their own destiny for the Palestinian people in their territory," Haig said.

America should also play a role in strengthening the damaged relations between Egypt and Israel, he said.

On the peace conference, Haig said he had doubts about an international conference. "I have always been skeptical of it because the umbrella visualized regardless of a priori assurances, which are highly questionable, would put in an influential position the Soviet Union, the PLO and Syria. In many respects, their participation in a peace conference is a contradiction in terms. Historically, not one of these powers has been a force for achieving peace and social justice but a source of great controversy. I see nothing in the recent discussions to assuage my skepticism."

An often incoherent U.S. policy on the international conference has sent mixed signals to Israel, Haig said. "We've managed to alienate the (Israeli) Prime Minister because we were too active and alienate the (Israeli) Foreign Minister because we were not active enough," he said.

Although the U.S. welcomes direct negotiations, Haig called this alternative unrealistic under the present conditions. "Jordan is simply unable to meet those requirements without unacceptable risks from the Soviet Union, from Syria and from the PLO . . . It may become realistic by de facto cooperation which avoids the political question." Haig advocated evolutionary, not revolutionary approaches to the historic problems in the region.

Israel, Jordan and other so-called moderate Arab states have an unwitting alliance in warding off the threat of spreading Islamic fundamentalism in the Middle East, Haig said. "The moderate Arab states are much more concerned today with the threat of Islamic fundamentalism and the specter of potential Soviet exploitation of that than they are over questions between Arabs and Jews . . . Arab states know they would be the first victims of Soviet imperialism. That's the quickest and most virile threat in all Arab countries," he said.

Haig's Role In Lebanon War

Looking back on his role in the Lebanon war, Haig recounted what he thought were the Reagan Administration's biggest policy failures in regard to its activity in Lebanon. Haig resigned following, among other disagreements, bitter disputes with Secretary of Defense Caspar Weinberger and other Reagan aides over Middle East policy. Haig convinced Reagan to order a U.S. veto of a vote in the United Nations Security Council on a resolution condemning the Israeli invasion of Lebanon while other Reagan aides supported the resolution, Haig said.

But beyond this, Haig criticized the Administration's failure to take direct military action against Syria when it had conclusive evidence that Syria perpetrated terrorist acts against the U.S.

"We have camouflaged the known involvement of terrorist governments for fear that labeling that known involvement would make them less cooperative in the peace process," Haig said.

"We knew that Syria had a major role in the destruction of our Embassy in west Beirut in 1982. We knew they had a major role in the murder of our 246 marines. We chose to camouflage that role at the time when direct action could and should have been taken. We did that under the naive assumption that Syria would somehow be more cooperative in solving the Lebanon conflict and joining the peace process."

"I think we were more than justified in taking vigorous military action in the Bekaa Valley following the murder of our young marines. We probably should have done it following the destruction of our Embassy and we never would have been faced with the murder of our marines."

Never Gave Israel A Green Light

Haig said he and others in the Administration never gave the Israeli government a green light to go into Lebanon but said he believed there was "considerable justification" for the deeper military action that took Israeli forces into west Beirut.

On two occasions, shortly after Israel entered Beirut, Haig said he fashioned a plan for a tripartite withdrawal of Israel, the PLO and Syria from Lebanon. On both occasions, the plan collapsed for lack of support in the Administration. Reagan did not understand the situation in Lebanon at all, Haig said.

"Populism dominated the Administration. As the Israeli columns moved into Lebanon, every night on American television there was a clean-shaven Mr. Arafat kissing babies on the streets of west Beirut and all you heard about were the Israeli juggernauts murdering innocent civilians. We applied a double standard at that time. The men around the President did not stand up for what would have been temporarily unpopular--the right of a secure Israel. We could have then become an advocate for peace in the region."

BEHIND THE HEADLINES NEW LIFE IN 1987 FOR THE CIVIL RIGHTS ACT OF 1866

By Richard Foltin

(Editor's note: Richard Foltin is associate legal director of the American Jewish Committee.)

NEW YORK, May 31 (JTA) -- On May 18 the U.S. Supreme Court found unanimously in the companion cases of Saint Francis College v. Al-Khazraji and Shaare Tefila Congregation v. Cobb, that the protections of the Civil Rights Act of 1866 against racial discrimination allowed private federal lawsuits for claims of intentional discrimination based upon a person's ancestry or ethnic characteristics.

In one of those ironies sometimes found in history, these cases, extending the protections of the Civil Rights Act to ethnic groups generally, involved claims of discrimination against, respectively, an Arab and a Jew.

In the Saint Francis College case, a university professor, a United States citizen born in Iraq, filed a federal suit against a university claiming that he had been denied tenure because of his Arabian ancestry.

The trial court held that Al-Khazraji had no claim under the Civil Rights Act of 1866, because its protections against racial discrimination did not reach discrimination claims based on Arabian ancestry.

The U.S. Court of Appeals for the Third Circuit reversed, however, holding that, although Arabs would be considered Caucasians under current racial classifications, Congress, when it passed the Act, did not limit its protections to those who would be considered members of a race different from the defendant's. Rather, the Court of Appeals found that the Act allowed an individual to sue those who had discriminated against him or her because of membership in an ethnically and physiognomically distinctive subgrouping.

Shaare Tefila involved a lawsuit brought by a synagogue against vandals who had painted the synagogue with anti-Semitic slogans, phrases, and symbols. In that case, the U.S. Court of Appeals for the Fourth Circuit, upholding the trial court's determination, found that the Civil Rights Act of 1866 was not intended to apply to situations in which a plaintiff is not a member of a racially distinct group but is merely perceived to be so by the defendants. Thus, finding that Jews were Caucasians and thus not racially distinct, the court dismissed the Congregation's claim.

Interestingly, the plaintiffs in the two actions asserted two distinct theories under which they claimed to be protected by the Civil Rights Act. Al-Khazraji argued that the protections afforded by the Act against racial discrimination must be understood in the context of the U.S. Congress' understanding, in 1866, of the term "race."

Under this analysis, persons are entitled to bring a claim under the Act if they are subject to discrimination because of membership in a group of a type considered a "race" at the time of enactment. Documentary evidence, as well as legislative history, indicated that during the mid-nineteenth century race was generally understood to refer to the kinds of characteristics which today we understand to be covered by "ethnicity" or "ancestry."

In contrast, Shaare Tefila Congregation argued that the Civil Rights Act of 1866 should

be understood to protect members of any group from discrimination if the persons discriminating viewed that group as racially distinct and were motivated by racial prejudice.

In any event, it was clear that the conclusions of the Courts of Appeals of the Third and Fourth Circuits were at odds.

One court extended the Act's protections to members of groups not racially distinct under modern notions of racial taxonomy; the other did not. It is because of this conflict, it is safe to assume, that the Supreme Court agreed to review both of these cases.

Court Quoted 19th Century Sources

The Supreme Court rejected the contention that, as a Caucasian who had allegedly been the object of discrimination by other Caucasians, Al-Khazraji could not seek relief under the Act.

The Court quoted at length from 19th century sources which commonly used the term "race" to refer to what today would be regarded as ethnic groups, such as Germans, Swedes, Jews and Arabs. The Court also referred to legislative history which demonstrated Congress' intent to protect persons subjected to intentional discrimination solely because of their ancestral or ethnic characteristics.

The Court found that Shaare Tefila Congregation could assert a claim under the Act for similar reasons. Jews were among the people considered to be a distinct race in 1866 and hence were under the protection of the statute. Thus, as with Al-Khazraji, the Congregation was not foreclosed from stating a claim under the Act simply because the defendants and the Congregations' members were both part of what today is considered the Caucasian race.

However, the Court specifically rejected the argument that one could sue under the Act simply by alleging racial animus without asserting also that the animus was directed towards the type of group Congress intended to protect when it passed the statute. "To hold otherwise," the Court stated, "would unacceptably extend the reach of the action."

Practical Impact Of The Decisions

What is the practical impact of these decisions? To be sure, that impact should not be overstated. In both cases, other remedies would have been available to the parties under state, and at least in the case of Al-Khazraji, federal law.

However, the procedural limitations on bringing other types of civil rights claims are often linked to adherence to complicated procedural requirements and narrow time constraints. Further, state and other federal laws generally do not offer remedies specially linked to discrimination of the type alleged in these cases.

If any group should be aware of the dangers of discrimination against individuals based on their ancestry, it should be the Jews. The Court's determination may be viewed as an important opportunity for plaintiffs to seek recourse and remedy from institutions particularly identified with the protection of equal treatment of all members of society -- the federal courts.

For both the practical additional remedies afforded and the symbolic value of such remedies, this additional vehicle by which to guard against ethnic discrimination should be welcome even if it leads to an additional opportunity for vindication in only a relatively small number of cases.