

U.S. DECIDES NOT TO APPEAL RULING BARRING CLOSING OF PLO MISSION

By Howard Rosenberg

WASHINGTON, Aug. 29 (JTA) — The Reagan administration has decided not to appeal a U.S. District Court ruling in June barring the closing of the Palestine Liberation Organization's observer mission to the United Nations.

Initial reaction from Jewish groups was mixed, with some expressing dismay and others greeting the decision with equanimity.

In a statement released Monday, the Justice Department said, "On balance, the interests of the United States are best served by not appealing."

It said that it is the administration's "normal policy to appeal adverse district court decisions of this kind." But it went on to say that closing the mission in any event would be contrary to U.S. treaty obligations, especially "in light of foreign policy considerations, including the U.S. role as host of the United Nations organization."

The announcement was made as the 60-day period during which the United States was given an opportunity to file an appeal expired. Judge Edmund Palmieri of the U.S. District Court in New York ruled June 28 that closing the mission would violate the 1947 U.N. Headquarters Agreement.

That treaty prevents host nations from closing the U.N. missions of member states. Palmieri said the treaty leaves no doubt that the United States is obligated "to refrain from impairing the function" of the PLO's U.N. mission.

The challenge was brought after the PLO ignored Justice Department orders to close the office by March 21 under the 1987 Anti-Terrorism Act. That law, which helped lead to the closure of the PLO's Washington information office, was adopted by Congress late last year and signed by President Reagan Dec. 22.

Against Reopening D.C. Office

"The administration will continue to oppose efforts to reopen the PLO information office in Washington," the Justice Department said Monday.

While the State Department agreed with Congress that the administration had the right to close the Washington office, it argued that Congress was unaware of U.S. treaty obligations when it ordered the U.N. mission closed as well. The Justice Department argued conversely, that Congress' intent was unambiguous.

With the decision not to appeal, the only other conceivable route that could threaten the mission would be for Congress to pass a new law saying that in ordering the mission closed it intends to ignore any international treaty obligations.

Congressional aides said any such action would not likely occur this year, as the second session of the 100th Congress draws to a close before Election Day.

Among the Jewish groups dismayed by the decision not to appeal was the American Section of the International Association of Jewish Lawyers.

Jerome Hornbliss, president of the section

and a justice on the New York State Supreme Court, said he was "very disappointed because the Reagan administration put their weight behind the legal process by instituting suit. Now it turns out in the middle of the appellate process they are backing down."

Hornbliss added that the decision "demonstrates a lukewarm attitude toward eradicating terrorism" and "gives legitimacy to the PLO."

Yosef Gal, spokesman for the Israeli Embassy here, said "the Israeli position on the PLO is well-known" as is "the fact that the PLO is a terrorist organization that does not belong among the nations of the world."

But he added that Israel did not want to get into a dispute between the legislative and executive branches of the U.S. government.

Some Jewish Groups Held Back

A source familiar with the views of Jewish groups toward the PLO's U.N. mission said that some of the more influential organizations stopped short of lobbying strongly for an appeal.

The source added that the lobbying effort consisted mainly of "second-line" advocacy groups such as the Jewish Law Students Network (a branch of the International Association of Jewish Lawyers) and the Zionist Organization of America.

Marc Stern, legal director of the American Jewish Congress, said his group did not seek the closing of the PLO's U.N. office, although it wrote friend-of-the-court briefs supporting the closing of the PLO's Washington office.

Stern said AJCongress did not push for the United States to close the PLO's U.N. mission, although the Supreme Court has upheld Congress' right to breach international law for the sake of fulfilling its own legislative will.

He said his group was concerned in part about U.S. international obligations to U.N. member-states as well as the "fallout from those sorts of decisions."

Stern added that he was satisfied that the United States took a stand against terrorism by closing the PLO's Washington office.

David Brody, Washington representative of the Anti-Defamation League of B'nai B'rith, said his organization took no position on appealing the court ruling.

KASHRUT CERTIFICATION RESTORED TO CONSERVATIVE YOUTH HOSTEL

By Catharine Gerson

JERUSALEM, Aug. 29 (JTA) — The Jerusalem Religious Council has ruled to restore kashrut certification to a youth hostel operated by the Conservative movement, in a move prompted, in part, by persuasion from American Orthodox groups.

The rabbinate's decision overturns a June ruling that withdrew the 15-year-old certification of the popular hostel. Rabbi Yehoshua Pollak, head of kashrut supervision at the rabbinate, likened the hostel at the time to a "monastery" that "destroys the Jewish religion."

This week's ruling resolves for the time being a bitter dispute between the Jerusalem rabbinate and the Conservative movement, which filed suit against the rabbinate in July.

In welcoming the decision, Rabbi Pesach Schindler, director of the Center of Conservative Judaism in Jerusalem, said that he especially wanted to thank American Orthodox rabbis for their action on behalf of the hostel.

Schindler was referring to consultations between the rabbinate and representatives of American Orthodox groups, including the Rabbinical Council of America, who acted as moderators in the dispute.

In New York, Rabbi Max Schreier, president of the RCA, said that he met with the head of the Jerusalem rabbinate to discuss the issue and that the RCA had issued statements in support of the Conservative movement's position.

While acknowledging that "fundamental differences" between the Conservative and Orthodox movements remain, Schreier said, "We're happy that this was resolved in this manner. As far as we're concerned, if people want to eat kosher, they should be able to eat kosher."

Rabbi Albert Lewis, president of the Rabbinical Assembly, the Conservative movement's rabbinical body, welcomed the restoration of the kashrut certificate in a statement Monday.

"We hope that as Jews usher in the year 5749, the forces for moderation will prevail over the extremist voices," Lewis said in New York. He also expressed the hope that "any differences that may occur can be resolved via friendly discussions, especially with the elimination of political rancor."

(Reporter Andrew Silow Carroll in New York contributed to this story.)

ASHKENAZIC CHIEF RABBI ELECTED BY PANEL THAT INCLUDED FOUR WOMEN By Hugh Orgel

TEL AVIV, Aug. 29 (JTA) -- Rabbi Yisrael Lau, for the past nine years chief rabbi of Netanya, was elected Tel Aviv's seventh Ashkenazic chief rabbi Sunday by a 30-member electoral panel that for the first time included four women members.

Lau's election ended a hard-fought campaign by the local religious council to prevent the four women from participating in the vote.

The election of a new chief rabbi was delayed for two years, following the death of Rabbi Yedidya Frankel, because of the Labor Alignment's insistence on having women members on the electoral panel.

One of the appointees, lawyer Haviva Aviguy, sued the city with assistance from NA'AMAT, the women's Labor Zionist organization, and won. The religious council was compelled to give in to a Supreme Court ruling in May that barring women from the panel -- which has no religious functions -- was discriminatory.

The electoral panel includes 10 City Council representatives, 10 religious council representatives and 10 representatives of the city's synagogues. Of these, 21 members voted for Lau and five voted for his only competitor, Or Akiva Chief Rabbi Menahem Haham. One ballot was spoiled, two panel members were abroad and the remaining vote could not immediately be accounted for.

Several of the rabbis entered the hall to cast their ballots only after the women members had voted and had left the room.

Lau, regarded as a liberal in philosophy, indicated after his election that the largely secular character of Tel Aviv would not be

changed, and cafes and cinemas would remain open on Friday nights.

"I am no Don Quixote, and I won't attempt to tilt against windmills," he said. "In the long run I will attempt to influence people using explanation and education."

He added, "Tel Aviv is no ordinary city-- it needs some Judaism."

MURDER OF ALLEGED COLLABORATOR SEEN AS REVENGE FOR NEW CRACKDOWN By Gil Sedan

JERUSALEM, Aug. 29 (JTA) -- For the second time in less than a week, Palestinians brutally murdered a fellow Arab suspected of having collaborated with the Israeli authorities.

The liquidation of collaborators is being viewed here as revenge for the latest crackdown on the 8-month-old uprising. It is also being seen as a response to Israel's attempt to cripple the grass-roots influence of the outlawed "popular committees," set up to try to supplant Israeli authority in the territories.

The murders may also mean a new phase in the uprising: a return to the Arab vs. Arab terrorism that characterized the Arab revolts of 1936 to 1939.

The body of Samih Yusuf a-Dababse, 22, was found Sunday morning hand-cuffed to an electricity pole in downtown Hebron. He apparently had been beaten to death.

Dababse was a resident of the nearby town of Yatta. Last Thursday, another Yatta resident, Saadi Hazazeh, 35, was murdered by a group of people with ax blows, after they broke into his home early in the morning.

On Saturday, a gasoline bomb was thrown at the house of the local mayor and the town council building. And on Monday, a Molotov cocktail was thrown at the vehicle of an Arab identified as a collaborator in another village in the hills outside Hebron. He was not hurt.

The attacks appear to signal that a circle is closing. The popular committees were erected with the declared purpose of replacing services provided by the Israeli authorities. They were to be administered through Palestinian bodies, such as the local municipalities.

Now that the authorities have outlawed the committees, their organizers are apparently seeking punishment of the collaborators who, they say, enabled the crackdown on the committees.

Rabin Reports Casualty Count

In the past, the security forces have been frustrated in their attempts to protect those who cooperate with Israel. At the early stages of the uprising, a person identified as an agent of the authorities was lynched at the village of Kabatiya. Following that attack, the security forces were criticized for having "deserted" Arabs who have opposed the uprising.

But despite precautions, there seems to be no way to prevent Palestinians from attacking each other.

With violence spreading within the Palestinian community, Defense Minister Yitzhak Rabin's statement to the Knesset on Monday that the territories may be on the verge of quieting down seemed premature to observers.

On Sunday, Rabin briefed the Cabinet on the situation and recited the latest statistics on more than eight months of violence: 210 Palestinians dead and 5,600 wounded in clashes with the army.

**POLICE NAB RUNAWAY MURDERER
WITHOUT FIRING A SINGLE SHOT**
By Hugh Orgel

TEL AVIV, Aug. 29 (JTA) -- Police on Monday captured without a shot Herzl Avitan, the armed murderer who escaped from prison Saturday afternoon.

A special police unit apprehended Avitan, described as most dangerous, 40 hours after he escaped from Beersheba prison, where he is serving two life sentences for separate murders. He was found in Hod Hasharon, near Tel Aviv, after taking a family hostage.

Israelis were celebrating his capture.

The police also detained for 10 days a prison officer and a guard on suspicion of having facilitated his escape.

A Tel Aviv magistrate ordered Yosef Kidar, deputy security officer at the prison, and Avi Kahil, a prison guard, held in custody on suspicion that at least one of them helped provide Avitan with the pistol with which he threatened his prison hostages, among them Kahil.

Evidence that the two men helped Avitan escape is presently circumstantial, albeit convincing. Among the factors leading to suspicions against them is the high standard of living both men enjoy, greater than warranted by their prison authority salaries.

Avitan reportedly feigned feeling ill during his outdoor recreation period. An officer accompanied him back to his cell while a paramedic was called. The two men were then joined by Kahil. Avitan then allegedly leapt at the men, brandishing a pistol reportedly slipped to him earlier by a prison attendant.

Avitan bound the men with rags reportedly taken from his cell, and had the paramedic bandage him and splash him with iodine to make him appear injured.

He then ordered Kahil to announce on his walkie-talkie that he should be rushed to the hospital in a van. Avitan reportedly ordered the others from the van and sped away.

Prison Commissioner Recalled

During the massive hunt for Avitan, Police Minister Haim Bar-Lev recalled Prison Commissioner Shaul Levy from a study mission in the United States. Levy said earlier Monday that if there were any proof of a failure on his part, he would accept the consequences and resign.

Asked if he would "draw conclusions" from Avitan's prison break about failures in the prison service, Bar-Lev said, "This is not Japan, where a Cabinet minister commits suicide whenever there is a plane crash."

However, all officials have promised a thorough investigation of the escape, as well as prison conditions. Police inspector Uzi Berger, who headed the special police unit that searched for and captured Avitan, said the police intelligence unit had been aware of Avitan's movements throughout most of the period of his break.

Police had reportedly operated on orders to capture Avitan without shooting.

Many of the details of the work of the special unit, which is composed of police intelligence experts, the criminal investigation department and the police anti-terrorist squad, have yet to be disclosed.

According to Berger, Avitan drove to a house in Beersheba, where he threatened with his pistol and took hostage a family of four, including

a husband, wife and two children.

He spent 24 hours there, during which he changed his clothes, dyed his hair and made phone calls to the army radio station. He donned a yarmulke and a long-sleeved sweater to hide his identifying tattoo. He warned the family not to divulge his presence under penalty of harm.

Hostage Family Freed

At noon Sunday, Avitan took the father and son to a taxi in which they rode toward central Israel, where he abandoned the taxi and warned the hostages, and taxi driver, not to divulge his whereabouts.

On foot, Avitan made it to a safehouse prepared for him in Hod Hasharon. The police apparently were aware of the hiding place and detained those who set it up, keeping the number of people present there to a minimum for the recapture operation.

At 2:30 p.m., the police squad lobbed massive bursts of tear gas into the house, and police in gas masks burst in and captured Avitan, who fainted from the gas. "His pistol was next to him, unfired. And we didn't fire a shot -- as we had been ordered," Berger said.

The capture operation took less than five minutes.

Avitan has been serving two life sentences for the murder of Roni Nitzan, the warden of the Ramla detention center, as well as the murder of a guard during an armed robbery at the Keren Or jewelry factory in Ramat Gan.

He also has been awaiting a verdict on charges that he brutally murdered fellow prisoner Haim Shoshan by stabbing him hundreds of times with knives held in both hands.

Avitan escaped previously to France, but was extradited back to Israel to stand retrial.

**ORGANIZATIONS USE U.N. FORUM
TO ATTACK ISRAELI 'BRUTE FORCE'**
By Tamar Levy

GENEVA, Aug. 29 (JTA) -- Representatives of non-governmental organizations of the United Nations called here Monday for a "settlement to that intolerable situation" in which Israeli "brute force" has led to "the evolution of public and official opinion in Western Europe in favor of Palestinian rights."

The NGOs began a "European Regional NGO Symposium on the Question of Palestine" at the European headquarters of the United Nations here. Its theme was "The Palestinian Uprising and the European Commitment to the International Peace Conference."

Some 200 NGOs are represented at the talks.

The opening statement of the session was made by Absa Claude Diallo of Senegal, who chairs the Committee on the Exercise of the Inalienable Rights of the Palestinians.

The use of "brute force against an unarmed civilian population," Diallo said, "has generated interest and activity" in Western Europe to bring about "a settlement to that intolerable situation."

Diallo used as a springboard the stated decision by Jordan's King Hussein to sever all Jordanian ties to the West Bank in favor of the Palestine Liberation Organization.

She said Hussein's statement "and the steps based on it have added a new dimension to the efforts of the Palestinian people and its legitimate representative, the PLO, in bringing about a solution to the question."

WEST GERMANY TO AID TERRITORIES THROUGH PALESTINIAN INSTITUTIONS

By David Kantor

BONN, Aug. 29 (JTA) -- West Germany is studying the possibility of channeling its economic assistance to the West Bank and the Gaza Strip through independent Palestinian institutions, a spokesman for the Ministry of Economic Cooperation here said Monday.

The ministry handles Bonn's aid programs to developing countries around the globe.

The spokesman said Monday that a ministry official has been sent to Amman, the Jordanian capital, to study the matter.

Up to now, West Germany has channeled its assistance to the territories -- held by Israel since 1967 -- either directly through Jordan or in consent with Jordanian officials.

In the last 20 years, Bonn assisted the territories with \$23.9 million worth of economic aid. Jordan annually receives about \$26.5 million worth of financial and technical assistance from West Germany.

A government spokesman in Bonn stressed Monday that West Germany will continue to support economic or educational projects in the territories, even in the aftermath of Jordan's decision to abandon its ties with the West Bank.

But he added that it remained to be seen how exactly the assistance will be channeled.

"There are still many open questions," the spokesman said. "It will certainly take some time to find out what kind of influence the Jordanians still maintain in the West Bank, and whether independent institutions are in the process of emerging. But we are certainly going to continue to offer economic assistance."

Unlike a number of other Western countries, West Germany does not maintain a separate consulate in Jerusalem. Usually, those consulates handle relations with the Palestinian community in all of the West Bank and even in the Gaza Strip.

SECOND ENGLISH-LANGUAGE DAILY TO BE LAUNCHED FRIDAY IN ISRAEL

By Hugh Orgel

TEL AVIV, Aug. 29 (JTA) -- The Nation, a new English-language tabloid newspaper due to appear on Israel's newsstands Friday, was introduced here at a news conference Monday.

The new daily will be Israel's second English-language newspaper and will compete with the veteran and well-established Jerusalem Post.

According to the editor and publisher of the new tabloid, American-born Hesh Kestin, The Nation will carry 24 pages daily with a 48-page weekend supplement. He also said it will include color pictures and will put heavy emphasis on foreign and financial news.

According to Kestin, the new paper will be the first newspaper in the world to be produced and edited entirely by desk-top personal computers -- a claim disputed by other journalists.

The new venture is financed by Kestin himself and 15 other investors, mainly from abroad.

Although he denied that the aim of the paper is to counter the views of The Jerusalem Post, Kestin said nevertheless that the Post was known for its "leftist tendencies" and its support of the Labor Party. He said that The Nation would be apolitical and would not carry a particular editorial slant.

ARBITRATION PANEL HOLDING FINAL SESSION ON TABA DISPUTE

By Tamar Levy

GENEVA, Aug. 29 (JTA) -- A panel of international arbitrators convened here Monday to conclude their deliberations over Taba, the Red Sea beachfront strip claimed by both Israel and Egypt.

The five arbitrators opened a final session to formulate their judgment on the dispute, known as an award. It will be binding on Israel and Egypt, unless the two nations first reach a separate compromise on the matter. Conciliatory talks in Cairo earlier this month failed to produce a compromise.

Barring no further delay, the judges are scheduled to hand down their award Sept. 29 or 30.

GOLAN FILM ON HANNAH SENESH DRAWS WARM OVATION IN MONTREAL

By Michael Solomon

MONTREAL, Aug. 29 (JTA) -- A warm ovation was given Saturday night to the premiere here of "Hanna's War," a film about Hanna Senesh, the young Hungarian-born Jewish woman who was captured and executed by Hungarian Nazis after parachuting into wartime Eastern Europe to try to save the lives of downed British airmen.

About 1,500 spectators attended the screening at this year's Montreal International Film Festival. They gave a loud applause to the film's writer and director, Israeli-American producer Menahem Golan, who said he represented not only the United States but the Israeli film industry as well.

The two-and-a-half-hour film depicts the life and death-by-execution of Senesh, the Budapest native who emigrated to Palestine at the age of 17, and who at the age of 22 was sent on a mission by the British Royal Air Force to help British airmen escape out of occupied Europe.

Together with other Jewish volunteers from Palestine, Senesh managed to evade Nazi troops in occupied Yugoslavia and re-enter Hungary, where her mother, Catherine, had managed to avoid deportation.

Senesh was unaware of her mother's disposition at the time she smuggled herself back to Hungary. She had a personal dream of somehow saving her mother and other Jews to escape the Nazis.

In the film, Hanna is portrayed by Dutch actress Maruschka Detmers. American actress Ellen Burstyn plays Hanna's mother. Other members of the cast include British actors David Warner, Donald Pleasence and Anthony Andrews.

In an interview with the Jewish Telegraphic Agency, Golan, whose Cannon Films is based in Los Angeles, said that the Israeli media gave positive marks to his movie. He said the film remains "90 percent true to fact."

Golan said he refrained from depicting Senesh with her teeth missing after the torture and beatings she received in prison in Budapest. He said he felt the audiences would have recoiled from such vivid portrayal, although biographies of Senesh include this detail.

Several Jewish women were interviewed in the United States for the part, Golan said, but he chose a non-Jew because "I was struck by Maruschka's serenity and beauty."