

JEWISH GROUPS TAKING NEUTRAL STAND ON LATEST SUPREME COURT NOMINEE

By David Friedman

WASHINGTON, Nov. 17 (JTA) -- Jewish organizations are expected to maintain their traditional neutral position during the confirmation process for U.S. Court of Appeals Judge Anthony Kennedy, whom President Reagan nominated for the Supreme Court last week.

Washington representatives of Jewish organizations told the Jewish Telegraphic Agency that there does not appear to be any reason to take a stand on the nomination of the 51-year-old Sacramento, Calif., native, unless something unexpected is revealed at Kennedy's Senate confirmation hearings.

Many Jewish organizations broke from the practice of not commenting on Supreme Court nominations when Reagan named Judge Robert Bork of the U.S. Court of Appeals for the District of Columbia to succeed Associate Justice Lewis Powell, who resigned from the court this summer.

Bork's extensive written opinions on privacy and social issues caused many Jewish organizations to oppose the conservative judge vehemently.

After Bork was rejected by the Senate, Reagan nominated Bork's appeals court colleague Douglas Ginsburg, who, if confirmed, would have been the sixth Jew in history to serve on the high court.

But Jewish officials stressed that Ginsburg's Jewishness would not gain him support in the Jewish community if his opinions on church-state and social issues, which were for the most part unknown, were not acceptable. They also expressed the belief that the Jewish community does not accept the concept of a Jewish seat on the court.

Ginsburg withdrew Nov. 7 after revelations about some of his past conduct, including that he smoked marijuana when he was a law professor at Harvard. Reagan then named Kennedy, who has been on the U.S. Appeals Court for the Ninth Circuit in San Francisco since 1975.

David Brody, Washington representative of the Anti-Defamation League of B'nai B'rith, said he believes that there will not be any particular Jewish reaction to the Kennedy nomination.

Brody noted the favorable response to the nomination from both liberals and conservatives. He said Kennedy appears to be "highly regarded as a pragmatist" who judges each case on the facts rather than from an ideological viewpoint.

He added that while many Jews may have "legitimate disagreements" with some of Kennedy's opinions, he does not appear to be "outside the mainstream of judicial thought" as many believed Bork was.

David Harris, Washington representative of the American Jewish Committee, said his organization does not take a stand on judicial appointments unless there is a question of competence.

The AJCommittee and the ADL did not publicly oppose the Bork nomination.

Mark Pelavin, Washington representative of the American Jewish Congress, one of the organizations that led the Jewish opposition to

Bork, said that while many Jews may not agree with all of Kennedy's views, there is nothing so far to warrant opposition to his nomination.

Pelavin said he made this assessment after examining most of the approximately 400 opinions written by Kennedy while on the appeals court. None of these opinions dealt with the church-state issue, he noted, although he expected Kennedy would be questioned on this during the confirmation hearing by the Senate Judiciary Committee.

Experts consider Kennedy to be right-of-center, but believe he may provide the same swing vote as Powell did on the court, now evenly divided between conservatives and liberals.

U.S. CHECKING REPORTS THAT ISRAEL IS STILL SELLING ARMS TO IRAN

By David Landau (Jerusalem),

Hugh Orgel (Tel Aviv) and

Howard Rosenberg (Washington)

Nov. 17 (JTA) -- Reports of undisclosed origin that Israel continues to supply arms to Iran have become a source of irritation between Israel and the United States. Officials in Jerusalem fear they may cast a shadow on Premier Yitzhak Shamir's upcoming visit to Washington.

Israeli officials have flatly denied the reports. State Department spokesman Charles Redman confirmed Monday that the United States has confronted Israel with the allegations that surfaced in the media.

He said it was American policy to follow up any news reports claiming that Iran has imported weaponry. He declined to comment on their veracity, except to note that Israeli officials "find no credibility" in them.

The Israelis have "investigated them and they find no evidence that in fact such shipments have occurred," Redman said. He added that "this particular story has been reported widely over the past several weeks."

Israeli officials are nevertheless anxious. They said Monday that Shamir would deny the reports totally if the issue is raised with him in Washington, because there is no truth whatever in them.

Both President Reagan and Secretary of State George Shultz brought the matter to the attention of President Chaim Herzog during his state visit to the United States two weeks ago, the first ever by a president of Israel.

According to a Davar report Monday, Herzog promptly consulted by cable and telephone with Shamir, Foreign Minister Shimon Peres and Defense Minister Yitzhak Rabin. His conversations prompted an immediate investigation in Israel, the conclusions of which enabled Herzog to inform Shultz that "no proof has been found that these reports are correct," the paper reported.

Davar said that Washington also has begun a comprehensive investigation of the matter. The paper said the questioning of the Israelis by the Americans stemmed in part from reports in the Kuwaiti and British press that several Israeli arms dealers, including former Israel Defense Force officers, are involved in a \$750 million arms deal with Iran.

ENCOURAGED BY ARAB SUMMIT, PERES TO PUSH PEACE IDEAS IN EUROPE; SHAMIR WELCOMES EMBRACE OF EGYPT By David Landau

JERUSALEM, Nov. 17 (JTA) -- Political debate in Israel this week is focussed on the recent Arab summit meeting and its possible effects on the Middle East peace process.

Foreign Minister Shimon Peres and other Labor Party spokesmen argue vigorously that the summit, hosted in Amman by King Hussein, provided a rare opportunity to move toward Arab-Israeli peace negotiations through an international conference.

This assessment stems from the apparent victory of the moderate Arab states over the hard-liners, resulting in the rehabilitation of Egypt's position in the Arab world. All but three Arab states broke off relations with Egypt, the largest of Arab states, on the heels of its 1979 peace treaty with Israel.

The Amman summit lifted the ban on relations, and seven Arab countries resumed full diplomatic ties with Egypt in the week since the summit ended -- Bahrain, Kuwait, Iraq, Morocco, United Arab Emirates, Yemen and the latest and most important, oil-rich Saudi Arabia.

Peres and his Labor colleagues can thus argue that by returning Egypt to the fold, the Arab states are signalling, indirectly, their acceptance of Israel.

Likud leadership takes a diametrically opposed view. Michael Eitan, speaking for the party in a Knesset debate Monday, contended that the reconciliation with Egypt was just another stage in the Arab struggle to eradicate Israel.

He noted that the summit reiterated all of the United Nations resolutions favoring the Palestinians, including the Nov. 29, 1947 partition resolution. According to Eitan, that in itself is sufficient to eliminate Hussein as a serious negotiating partner. And the summit went on to reendorse the Palestine Liberation Organization as an equal participant in any future negotiations, Eitan pointed out.

His appraisal was considerably more negative than that of Premier Yitzhak Shamir, leader of Likud, who was quick to welcome the Arab rapprochement with Egypt and expressed hope for favorable political consequences in terms of the Arab world's attitudes toward Israel.

Shamir is going to Washington this week for meetings with President Reagan and top administration officials.

Peres will be in Brussels Wednesday to begin a visit to Belgium, France and Britain. According to political observers, he will try to give new impetus to his proposals for an international conference as a harbinger for Mideast peace talks -- as he did on trips to Western Europe earlier this year -- and may offer some new ideas.

He will lunch with King Baudouin of Belgium Thursday and receive an honorary doctorate from Brussels Free University. On that occasion he will meet with President Mario Suarez of Portugal and President Abou Dif of Ivory Coast, both of whom will also receive honorary doctorates.

He also will confer with his Belgian counterpart, Leo Tindemann, and representatives of the European Economic Community.

Peres will arrive in Paris Thursday for meetings with President Francois Mitterrand and Foreign Minister Jean-Bernard Raymond. He goes

to London Monday for talks with British Premier Margaret Thatcher and Foreign Secretary Sir Geoffrey Howe, and will return to Israel next Wednesday.

Israeli officials say Peres will suggest a peace conference under joint American-Soviet auspices, without the participation of the other three permanent members of the U.N. Security Council -- France, Britain and the Peoples Republic of China. This would be followed by direct Israel-Arab negotiations.

The view here is that Mitterrand and Thatcher will back his proposal. It is uncertain whether the Reagan Administration actively favors that approach and if Secretary of State George Shultz will seek Shamir's support for it during their meeting in Washington.

It is also not clear whether the Soviets would be interested in co-chairing a superpower "umbrella" for Arab-Israeli peace talks.

Peres surely speaks of his own interest in movement on the peace issue. Addressing the Knesset plenum Monday, he asked rhetorically, "Are we to try and make diplomatic progress now, or are we to wait for the Messiah?"

While he acknowledged that the kind of international conference envisaged by the Arab summit differs sharply with Israel's concept, the basic premise was the same: that the Arab-Israel conflict can be resolved by political means and that direct talks should take place after an "international opening."

Responding to Likud hecklers, Peres demanded to know, "Would you favor negotiations even if there were not an international opening?" His implication was that Likud and its allies want no political dialogue with the Arabs lest it involve relinquishing some territory for peace.

He also noted that the Amman summit explicitly did not call for the creation of a Palestinian state, and he maintained this was no accident. He said that both Hussein and President Hafez Assad of Syria assured that no such reference was made in the summit's final resolution.

FOUNDER OF TZOMET FACTION QUILTS TEHIYA By Gil Sedan

JERUSALEM, Nov. 17 (JTA) -- Reserve Gen. Rafael Eitan, who was chief of staff during the Lebanon war, announced Monday that he is quitting Tehiya, the right-wing ultranationalist party he joined five years ago.

He gave as his reasons personal differences with his former political ally, Geula Cohen, a leading Tehiya activist. He asked the Knesset presidium to recognize him officially as a one-man Knesset faction.

Eitan made his announcement after his Tzomet faction list was defeated by a vote of 133-118 in elections to Tehiya's central committee. His departure was seen as a victory for Cohen and Tehiya leader Yuval Neeman.

But it was clearly a blow to the party, which split from Herut nine years ago after Menachem Begin, then premier, signed the peace treaty with Egypt.

Prior to the internal crisis that precipitated Eitan's departure, Tehiya did well in public opinion polls, and political observers had predicted the party would enlarge its four-member Knesset representation in next year's elections.

Now they believe Tehiya will lose votes to Likud and Rabbi Meir Kahane's extremist Kach party.

SHAMIR TO MEET TOP U.S. LEADERS, JEWISH LEADERS, CONGREGANTS

By David Friedman

WASHINGTON, Nov. 17 (JTA) -- Israel Premier Yitzhak Shamir has four-plus days of meetings scheduled with national leaders and rank-and-file Jews in the United States this week.

He will meet with President Reagan at the White House Friday. Shamir, who is scheduled to arrive here Thursday night from Miami, where he will address the annual General Assembly of the Council of Jewish Federations, will go from the White House to the State Department for a luncheon meeting with Secretary of State George Shultz.

The two official meetings will be followed Friday afternoon by an address sponsored by the Washington Institute for Near East Policy.

The Israeli premier, who has asked to meet with a cross-section of the Washington Jewish community, also is scheduled to speak at B'nai Israel Congregation, in Rockville, Md., on Saturday night. The event is sponsored by the United Jewish Appeal Federation of Greater Washington and the Jewish Community Council of Greater Washington.

Shamir will leave for New York Sunday afternoon, where he will address students at Queens College and be honored at a dinner that night by the Zionist Organization of America.

On Monday, Shamir is scheduled to address the Greater New York Board of Rabbis, the Foreign Policy Association and the Conference of Presidents of American Jewish Organizations before leaving for Israel Monday night.

KNESSET SPEAKER SPEAKS UP FOR JEWISH PROPERTY LEFT IN ARAB LANDS

By Yitzhak Rabi

NEW YORK, Nov. 17 (JTA) -- Knesset speaker Shlomo Hillel contends that Israel, in any future negotiations with Arab countries, must insist on compensation to Jews whose property and belongings were left behind or confiscated when they left their Arab homes for Israel.

"As a matter of fact, I think that we made a mistake when we did not include the subject in the peace negotiations with Egypt," Hillel said. "It created a precedent which does not help the cause of Jews from Arab countries." Israel and Egypt signed a peace treaty in 1979.

In an interview with the Jewish Telegraphic Agency, the Iraqi-born Hillel, 64, conceded he cannot provide an estimate of the value of property and capital lost by the Jews who fled the Arab countries. But according to various sources, the amount is \$2-\$3 billion.

Hillel said that about 40,000 Jews now live in the entire Arab world, compared to more than one million before the State of Israel was established in 1948. Describing the current situation, he noted that about 25,000 Jews live in Morocco, where they enjoy "peace and freedom"; 4,500 Jews live in Syria, where they are "oppressed and their movement is limited"; and the rest live in small Jewish communities throughout the Arab world.

Asked about the plight of Syrian Jewry, Hillel asserted that only international pressure will ease their oppression and enable them to leave Syria. He said this is the method that was used to release the Jews of Egypt after the 1967 Six-Day War.

"Syria holds the Jews as if they were hostages," Hillel charged. "Recently we have been told that the Jews in Syria are not oppressed as before, but the reality is that their freedom of movement within the country is still limited, and most important, they are not allowed to leave the country at all."

First elected to the Knesset in 1953, Hillel served as a minister in the Labor governments headed by Golda Meir and Yitzhak Rabin.

But Hillel occupies a special place in the history of modern Israel because of his pivotal role in the mass emigration of 125,000 Iraqi Jews to Israel from 1947-52. That story is told in Hillel's book "Operation Babylon" (Doubleday, \$19.95), the publication of which has brought Hillel here.

According to Hillel, for all practical purposes there is no Jewish community in Iraq today. "There are about 200 individual Jews in all Iraq who chose to stay there for personal reasons, mainly intermarriage," he said, recalling that the Jewish community there was the oldest in the world, with a tradition spanning 2,600 years.

Hillel contended that the story of the Iraqi Jews must be told, albeit 40 years later, because the contributions of Sephardic Jews to the establishment of Israel have not been acknowledged.

He also pointed out that Israel has failed to emphasize during all these years that more Jews left and were expelled from the Arab countries than the 600,000 Palestinian refugees who lost their homes and fled from Israel in 1948.

"We have to stress that what really happened in reality is an exchange of population between Jews of Arab countries and Palestinian refugees," Hillel said.

His book was a national bestseller in Israel ("We are going into the 15th edition," he noted) and won the country's most prestigious literary awards.

COURT RULES NO OPEN TRIAL FOR ACCUSED SPY VANUNU

By David Landau

JERUSALEM, Nov. 17 (JTA) -- The Jerusalem district court ruled after a brief hearing Sunday that accused spy Mordechai Vanunu may not conduct his defense in open session.

The 33-year-old former technician at the Dimona nuclear facility has been charged with giving the Sunday Times of London data on Israel's alleged nuclear weapons capability and photographs of the Dimona plant. His trial, which began last August, has been held in closed court, a restriction vigorously protested by the accused, his family and supporters.

The trial was adjourned 10 weeks ago after Judge Zvi Tal, one of the panel of three judges hearing the case, suffered a heart attack. It is scheduled to resume Dec. 1.

The court also ruled Sunday that Vanunu's defense counsel will not be permitted to call top Israeli political figures to the witness stand to testify about the country's nuclear policy.

Vanunu, who converted to the Anglican faith when he left Israel for Australia a few years ago, disappeared from a hotel in London on Sept. 30, 1986. Israel initially denied any knowledge of his whereabouts. But six weeks later, it acknowledged that he was in custody in Israel.

Although the Israeli authorities insisted he returned voluntarily, Vanunu apparently was seized by Israeli agents in Rome on Oct. 1, 1986.

BEHIND THE HEADLINES:

ADL SAYS AMENDMENTS TO ITS POLICY ON QUOTAS ARE "NOT STARTLING"

By Andrew Silow Carroll

NEW YORK, Nov. 17 (JTA) — The Anti-Defamation League of B'nai B'rith will continue to argue against quotas and "preferential" treatment in the work place based on race, gender or ethnicity, despite recent amendments to its long-standing policy of opposition.

According to ADL officials here, recent actions taken by the agency's National Executive Committee represent only "modifications" of the organization's basic opposition to quotas as a means of ensuring equal opportunity.

The group will continue to support "non-preferential" affirmative action plans, which call for programming other than "setting aside" a set number of positions for members of a particular minority group or gender.

Two resolutions amending ADL's affirmative action policy were adopted at a meeting of the agency's National Executive Committee meeting in Chicago Oct. 26-Nov. 1.

One resolution says that court-ordered preferential relief, which ADL traditionally has opposed, is appropriate under certain limited conditions.

These include cases where there has been a long history of "systematic and egregious discrimination" and where training, recruitment and other "non-preferential" remedies have been unsuccessful.

A second resolution says that in situations where there is a "substantially segregated" workplace, the ADL will uphold a private sector employer's consideration of race, gender or ethnicity as one factor in choosing among equally qualified applicants.

Codifies 'Operating Policy'

The policy amendments are "not a startling departure," according to Justin Finger, associate national director of ADL. The first resolution "codifies what has been operating policy," he said.

Finger cited the ADL's support during the 1970s of the court-ordered integration of the Alabama State Troopers, which had been found to be systematically excluding blacks from its ranks. Finger describes that practice as an example of "egregious" discrimination.

Regarding the private sector resolution, ADL officials cited as an example their support of a recent Supreme Court ruling in favor of Diane Joyce, an employee of California's Santa Clara County Transportation Authority.

In that case, a county employee named Paul Johnson claimed that he had become a victim of sex discrimination when Joyce had been promoted ahead of him, despite scoring lower in an internal rating. The court upheld Joyce's promotion, saying that the county's affirmative action plan addresses "a conspicuous imbalance in job categories traditionally segregated by race and sex."

According to Larry Levinsky, a member of the ADL executive committee and former chairman of the group's National Civil Rights Committee, Joyce's promotion could not be considered "preferential," because she and Johnson seemed equally qualified.

"Do we really want to be in a lawsuit where we say to an employer who hired his first woman, you discriminated against men?" said Levinsky.

Major Jewish groups have voiced their opposition to quotas since the 1960s, when courts first began to order employers to set aside positions for minorities as a remedy to job discrimination. As early as 1964, the National Jewish Community Relations Advisory Council and other groups were calling quotas "anathema" while supporting other affirmative action programs.

The groups were responding in part to the historical use of quotas as a means to limit the number of Jews and other minorities in universities and professions. While quotas confer a benefit on one race, the groups argued, they impose a disability on another.

In 1974, NJCRAC amended its opposition when it called for "specific goals and timetables," in which employers must demonstrate "good faith" in recruiting minorities and women.

Other groups, including the American Jewish Committee and American Jewish Congress, followed suit. The Union of American Hebrew Congregations was more supportive of quotas. The ADL, however, remained intransigent in its opposition to quotas of any kind.

Two cases in the 1970s brought Jewish opposition to a head, precipitating an unprecedented collision between Jewish groups, on the one hand, and black leaders and civil rights groups on the other. In *DeFunis vs. Odegaard* (1974) and in *Bakke vs. University of California* (1978), Jewish groups filed briefs on behalf of white students at a law school and medical school, respectively, who claimed they had been victims of "reverse discrimination" due to the schools' admissions quotas for minorities.

'Ceiling' Or 'Floor' To Aspirations?

In 1984, Vernon Jordan Jr., former president of the Urban League, told the New York Chapter of the AJCongress, "Many Jews see quotas as a ceiling to their aspirations; blacks see quotas as their floor."

The ADL filed a brief opposing quotas as recently as 1986, in a case in which the Supreme Court struck down a program by the Jackson, Mich., school board in which white teachers were laid off before minority group members with less seniority.

But while opposing quotas and preferential treatment, the ADL has long called for affirmative action programs that stress training, education, vigorous recruitment efforts and court-ordered fines or penalties against employers who discriminate.

"Quotas are inimical to the merit system," said Levinsky. "They distract attention from the real problem, which is working with young people to see that they don't fall out along the way."

Civil rights groups maintain, however, that while they support all programs designed to allow minorities to compete on equal terms in the workplace, the government and private employers have failed to implement the sort of "non-preferential" affirmative action programs the ADL describes.

FIRE STRIKES NEGEV KIBBUTZ

TEL AVIV, Nov. 17 (JTA) — Fifty-one members of Kibbutz Urim in the Negev were treated for smoke inhalation as a result of a fire that gutted the kibbutz's carpet and blanket factory Tuesday. The factory was set ablaze by a short circuit in the glue department.