

GORBACHEV SAYS REFUSENIK PROBLEM CAN BE REMOVED FROM WORLD AGENDA

By Andrew Silow Carroll

UNITED NATIONS, Dec. 7 (JTA) -- Soviet leader Mikhail Gorbachev told the United Nations General Assembly Wednesday that a restructuring of the Soviet Union's "state secrecy" laws "removes from the agenda the problem of the so-called refuseniks."

In a speech largely devoted to his policy of "perestroika" or restructuring the Soviet system, Gorbachev said that the Supreme Soviet intends to draft new laws that rule out any form of state persecution on political or religious grounds.

"The problem of exit from and entry to our country, including the question of leaving for family reunification, is being dealt with in a humane spirit," he said.

He stated that no persons remain imprisoned for political or religious beliefs.

Gorbachev did not propose any new ideas for the Middle East peace process, and reserved his references to the region to a short statement of regret over the U.S. decision to bar Palestine Liberation Organization leader Yasir Arafat from entering the country for a speech before the General Assembly.

Gorbachev's motorcade arrived at the United Nations shortly before 10:00 a.m., skirting clumps of flag-waving protesters spread out along one side of Manhattan's First Avenue.

They included some 2,000 demonstrators from the Coalition to Free Soviet Jews, whose appeals acknowledged the fruits of "perestroika" but demanded even more on behalf of free emigration. Another group of Jewish protesters had themselves arrested.

Gorbachev's remarks on emigration and state secrets came during a section of his hour-long speech dedicated to U.N. Human Rights Day, to be marked Dec. 10.

Changes In Secrecy Law

The Soviet leader confirmed last week's announcement that the state secrecy rule, which denied emigration to Soviet citizens deemed privy to supposedly classified information, would henceforth be applied with "strictly warranted time limitations."

"Every person seeking employment at certain agencies or enterprises will be informed of this rule," he said. "In case of disputes, there is a right of appeal under the law. This removes from the agenda the problem of the so-called refuseniks."

The Soviet leader also voiced "deep regret" over the U.S. State Department's refusal to grant Arafat permission to enter the United States.

In New York, Shoshana Cardin, chairwoman of the National Conference on Soviet Jewry, said she welcomed Gorbachev's words on emigration and state secrets, adding, "We look to the Soviet Union to make good on the general secretary's words."

The National Conference called for immediate granting of exit visas to all Soviet Jews who wish to leave, an unequivocal lifting of the state secrets law and free access to Jewish culture.

The rally sponsored by the Coalition to Free

Soviet Jews took place opposite the United Nations at the Dag Hammarskjold Plaza, in an area also referred to on street signs as Anatoly Shcharyansky Plaza and Raoul Wallenberg Walk.

The demonstrators were drawn mainly from Jewish day schools in the New York area. As expected, speakers expressed satisfaction with gains made in recent months in emigration and Soviet Jewish life, but demanded more progress from the Soviets.

"We applaud the initial steps of the Soviet Union to ease the plight of Soviet Jews, but they are very initial steps," said Rabbi Haskel Lookstein, vice chairman of the coalition and religious leader of Congregation Kehilath Jeshurun in Manhattan.

58 Protesters Arrested

Before the coalition rally, 58 members of the Student Struggle for Soviet Jewry were arrested for disorderly conduct when they sat down on First Avenue. The students were taken to New York's 17th Police Precinct and released several hours later, pending a Feb. 3 court appearance.

Gorbachev proceeded after his speech to Governors Island for a luncheon with President Reagan and President-elect George Bush. According to Secretary of State George Shultz, who reported on the meeting at a news conference Wednesday afternoon, Reagan welcomed human rights developments in the Soviet Union.

The leaders also discussed the Middle East, Shultz said, including a "cooperative effort" for peace in the region. No further details were immediately available.

ARAFAT SAID TO 'NULLIFY' COVENANT AT MEETING WITH AMERICAN JEWS

By Andrew Silow Carroll

NEW YORK, Dec. 7 (JTA) -- An American Jew who took part Tuesday in talks with Yasir Arafat said the Palestine Liberation Organization chairman considers the PLO Covenant, which calls for the elimination of Israel, to be nullified.

In specific reference to recent PLO deliberations at the Palestine National Council meeting in Algiers, "Arafat said several times that the PLO charter had been abrogated or nullified -- he used both words," Menachem Rosensaft said in a telephone interview from Stockholm.

Rosensaft took part in the talks with Arafat in Stockholm along with four other American Jews. All are affiliated with the American arm of the Tel Aviv-based International Center for Peace in the Middle East. Rosensaft is also president of the Labor Zionist Alliance and founding chairman of the International Network of Children of Holocaust Survivors.

The PLO's continued acceptance of its 20-year-old covenant, which declares armed struggle to be "the only way to liberate Palestine," remains a major stumbling block in Arafat's quest to become a negotiating partner in a peace settlement.

Arafat made no mention of the PLO Covenant in a joint statement issued in Stockholm Wednesday. However, the statement declared that the PLO has "accepted the existence of Israel as a state in the region" and "declared its rejection

and condemnation of terrorism in all its forms, including state terrorism."

Furthermore, Arafat told a news conference that the PLO's acceptance of Israel "was clear in the resolutions adopted by the Palestine National Council when we said clearly there are two states in Palestine, a Palestinian state and a Jewish state."

According to Rosensaft, Arafat's statement Wednesday represents "a major step forward in that (it is) the first time the PLO has unambiguously accepted Israel -- using the name, not in brackets -- as a state.

Besides Rosensaft, the American participants in Tuesday's six-and-a-half-hour meeting were Rita Hauser, chairwoman of the International Center for Peace in the Middle East; Drora Kass, its executive director; Stanley Sheinbaum, an economist and publisher; and Abraham Udovitch, chairman of the department of Near Eastern studies at Princeton University.

Rosensaft said the meeting with Arafat was initiated by the Swedish government. The Swedes invited Hauser, Kass and Sheinbaum to a meeting with PLO representatives two weeks ago, where a first draft of the statement was completed.

Rosensaft said that preliminary draft had been relayed to U.S. Secretary of State George Shultz, prior to his decision to deny Arafat a visa to address the United Nations in New York. Shultz expressed astonishment, according to Rosensaft, and asked why the statement had not been made in Algiers.

The Jewish leader would not conjecture why Arafat chose a meeting with a delegation of American Jews as a forum to make his statement, when the opportunity existed last month at the Algiers meeting.

Rosensaft acknowledged the criticism he faces for engaging in private diplomacy as president of a major American Jewish group and leader of a Holocaust survivors advocacy group.

Rosensaft said he went to Stockholm as an individual and a board member of the International Center for Peace in the Middle East, and not on behalf of his other affiliations.

"I knew perfectly well what the reaction would be in the Jewish community. But if I didn't go, I would have no right ever again to talk about the peace process," he said.

ARAFAT STATEMENT IN STOCKHOLM ON ISRAEL DRAWS MIXED REACTION JTA Staff Report

NEW YORK, Dec. 7 (JTA) -- Reaction to a statement issued in Stockholm Wednesday by Yasir Arafat and a group of American Jews ranged from scathing criticism to qualified encouragement, with many U.S. Jewish groups taking a position of wary skepticism.

The statement, drafted jointly by Arafat and five American Jews who met with him Tuesday, was an explanation of the positions adopted last month in Algiers by the Palestine National Council, the PLO's quasi-legislative body.

It said among other things that the PNC had "established the independent state of Palestine and accepted the existence of Israel as a state in the region."

The PNC also "declared its rejection and condemnation of terrorism in all its forms, including state terrorism," according to the statement.

In Jerusalem, Israeli leaders viewed the Arafat statement with skepticism.

Speaking on Israel Television, Prime Minister Yitzhak Shamir said it was possible the PLO was hoping to recognize Israel "temporarily, in limited borders." But he said he doubted the terrorist organization would ever depart from its aim of liquidating Israel.

Shamir's political rival, Foreign Minister Shimon Peres, said that Arafat's "terrorist" actions speak louder than his words.

"This does nothing to upgrade the ambiguity and double-talk the PLO has used in Algiers," said a statement issued by Israel's Foreign Ministry. "We see it as a PLO-Swedish attempt to grant more credibility to the Algiers decision."

In Washington, reaction was muted. President Reagan said the United States wanted to study the PLO leader's remarks before drawing any conclusions from them.

"We haven't had time to review what it is he said specifically," Reagan told reporters as he boarded a helicopter on his way to greet Soviet leader Mikhail Gorbachev in New York.

'Step In The Right Direction'

Mainstream American Jewish opinion was generally negative. But Rabbi Alexander Schindler, president of the Union of American Hebrew Congregations, said Arafat's statement in Stockholm "appears to be a step in the right direction and deserves close study and consideration."

However, Schindler added, "I regret that it was offered as an interpretation of the PNC statement adopted in Algiers, which was filled with so many ambiguities."

The Reform rabbinical leader said that "ultimately if Yasir Arafat wants peace, he will have to make that peace not with the prime minister of Sweden, nor with the U.S. government, nor with American Jews -- however well intentioned -- but with Israel itself."

Henry Siegman, executive director of the American Jewish Congress, welcomed the "new willingness of the PLO to seek political solutions to the Arab-Israel conflict."

But he said Arafat's statements on recognizing Israel and renouncing terrorism "fall far short of the kind of reassurance" needed.

Morris Abram, chairman of the Conference of Presidents of Major American Jewish Organizations, said, "I remain highly suspicious of Arafat's true intent. His statement in Stockholm offers no grounds of confidence in his willingness or ability to make peace."

Abram also assailed "the role of the five American Jews who gave aid and comfort to Arafat."

He said that by backing the PNC's Algiers statement, the five "branded themselves willing dupes of the PLO and permitted themselves to be exploited for purposes of PLO propaganda."

Thomas Neumann, executive vice president of B'nai B'rith International, asserted in a statement issued in Washington that Arafat has still not used "unambiguous words" to recognize Israel and renounce terrorism.

Abraham Foxman, national director of B'nai B'rith's Anti-Defamation League, said the Arafat statement "failed to meet the need for clear recognition of Israel, clear repudiation of terrorism and a clear commitment to negotiate peace."

In one of the sharpest statements, Milton Shapiro, president of the Zionist Organization of America, called the Jews who met with Arafat "renegades" and said it was "presumptuous" for them to believe they could influence Arafat.

U.N. ADOPTS 19 ANTI-ISRAEL RESOLUTIONS; SAYS ISRAEL NOT PEACE-LOVING STATE

By Susan Birnbaum

UNITED NATIONS, Dec. 7 (JTA) -- The U.N. General Assembly adopted a resolution Tuesday night calling on its members states to sever all ties with Israel and to suspend all aid to the Jewish state.

The resolution asked that member states cut off all diplomatic, trade and cultural ties to Israel, in order to "isolate it in all fields."

The vote was 83-21, with 45 abstentions.

The measure was one of 19 resolutions adopted Tuesday during the General Assembly's annual debate on the Middle East. Most of the measures contained strongly anti-Israel provisions.

The Israeli Foreign Ministry, calling the resolutions a reshuffle of many past anti-Israel votes, said the measures had "no moral validity."

The U.N. body voted once more to endorse an international Middle East peace conference under U.N. auspices, to include the Palestine Liberation Organization as an equal participant.

Prior to adopting the resolution, a separate vote was held on a paragraph stating that U.S. aid to Israel has encouraged expansionism and hindered the peace process.

In other actions:

- A measure passed reiterating that all Israeli policies and actions geared to annexing territories captured in the 1967 Six-Day War are illegal and violate international law.

Saying Israel's record, policies and actions "confirm that it is not a peace-loving member state," the resolution declared illegal Israel's annexation of the Golan Heights, saying it threatened international peace and security.

Israel captured the Golan Heights from Syria in 1967 and annexed it in 1981.

'Hasn't Damaged Israel'

- The General Assembly declared once more that the question of Palestine is at the root of the conflict in the Middle East.

- The assembly condemned Israel for arming settlers in the administered territories, in order to commit acts of violence against Palestinian and Arab civilians.

- The assembly urged the Security Council to consider according international protection for the Palestinian people until Israel withdraws from the administered territories.

The vote on this measure was 106 in favor, with only two nations, Israel and the United States, opposing. There were 43 abstentions.

- The assembly asked for Israeli acknowledgment and compliance with the Geneva Convention on the Protection of Civilians in Time of War in the territories Israel has administered since 1967.

Only Israel voted against the measure, with 148 nations in favor. The United States abstained on this vote. The other nations abstaining were Zaire, Ivory Coast and Liberia.

- The assembly voted that Israeli actions taken to change the legal status, geographic definition and demography of the administered territories are in violation of the Geneva Convention, constituting a serious obstacle to Middle East peace.

There were 149 votes in favor of the measure, with only Israel opposing. The United States and Liberia abstained.

- The U.N. body deplored Israel's alleged arbitrary detention or imprisonment of thousands

of Palestinians, and it called for their release.

Israel and the United States voted against the measure, with 150 nations in favor.

At the close of the session, Johanan Bein, Israel's ambassador to the United Nations, called the focus on the Arab-Israeli conflict misplaced.

He said that the major issue in the Middle East is "the Arab world itself -- torn, disunited, working at cross purposes."

Barukh Binah, a spokesman for the Israeli Mission, said none of the resolutions adopted said anything new. "This is the same ritual that we undergo every year. It hasn't damaged Israel and doesn't now."

CJF LEADERS URGE LIKUD AND LABOR TO TABLE 'WHO IS A JEW' ISSUE

By Howard Rosenberg

WASHINGTON, Dec. 7 (JTA) -- The Council of Jewish Federations is urging Israel's Likud and Labor parties to release a joint declaration removing the divisive "Who Is a Jew" issue from negotiations aimed at forming a government.

The request was conveyed Tuesday afternoon to Israeli Ambassador Moshe Arad by 125 American Jewish leaders, who met with the envoy for 75 minutes at the Israeli Embassy here. The leaders came from 42 Jewish community federations and 17 states around the country.

Leaders of Canadian Jewish federations were to hold a similar meeting Thursday with Israel Gur-Aryeh, the Israeli ambassador to Ottawa.

Shoshana Cardin, past president of CJF and head of the delegation that met with Arad, said the council also wrote to Israeli President Chaim Herzog, urging such a statement from Likud and Labor.

Prime Minister Yitzhak Shamir has promised Israel's four religious parties that if they joined him in forming a government, he would secure Knesset adoption of an amendment to the Law of Return that would deny Israeli citizenship to non-Orthodox converts to Judaism.

But he has not yet succeeded in putting together a coalition. Herzog gave Shamir an additional 21 days to form a government on Monday, but he urged the Likud leader to put together a national unity coalition with Labor that presumably would not be beholden to demands from the religious parties.

'Deep Personal Pain'

At a news conference here following the meeting with Arad, Cardin pointed out that the Jewish leaders in the delegation, who represent 60 percent of U.S. Jewry, flew into Washington "solely for this purpose."

"There were many expressions of deep personal pain -- people who feel that they indeed are being threatened with disenfranchisement-- and that reality cannot be dismissed," she said.

The next step in CJF's campaign is to deliver to Israeli leaders petitions calling for the removal of the "Who Is a Jew" issue from the political agenda.

CJF hopes to collect more than a million signatures by Dec. 12.

Meanwhile, the council is continuing to send Jewish leaders to Israel to lobby Cabinet ministers and Knesset members on the issue. Cardin said the fifth CJF delegation in less than a month was due to arrive in Jerusalem this week.

"We will keep sending delegations over," she said. "It is no longer business as usual."

MENORAH LIGHTING IN PUBLIC: A DIVISIVE CONSTITUTIONAL ISSUE

By Susan Birnbaum

NEW YORK, Dec. 7 (JTA) -- In Rio de Janeiro, a statue of Christ stretches its arms over the enchanting bay, an integral part of the landscape.

Last year, the Chabad-Lubavitch organization added a Jewish presence to Rio, albeit for just one holiday, placing a large menorah near one of Rio's numerous mountain tunnels.

In Rome this week, Mayor Pietro Giubilo joined Chief Rabbi Elio Toaff for the first night of Chanukah in a menorah-lighting ceremony in Rome's Piazza Barberini.

This year in Israel, where Chanukah was born and where it hardly goes uncelebrated, Chabad has sought to instill "Unity of Israel" with the most extensive festivities ever in the organization's history, mounting candle-lighting ceremonies in every major Israeli city.

The Lubavitch organization, which has embarked on its worldwide effort at the behest of its rebbe, Rabbi Menachem Schneerson, says it seeks to place its menorahs in public places to instill Jewish pride.

Last week, Leon Zelman, executive director of Vienna's Jewish Welcome Service, remarked during a visit to New York how Jewish and non-Jewish Viennese were impressed last year when President Reagan spoke on television about the celebration of both Chanukah and Christmas, according them equal respect.

"It gave us Jews in Vienna such pride," said Zelman, who said he often feels "jealous" of American Jews' feeling of freedom.

But in this free America, Chabad's efforts to instill that Jewish pride have met with legal obstacles unheard of elsewhere in the world.

Church-State Issue

The issue is the separation of church and state, and Chabad's adversaries have been and continue to be Jewish groups and Jewish lawyers.

The 18-foot menorah that is being lit in Chicago's Daley Plaza this week shines its light by the grace of a preliminary court order, handed down by U.S. District Court Judge James Parsons last month.

"To deny them such use (of Daley Plaza) merely because they are religious organizations seeking to make religious expression is discrimination in its rankest form. It goes against every grain of Americanism," Parsons said.

Parsons' court order was necessary because the Public Building Commission, a governmental body that administers Daley Plaza, was concerned that the menorah might violate the Constitution's First Amendment clause, which separates church and state.

Lubavitch had erected its menorah for six years in Daley Plaza, which stands before Chicago's municipal buildings.

Rabbi Daniel Moscovitz, regional director of Lubavitch of Illinois, said that the Public Building Commission had been threatened last year with lawsuits by various organizations and required a \$100,000 litigation bond from Chabad, which was paid by an anonymous donor.

The American Jewish Congress brought the initial case against the City of Chicago in 1985 for displaying a creche on public property.

In a famous summary judgment in 1986 favoring the creche, Judge Frank McGarr said,

"This is a Christian nation."

The Chicago Jewish Community Relations Council takes a firm stand against the menorah. "It has been the same position for many years. We do not back religious symbols of any kind on public property," said Gladys Iser, JCRC associate director.

Marc Stern, co-director of the AJCongress legal department in New York, said the AJCongress wrote the Lubavitcher rebbe four years ago offering help to place menorahs on private property, as did the Anti-Defamation League and Jewish Federations. "We never had the courtesy of a response," he said.

Responding to Stern's statements, Lubavitch spokesman Rabbi Yehuda Krinsky in New York said, "I don't think anyone has the right to tell anyone what to do."

Case Of Dissension

Krinsky maintained it was not Lubavitch but other Jewish groups that had brought dissension in the past, challenging Lubavitch positions.

"We were castigated from the left and the right. Lubavitch was always in the avant-garde for the benefit of the Jewish masses without discrimination. I think its track record will prove it very precisely."

Chabad is no longer alone in erecting menorahs.

In Skokie, a menorah stands on the village green, placed there by order of retired longtime Mayor Albert Smith, who said last year that he had been "waiting for the time he could put up a menorah on the Village Green," said Moscovitz of Chicago.

In February, the constitutionality of menorah lighting on public property will reach a heretofore unachieved level.

The case of a menorah in front of Pittsburgh's City-County Building will be heard in the U.S. Supreme Court, the first time ever that Chabad has gone to the high court.

"This is a subject that should not be up for litigation at all," said attorney Nathan Lewin, who filed the case on behalf of Chabad.

Lewin does not see the issue as one of government endorsement of any religion but rather a gesture of respect.

Constitutionality Of The Menorah

The Pittsburgh case was initiated by the American Civil Liberties Union, which contested the constitutionality of the menorah that was erected in front of the City-County Building.

The AJCongress will file a friend of the court brief. ADL will be co-counsel along with the ACLU.

The plaintiffs claimed that the city and county displays were unconstitutional because they advance "religion, preferring some religions over others."

Lewin, an Orthodox Jew, said "government displays show the harmony of two faiths."

Lewin reasoned that "the overwhelming preponderance of people are Christians, and I think it would be a folly on the part of the Jewish community to remove a Christmas tree."

The ADL position, said Steve Freeman, director of ADL's legal affairs department, is that "the best way to preserve the rights of any religious minority is to ensure that no religious displays are located on government property.

The Constitution, said Freeman, "has worked for 200-plus years."