

**U.S. AGREES DETAILS OF ELECTIONS CAN WAIT UNTIL ARABS BACK PLAN**

By David Friedman

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WASHINGTON, May 25 (JTA) -- The Bush administration appeared Thursday to support Israel's position that details of the proposed elections in the West Bank and Gaza Strip should be discussed only after Palestinian participation is assured.

The "details can be worked out once Palestinians and Israelis engage in the process," State Department spokeswoman Margaret Tutwiler said at her daily news briefing.

Israeli Defense Minister Yitzhak Rabin repeatedly asserted during his visit to Washington that decisions on such questions as who is eligible to vote should not be made until Israel has a Palestinian partner for its peace initiative.

And both Rabin and Israeli Foreign Minister Moshe Arens, who visited Washington last week, urged the Bush administration to give full backing to the Israeli peace plan, so it would have a better chance of winning international support.

Tutwiler said Wednesday that the United States "wholeheartedly" supports Israel's proposals for the Palestinian elections in the territories, which would lead to negotiations for Palestinian self-rule.

Both this and the statement on working out the details of the elections later appeared to be concessions to Israel, in the wake of a hard-hitting speech Secretary of State James Baker made Monday to the American Israel Public Affairs Committee.

But Tutwiler also made a point Thursday of repeating a portion of that speech relating to the U.S. position on the proposed Palestinian elections.

"The U.S. believes elections should be free and fair, and they should be free of interference from any quarter," she said. "In addition to open access to media and outside observers, the integrity of the electoral process can be affirmed."

**SHAMIR WINS PARTIAL BACKING FOR PLAN FROM BRITAIN, SPAIN**

By Edwin Eytan

MADRID, May 25 (JTA) -- Israeli Prime Minister Yitzhak Shamir wound up a five-day European trip here Thursday night, professing to be satisfied with the responses he got to Israel's peace plan from the leaders of Britain and Spain.

Although neither Prime Minister Margaret Thatcher, with whom Shamir conferred in London earlier in the week, nor his Spanish host, Prime Minister Felipe Gonzalez Marquez, endorsed the plan, each promised to give it "serious consideration," Shamir said.

Gonzalez told the Jewish Telegraphic Agency after a state dinner in Shamir's honor Wednesday night that "Spain will explore all the avenues of the Israeli peace initiative."

But he repeated his warning that the plan is doomed unless the Palestine Liberation Organization is given a role in the peace process.

Gonzalez said he had accepted Shamir's invitation to visit Israel, but no date was set.

The Israeli plan calls for Palestinian elec-

tions in the West Bank and Gaza Strip to choose representatives with whom Israel would negotiate a five-year interim period of Palestinian self-rule in the territories.

Shamir acknowledged that both Thatcher and Gonzalez had pressed him for details, particularly on voting rights for East Jerusalem Arabs and international supervision of the elections.

He said it was far too early to answer such questions.

"Why should we start squabbling among ourselves, between Europe and us and between America and us, before we receive the go-ahead from the Palestinians and the Arab states?" Shamir told a news conference here.

He adamantly ruled out "now and forever" the idea of an international peace conference to bring about an end to the Middle East conflict. He claimed such a conference would inevitably lead to a Palestinian state.

**ISRAEL FACES GREATER THREATS THAN UPRISING, RABIN ASSERTS**

By Andrew Silow Carroll

NEW YORK, May 25 (JTA) -- Israeli Defense Minister Yitzhak Rabin, reporting on his trip this week to Washington, reminded American Jewish leaders Thursday that the Palestinian uprising is not the only security threat, nor even the largest, facing Israel.

In fact, he listed the uprising last among three choices, after the military build-up being undertaken by surrounding Arab countries and the continued terrorist threat from Israel's northern border with Lebanon.

Rabin spoke at a breakfast meeting of the Conference of Presidents of Major American Jewish Organizations at the Regency Hotel.

Focusing on the broader military picture is a familiar tack for the defense minister, who since the beginning of the uprising has said it is less a military than a political crisis, demanding political solutions.

"There can be no policy that stands on one foot alone," he said Thursday. Military and political solutions "have to complement one another."

To that end, Rabin praised his government for approving a new peace initiative and said it made it "easier to meet" with U.S. officials to discuss Israel's overall security needs.

As a result of Israel's coming forward with an "overall policy of how to cope" with the uprising, "I found that when it comes to Israel's military needs, there is great understanding," he said.

The defense minister said he foresees "no problems" when it comes to the United States maintaining its economic and military assistance of Israel through the next fiscal year and the following one, beginning in October 1990.

But Rabin warned that neighboring Arab countries, except Egypt, have spent some \$40 billion to \$60 billion on sophisticated weapons and deployment of troops. Iraq and Syria have advanced chemical warfare capabilities and "the means of delivering it," he said.

As he has all week, Rabin refrained from criticizing Secretary of State James Baker's hard-hitting speech before pro-Israel lobbyists Monday.

# **SOLDIERS CLEARED OF MANSLAUGHTER IN BEATING DEATH OF PALESTINIAN**

By Hugh Orgel

TEL AVIV, May 25 (JTA) -- Four Israeli soldiers who beat a Palestinian to death in the Gaza Strip last August were acquitted of manslaughter charges Thursday by a military court.

They were found guilty, however, of brutality and excessive use of force against the victim, Hani al-Shami, 43, a resident of the Jabalya refugee camp.

The four, members of the prestigious Givati Brigade, face sentencing at a later date. They are Sgt. Yitzhak Adler and Pvt. Arye Luzzato, Ron Khakal and Yitzhak Kabouddi.

The court also acquitted an Israel Defense Force reserve doctor who was charged with negligence said to have contributed to Shami's death.

But the 100-page ruling took the Military Advocate General's Office sharply to task for not conducting a thorough, complete investigation of the case.

The court said the laxity of the inquiry made it virtually impossible now to determine who was actually responsible for the fatality.

It also ordered the IDF to issue written regulations to soldiers in the field making clear beyond any doubt what methods are forbidden when dealing with disturbances.

The soldiers testified during the trial that they had orders to beat rock-throwers. The president of the court, Col. Emmanuel Gross, ruled that those orders were illegal.

The soldiers said the blows they administered to Shami in his home were meant to stop his shouting, which was attracting a hostile crowd.

Gross said the accused had exceeded their orders and administered an unnecessarily savage beating.

Shami was then taken to a military outpost, where he died after lying on the ground for several hours, blindfolded and bound.

# **ISRAELI FLAGS BARRED IN OLD CITY DURING JERUSALEM DAY CELEBRATIONS**

By Hugh Orgel

TEL AVIV, May 25 (JTA) -- The police will prohibit the waving of Israeli flags in the Old City next week during marches and rallies marking Jerusalem Day, Ma'ariv reported Thursday.

The Jerusalem municipality supports the ban, which apparently is intended to avoid disturbances by the Arab population.

Chief Inspector Uzi Sandori explained Wednesday night that, as a matter of principle, the police do not permit marches or demonstrations in the Old City. He said it was a policy of long standing dictated by the "problematic and special structure" of the area.

But Jerusalem Day, which celebrates the reunification of the city in 1967, is a special occasion. It will be observed this year on June 2, but events celebrating it will begin the day before.

A march and rally have been organized by the Religious Affairs Ministry, the Government Information Center and the young guard of the National Religious Party.

A parade is also planned by the Temple Mount Faithful, a group that demands that Jews be allowed to worship on the Temple Mount, which is the site of Islamic shrines.

# **SETTLERS STORM ARAB VILLAGE; ONE ARAB KILLED IN IDF CLASH**

By David Landau

JERUSALEM, May 25 (JTA) -- At least one Palestinian was killed Thursday in a clash with the Israel Defense Force in Gaza, and a 13-year-old Arab boy was wounded by IDF gunfire at Tulkarm in the West Bank.

According to Palestinian sources, however, there were two other fatalities -- one of them an 11-year-old boy -- and a number of Palestinians wounded in a fierce clash with the IDF.

Five soldiers were slightly injured by rocks in the Jabalya camp. Scattered incidents of violence were reported elsewhere in the Gaza Strip.

Meanwhile, for the second time this week, hundreds of settlers from Ma'aleh Adumim, east of Jerusalem, rampaged through Eizariya, an Arab suburb of Jerusalem.

They burned down a house and severely damaged two cars before police reached the scene.

The attack was triggered by stone-throwing incidents on the main road to Jericho, which passes through Ma'aleh Adumim.

The settlers assaulted Eizariya on Sunday night after a Jewish family was injured when their car was stoned and run off the road.

The settlers threatened on Thursday to keep up their vigilante action until the stone-throwing stops.

# **ARABS WON'T LOSE JOBS IN ISRAEL, DESPITE JEWISH WORKERS' DEMANDS**

By Hugh Orgel

TEL AVIV, May 25 (JTA) -- An Israeli official assured Palestinians from the West Bank and Gaza Strip on Thursday that they will not be fired from their jobs in Israel.

But a citrus-packing plant in Ashdod that employs Arabs from Gaza was forced to shut down after Jewish workers went on strike to demand that Arab employees with seniority be fired and their jobs given to recently hired Jews.

Such incidents are apparently what prompted Shmuel Goren, coordinator of government activities in the administered territories, to tour various enterprises in Israel employing Arab workers.

He said it was not the government's intention to bar them from Israel, despite demands from some right-wing politicians and the Gush Emunim settlers movement.

Goren said Arabs could keep their jobs as long as they were hired on an "organized basis," meaning through the official employment channels.

He said he understood that one out of three or four breadwinners in the territories depends on a job in Israel for his or her livelihood and to deprive the Palestinians of it would impose economic and social hardships.

In Ashdod, meanwhile, the managing director of Jaffa-Mor, Avraham Gil-Or, announced the shut-down, saying the citrus plant could not be run by "mob rule."

The plant employs 170 workers with seniority, 31 of them Arabs who commute daily from the Gaza Strip.

The workers committee insisted Tuesday that three fork-lift drivers from Gaza who had been absent from their jobs not be allowed to return.

The committee demanded that the jobs be given permanently to the Jewish forklift drivers hired as temporary replacements, even though the Arabs have seniority. The management refused.

## HOUSE APPROVES EXTRA \$75 MILLION TO ADMIT MORE SOVIET REFUGEES

By Howard Rosenberg

WASHINGTON, May 25 (JTA) -- The House of Representatives approved a \$3.7 billion supplemental spending bill Wednesday containing \$75 million to admit an estimated 18,500 additional Soviet refugees to the United States this fiscal year.

The Senate will not act on the bill until after it returns from the Memorial Day recess.

On a parallel front, key lawmakers are expected to formally notify President Bush within a week that they approve an administration plan to raise the Soviet refugee quota by 18,500 for this fiscal year, which ends Sept. 30, a Senate source said.

The lawmakers, who are the chairmen and ranking Republicans on the House and Senate Judiciary subcommittees on immigration, met on May 17 with Attorney General Dick Thornburgh, who formally notified them of the administration's intention to raise the refugee ceiling.

The congressional and administration moves are an attempt to respond to the huge influx of Soviet Jews seeking to enter the United States.

More than 40,000 are expected to emigrate from the Soviet Union this year, and there is already a backlog of several thousand waiting in Italy for permission to enter the United States.

The U.S. quota of Soviet refugees for this fiscal year has already been exceeded. As a result, the Hebrew Immigrant Aid Society and the American Jewish Joint Distribution Committee last month accepted a longstanding administration offer to admit an additional 5,000 refugees with only partial U.S. funding.

Under the agreement, HIAS and the JDC are paying the costs of refugee processing, transportation and initial resettlement, costs normally absorbed by the State Department, said Phillip Saperia, HIAS assistant executive vice president.

Saperia said HIAS has used about 2,500 of the refugee slots, with the other 2,500 to be used by mid-June. He said HIAS hopes to be reimbursed if and when the supplemental spending bill passes.

## DELEGATES TO RIGA CONFERENCE REPORT GAINS FOR SOVIET JEWS

NEW YORK, May 25 (JTA) -- Soviet and American delegates to a historic Jewish cultural conference in Riga this past Sunday and Monday report concrete gains that include establishment of a committee to coordinate a Jewish federation in the Soviet Union.

Some 200 representatives from 40 Jewish organizations throughout the Soviet Union gathered in the Latvian capital in a meeting of Jewish religious and cultural activists.

The Soviet Jews were joined by prominent Jews from other countries, including the United States, Canada and France.

Soviet Jewry's leading cultural activist, Michael Chlenov, was elected president of the newly formed coordinating committee, a first step to forming a federation of Jewish organizations in the Soviet Union.

Delegates came to the conference from all sectors of Jewish life. Among the requests made were freedom for Jews to emigrate, the right to a Jewish cultural life in the Soviet Union, the right of free association and the right to maintain links with international Jewish associations.

The delegates, both Soviet and foreign, were warmly received by the secretary of the Central Committee of the Lithuanian Communist Party. The Lithuanian Communists facilitated the opening in March of a Jewish cultural center in Vilnius.

Lithuanian Foreign Minister Vladislav Mikuciauskas, a former mayor of Vilnius, accepted the idea of twinning his city with Jerusalem. His city was once called "Jerusalem of Lithuania."

Among foreign delegates attending the conference were Kalman Sultanik of New York, representing the World Jewish Congress and World Federation of Polish Jews; Serge Cwajgenbaum of Paris, another WJC delegate; representatives of B'nai B'rith International; Irwin Cotler of Montreal, an attorney who has represented refuseniks in the Soviet Union, and the Student Struggle for Soviet Jewry.

YIVO director Samuel Norich and David Waksberg of the Bay Area Council For Soviet Jewry were denied visas. No reasons were given.

## AVITAL SHARANSKY'S AILING MOTHER FLOWN TO ISRAEL FOR TREATMENT

By Susan Birnbaum

NEW YORK, May 25 (JTA) -- The ailing mother of Avital Sharansky was airlifted on a stretcher out of Moscow on Sunday and flown via London to Israel, where she is now a patient at Hadassah University Hospital in Jerusalem.

The personal rescue operation of Svetlana Stiglits involved an international cast that included a rabbi, travel agents, doctors, the Soviet Embassy in Washington, the U.S. State Department and the New York State Police.

Moreover, the drama included the reuniting of daughter Avital, wife of former prisoner of Zion Natan Sharansky, and her mother, whom she had not seen in more than 15 years.

The American doctor who accompanied her out of Moscow said he thought her combined physical and mental condition would have killed her in another week.

The remarkable effort to bring Stiglits out involved the intercession of a Toronto travel agent and a rabbi who works in community affairs for the New York State Police.

Also involved in the humanitarian effort were members of the staff of U.S. Rep. Benjamin Gilman (R-N.Y.), and officials of Pan American Airways, British Airways, and the Port Authority of New York and New Jersey Police.

## WIZO TO HOLD DEMONSTRATION AT AUSCHWITZ CONVENT SITE

By Hugh Orgel

TEL AVIV, May 25 (JTA) -- About 300 young leaders of the Womens International Zionist Organization plan to stage a protest demonstration outside the Carmelite convent on the grounds of the former Auschwitz death camp in Poland.

The Auschwitz demonstration is part of a WIZO study tour marking the 50th anniversary of the outbreak of World War II.

The WIZO leaders were in Paris on Thursday for receptions and pre-tour briefings. In addition to Auschwitz, they will visit death camp sites at Majdanek, Treblinka and Birkenau, as well as Jewish cemeteries and synagogues in Poland.

REMINDER: JTA will not publish a Daily News Bulletin on Monday, May 29.

# BEHIND THE HEADLINES: THE BIBLE BACKS THE DEATH PENALTY, BUT SHOULD THE JEWS OF NEW YORK? By Andrew Silow Carroll

NEW YORK, May 25 (JTA) -- On Feb. 11, 1988, a 32-year-old Hasidic man was found murdered in the warehouse of the wholesale stationery concern he owned in Brooklyn.

Earlier this month, police arrested the former employee who they say stabbed Mendy Feldmouse 16 times in the face and neck.

New York state has no death penalty. But local leaders say that in the wake of the murder of Feldmouse and other brutal crimes, the residents of the heavily Orthodox Jewish neighborhoods of Borough Park and Crown Heights are among those sending a clear message to state lawmakers.

New York City Councilman Noach Dear summarized that message in an interview. Speaking of Feldmouse's alleged murderer, he said, "There is only one thing to do with this animal. If proven guilty, the guy has got to die. This is not a religious issue, not a Jewish issue. This is justice and proves whether there is anarchy or not."

A vote in the New York State Assembly next month could reinstate the death penalty, which has not been used here in two decades.

The intensive lobbying that has preceded the vote has received national attention, since New York is the largest and among the most liberal of the 13 remaining states without the death penalty.

## Jews On Both Sides Of Debate

Jewish organizations and leaders have joined the argument both for and against capital punishment. But there is an unusual twist:

While the debate has seen non-Orthodox and secular Jewish organizations quoting Jewish law and tradition to argue against the death penalty, it is the state's Orthodox community that is providing the heaviest Jewish grass-roots support for bringing back the electric chair.

On Sunday, just a few days before the state Assembly votes on whether or not to override Gov. Mario Cuomo's veto of a capital punishment bill, Democratic Assemblyman Dov Hikind will host a rally in favor of the death penalty in Borough Park.

"I not only support it, but I have been very involved in the whole lobbying effort," he said. He added that not a single rabbi among his constituency has written to oppose his stance, and many have, in fact, pledged their support.

By contrast, a number of Jewish groups took part with other religious and civil rights groups in a news conference May 11 to announce their opposition to the death penalty. They included the American Jewish Congress, the American Jewish Committee, the Union of American Hebrew Congregations and the New York Federation of Reform Synagogues.

The Conservative movement has had a long-standing opposition to capital punishment, according to Rabbi Wolfe Kelman, executive vice president of the Rabbinical Assembly.

The arguments of these groups and individuals vary. AJCongress, which has opposed capital punishment since 1968, invoked the Constitution's safeguards against cruel and unusual punishment and the civil rights argument that the death penalty is disproportionately applied to minorities.

AJCommittee, opponents since 1972, said in a

statement that "capital punishment degrades and brutalizes the society which practices it."

But one thing that the groups have in common is that most have invoked religious and moral concerns.

Reaffirming a position first taken by the Reform movement's Central Conference of American Rabbis in 1958, its president, Rabbi Eugene Lipman of Baltimore, has sent a letter to every state legislator, supporting the governor's veto.

"Clearly biblical law does not oppose the death penalty," Lipman said in a telephone interview. "There is no question that there are 15 or 16 different crimes for which the death penalty can be invoked."

## Question Of Talmudic Restrictions

"But in Talmudic law, the rabbis, fully aware of the fact that they cannot revoke biblical law, hedged it about with so many restrictions there is no way that they could invoke it," he said.

The Torah is indeed explicit in prescribing the death penalty for a host of crimes, including murder, incest, blasphemy, Sabbath-breaking, idolatry and kidnapping.

But in the Talmudic period and the first era of Jewish statehood, ending in 70 C.E., the barriers erected by the sages included strict definitions of reliable witnesses to a crime and assurances that the criminal understood the consequences of his or her actions.

In a 1981 "responsum" written at the request of then-New York state Gov. Hugh Carey, Rabbi Moshe Feinstein, the late chairman of Agudath Israel of America's Council of Torah Sages, explained the restrictions.

However, "when the social order is threatened by rising lawlessness and immorality, the concern for the survival of our society may require emergency measures," wrote Feinstein. "The halacha demands of the leadership of our society an effective response to the chaotic impact of murder, rape, incest and kidnapping."

The larger Orthodox organizations, Agudath Israel and the Union of Orthodox Jewish Congregations of America, have taken no official stand on legislating the death penalty.

But individual Orthodox leaders and smaller rabbinic groups do feel society has become sufficiently lawless to require "emergency measures."

## Protecting The Victims

"What are you to do when you get a cold-blooded murderer? The victims have to protect themselves from the predators," said Rabbi Abraham Hecht, president of the Rabbinical Alliance of America. Hecht said his Orthodox rabbinic organization came out in favor of the death penalty years ago.

Rabbi Morris Shmidman, executive director of the Council of Jewish Organizations of Borough Park, thinks support for the death penalty is the "overwhelming sentiment" in the community.

"I think it is truly a deterrent to the committal of horrendous crimes and sends a message, beyond the death penalty itself, that the government intends to deal severely with those who intend to commit aggravated crimes," he said.

Supporters of the death penalty believe they need only one more vote in the 150-member, Democratic-controlled Assembly to achieve a two-thirds majority and override Cuomo's veto. The Republican-controlled state Senate already has enough votes for an override.