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U.S. CAN'T ALLOW ISRAEL TO CONTROL TERRITORIES FOREVER, LAWMAKER SAYS

By David Friedman

WASHINGTON, Feb. 6 (JTA) -- The United States cannot accept Israeli insistence on long-term control of the West Bank and Gaza Strip if it wants to avoid having to send U.S. troops back to the Middle East once the Persian Gulf war is ended, an influential congressman said Tuesday night.

David Obey (D-Wis.), chairman of the House Appropriations subcommittee on foreign operations, rejected "recent talk that the West Bank and Gaza can now belong to the Israelis for 50 years."

Such talk "is dangerous nonsense and cannot be tolerated by any American government determined to see to it that the blood of its citizens will never again be shed on Middle East battlefields," Obey said in a speech here to the Council on Foreign Relations.

The United States has "a right to demand of Israel one very big thing: a recognition of the right and necessity of the Palestinian people to have their own homeland on a major portion of the land that constitutes the West Bank and Gaza," Obey said.

"Israel obviously has a right to insist in return a similar unequivocal recognition of their rights by the Palestinians," he said.

"Every Arab nation must in the end be willing to explicitly recognize Israel and her legitimate security requirements," Obey said. "They must be willing to sit down in direct negotiations with Israel, under U.S. Soviet auspices or any other arrangement that works to conclude the unfinished work of the Camp David process."

A Premature Call For Concessions

Reacting to the speech, a top American Jewish organizational leader said it was unfortunate that Obey was already speaking of Israeli concessions before Arab-Israeli negotiations had even begun.

The Gulf war "underscores that a condition for meaningful peace is the recognition by the Arab states of Israel and the determination that they will live in peace with Israel," said Malcolm Hoenlein, executive director of the Conference of Presidents of Major American Jewish Organizations.

Hoenlein said Obey was not saying anything he had not said before, and the Jewish leader drew comfort from the fact that Obey did not call for a Palestinian state, but merely a "homeland."

Obey was correct in urging Arab countries to recognize and enter into negotiations with Israel, Hoenlein said. But it should be left for negotiations to resolve all the issues, including the Palestinian question, he said.

But Hoenlein disagreed with Obey's statement that Israelis have "miscalculated by ignoring the fact that changes in technology have dramatically eroded the value of distance and territory in preserving security."

There are those who believe Iraq's aggression against Kuwait demonstrates the "strategic

importance of territory," and that a buffer area is even more important now, Hoenlein said.

He added that if Kuwait had maintained such a buffer, it may have had more time to organize a defense against the Iraqi attack last Aug. 2.

Obey's subcommittee originates foreign aid appropriations, and in the past he has supported aid to Israel, while criticizing some of its policies.

But last year he joined in the unsuccessful proposal originated by Senate Minority leader Robert Dole (R-Kan.) to cut funds to the major recipients of U.S. aid, including Israel.

No New Aid Before Re-evaluation

In his speech, Obey appeared to differ with those who believe that aid to Israel and other Middle East countries will have to be increased as a result of the Gulf war.

No new funds should go to the Middle East until "those dollars are provided in the context of a sweeping re-evaluation of basic policy," by the United States, the European countries, the Arab states and Israel, he said.

Obey also expressed disappointment of plans to send more arms to the region once the Gulf war ends. "I don't happen to believe that the policy of America ought to be to reload everybody's gun in the region," he said.

"When it's over, our policy ought to be to dramatically scale back arms to the region and to deny access to our markets to any country which does not vigorously cooperate in effectively enforcing that policy."

The latter statement seemed to be aimed at European countries that have supplied arms to Iraq.

ISRAEL AGAIN STRIKES PLO TARGETS IN RESPONSE TO NEW ROCKET ATTACKS

By Hugh Orgel

TEL AVIV, Feb. 6 (JTA) -- The Israeli air force, using attack helicopters, on Wednesday raided bases of the al-Fatah wing of the Palestine Liberation Organization east of the southern Lebanese port city of Sidon. The foray came in response to renewed Katyusha rocket attacks by the PLO.

PLO sources in Lebanon admitted that the building that served as local headquarters had been hit and that three of its members had been seriously wounded.

Also reported hit were bases belonging to the Democratic Front for the Liberation of Palestine, a Marxist group led by Nayef Hawatmeh.

The Israeli attack was carried out some 15 miles from the area where the official Lebanese army moved south from Beirut toward Tyre and Sidon and took up positions Wednesday morning.

The PLO rockets fell in the eastern sector of the southern Lebanon security zone without causing casualties, short of their intended target in northern Israel. The barrage of Katyushas, which began Jan. 29, constitutes what PLO sources in Lebanon have referred to as a "second front" in the Persian Gulf war.

Tuesday night's attack followed a massive bombing assault Monday night by Israeli fighter bombers in which seven to 12 people were killed

and 17 Fatah members injured. Some 14 PLO bases east of Sidon were reported destroyed in that attack.

The Palestinians were reported still digging through the rubble Wednesday in search of additional casualties.

PROPERTY DAMAGE FROM SCUDS HEAVIER THAN WAS EXPECTED

By Hugh Orgel

TEL AVIV, Feb. 6 (JTA) -- Israel's casualty rate from Iraqi Scud missile attacks has been within the anticipated limits, but property damage is more extensive than expected, according to the Israel Defense Force.

The 30 missiles fired at Israel since the early hours of Jan. 18 killed two people and injured 200. Another 12 died of asphyxiation caused by misusing their gas masks.

Material damage is estimated at \$100 million, Brig. Gen. Nachman Shai, the IDF spokesman, said at a news briefing here this week.

He warned that while the frequency of Scud attacks has diminished during the last nine days, the threat remains high.

The use of chemical weapons against Israel is still a possibility, either by Scud missiles or Iraqi aircraft which might manage to take off on a bombing run, Shai said.

He observed that while much of the Iraqi air force has been destroyed or fled to Iran, its remaining potential keeps the Israeli air force at a high state of alert.

Shai attributed the reduced Scud attacks to several factors. Allied forces have intercepted launches, the Iraqis have had technical difficulties and Saddam Hussein may have changed his tactics.

But Iraq's will to hit Israel must not be underestimated and the country has to stay prepared, the general said.

Shai said the U.S. Patriot anti-missile batteries operated by American and Israeli troops were proving effective. But there are not enough Patriot systems to adequately protect the entire population.

But German Patriot and Hawk anti-aircraft missile batteries being airlifted to Israel will alleviate some of the problems, Shai said.

Shai said that if Israel decides to retaliate against Iraq, it will coordinate with the Americans or at least give advance notification.

BRITAIN STEERING TOWARD ISRAEL IN MIDEAST POLICY TO FOLLOW WAR

By Joseph Finklestone and Anne Sacks
London Jewish Chronicle

LONDON, Feb. 6 (JTA) -- Foreign Secretary Douglas Hurd seems to be steering Britain toward a postwar Middle East policy that is closer to Israel's thinking than in the past.

Hurd outlined his ideas, which are supported by Prime Minister John Major, to his fellow ministers of the European Community in Brussels this week.

At the same time, Defense Secretary Tom King lauded Israel's "tremendous restraint" in face of what he said was Saddam Hussein's ill-conceived attempt to draw it into the war.

Future British policy, Hurd has indicated, would support more flexible arrangements for the West Bank and Gaza Strip, taking account of Israel's security fears and Palestinian demands for more freedom.

But the possibility of a Palestinian state is no longer mentioned. Hurd said the Palestine Liberation Organization has "undermined its credibility by acting as an apologist for Iraq."

Britain also seems to have moved away from the idea of an international peace conference to settle the Arab-Israeli dispute, an approach always opposed by Prime Minister Yitzhak Shamir and his government.

Hurd met Wednesday with the Syrian foreign minister, Farouk a-Sharaa, in London and will fly to Cairo over the weekend to discuss his ideas for the postwar period with the Egyptian leadership.

Egypt and Syria are the principal non-Gulf Arab states in the U.S.-led coalition fighting Iraq.

The British foreign secretary apparently envisages a major role for Egypt after the war. He expects it to provide the bulk of a new, mainly Arab peacekeeping force in the region, allowing American and British forces to withdraw.

U.S. TO RELEASE LOAN GUARANTEES TO ISRAEL IN LUMP SUM, SAYS BAKER

By Howard Rosenberg

WASHINGTON, Feb. 6 (JTA) -- Secretary of State James Baker this week said publicly for the first time that when the United States gives Israel \$400 million in loan guarantees to build housing for Soviet immigrants, it will do so in one lump sum.

In making the announcement Wednesday during testimony before the House Foreign Affairs Committee, Baker acknowledged reports that the State Department had been leaning toward the idea of releasing the guarantees in three installments.

But doing so would have created additional delays beyond the current ones blocking U.S. release of the guarantees, the secretary said. He said Israel has yet to provide the United States with promised technical data on "the Israeli housing sector and plans for immigrant absorption."

Baker said his department is "continuing to follow up as well on various aspects of Foreign Minister (David) Levy's letter of assurances to me" last fall that pledged, among other things, that Israel would not use any of the \$400 million to build homes in the West Bank.

"We are working on it as diligently as we can, because we'd like to release this at the earliest opportunity," Baker said.

Rep. Donald Payne (D-N.J.) asked Baker to query Levy about news reports last November that said Israel would buy from South Africa some of the 33,000 prefabricated housing units needed for Soviet immigrants.

Payne expressed deep concern about the reports in an interview in December with the Jewish Telegraphic Agency.

But the Jan. 9 edition of the International Trade Reporter, published by the Washington-based Bureau of National Affairs, reported that Israeli Prime Minister Yitzhak Shamir had instructed the Housing Ministry to give preferences to U.S. firms in making the purchases.

The newsletter, paraphrasing Shamir spokesman Avi Pazner, said the prime minister, upon returning from a U.S. trip in December, "canceled government negotiations with South African firms intending to undercut the prices of their U.S. competitors and instructed Housing Minister Ariel Sharon to buy only from American firms."

TWO ACHILLE LAURO HIJACKERS FREED AND OUSTED FROM ITALY

By Ruth E. Gruber

ROME, Feb. 6 (JTA) -- Two Palestinian terrorists serving prison terms for their part in the October 1985 Achille Lauro hijacking were released last month and expelled from Italy, the news media disclosed Wednesday.

Mohammed Issa Abbas, who provided weapons to the four hijackers who seized the Italian cruise ship, and Yusuf Sa'ad, who served as paymaster, had their sentences commuted. They are believed now to be in Algeria.

Italian newspapers expressed indignation that convicted terrorists were set free at a time when all of Europe is on the alert for possible terrorist activity growing out of the Persian Gulf war.

And in Washington, B'nai B'rith International deplored the early release of the two convicted terrorists.

Kent Schiner, the organization's president, said, "This perverse action certainly sends an encouraging signal to terrorists everywhere and is a crushing blow to the war against terrorism being waged by the civilized world."

The Achille Lauro, sailing from Genoa on a Mediterranean cruise with a large number of American tourists aboard, was seized on Oct. 7, 1985 while in Egyptian waters.

The vessel and all aboard were held captive until Oct. 10. In that period, Leon Klinghoffer, an American Jew confined to a wheelchair by a stroke, was shot to death by one of the hijackers and thrown into the sea.

Abbas is a cousin of Mohammed (Abul) Abbas, leader of the Palestine Liberation Front and mastermind of the hijacking. Abul Abbas was tried and sentenced in absentia to life imprisonment by a court in Genoa for the crime.

Italy does not have capital punishment.

Sa'ad received a six-year sentence for importing money for the hijacking.

Issa Abbas, a Syrian, was convicted in two trials on separate charges. In 1986, he was sentenced to six months for using a false passport to help the hijackers. In November 1985, he was convicted of smuggling the weapons used in the hijacking to Genoa from Tunis.

The men's lawyer, Gianfranco Pagano, told the Italian daily Corriere della Sera that they took advantage of the fact that the law governing the commutation of sentences does not exclude crimes connected with terrorism.

Pagano said the two were freed under a Christmas pardon and left for Algeria early in January.

MAGAZINE MUST RECENT RACIST LINE

By Edwin Eytan

PARIS, Feb. 6 (JTA) -- An extreme right-wing magazine was ordered Tuesday to publish a statement denouncing racism and anti-Semitism after a Paris court found it had maligned the Jewish community and placed it in jeopardy.

The magazine, Sock of the Month, published a banner headline on its front cover asking "Have The Jews Pushed Us Into The (Gulf) War?"

Judge Huguette Le Foyer de Costil ruled that although the publication appended a question mark to its cover headline, it "cast doubts upon the entire Jewish community, which is moreover pointed to as a possible source of trouble and runs a (security) risk as such."

TWO 'STATE-SECRET' REFUSENIKS GET PERMISSION TO LEAVE USSR

NEW YORK, Feb. 6 (JTA) -- Two refuseniks denied emigration rights for years because of their alleged knowledge of state secrets have finally received permission from the Foreign Ministry to leave the Soviet Union, according to Lynn Singer, executive director of the Long Island Committee for Soviet Jewry.

Singer announced Wednesday that she learned the good news about Anatoly Genis and Lev Milman by telephone from Moscow.

In Washington, the National Conference on Soviet Jewry could not immediately confirm that the men had received permission to emigrate.

The organization told the Jewish Telegraphic Agency, however, that it had recently received assurances from top officials at the Soviet Foreign Ministry that the two men's cases would be resolved quickly.

A delegation from the National Conference met with the head of the ministry's division of humanitarian affairs, Dr. Yuri Reshetov, in Moscow on Jan. 22.

Reshetov told them at the time that Genis would be allowed to emigrate shortly and that Milman would no longer be prevented from leaving on the basis of access to "state secrets."

According to the National Conference, there are still about 200 refuseniks in the Soviet Union.

Genis, 53, holds a doctorate in mathematics but was allowed only to do menial labor after applying for an exit visa in 1977. If permitted to leave, he would be joining his wife, Galya, and his sons Peter, Seva and Stephen, who came to the United States in May 1990.

Milman, 78, a World War II veteran, and his wife, Lia, 69, have a daughter, Maria, and a son, Alexander, in the United States.

Milman, who retired in 1979, applied for an exit visa in 1987 and was refused. His wife was a member of Jewish Women Against Refusal.

Both families suffered serious illnesses and the ordeals of poverty during their years of waiting, according to Americans who visited them.

ETHIOPIAN RELIGIOUS HEAD ARRIVES

By David Landau

JERUSALEM, Feb. 6 (JTA) -- The "kess of kessim," the most senior spiritual leader of Ethiopian Jewry, arrived in Israel as an immigrant this week.

He landed with about 200 other Ethiopian Jewish immigrants on an El Al flight from Rome. As he climbed down from the plane, he faced east, bowed and kissed the tarmac.

"I have dreamed of Jerusalem all my life and now my dream is coming true," said 83-year-old Kess Menashe Zimro.

A tall, imposing figure with a goatee, Zimro arrived wearing the traditional white hat and robes of his community, topped by a gold-trimmed black cloak. He carried a silver-tipped cane and a horsetail fly-swatter.

Zimro was religious leader in Gondar province, where most Ethiopian Jews lived until they left there by the thousands last year for Addis Ababa, the capital, to await emigration.

The kess is now installed at an absorption center in Rehovot. Relaxing there Tuesday, he told visitors he was well aware of the war conditions in the region and fully confident of Israel.

"Am Yisrael is a nation of heroes," he said.

BEHIND THE HEADLINES:

**WAR IS PERMISSIBLE IN JEWISH LAW,
BUT IT MUST BE CONDUCTED MORALLY**
By Debra Nussbaum Cohen

NEW YORK, Feb. 6 (JTA) -- As war casualties mount in the Persian Gulf, religious leaders continue to debate the morality of the conflict.

While some religions consider war inherently immoral, the Jewish theological position is that war is justified and even mandatory in certain circumstances, say scholars of Jewish law.

"War ipso facto is not essentially immoral," said Rabbi Leonard Kravitz, professor of Midrash and homiletics at Hebrew Union College, the Reform movement's rabbinic seminary.

"Judaism is a pacific tradition. We look at peace as the best thing," said Kravitz, a former army chaplain. "We pray for peace. We greet each other with peace. But the world is unredeemed."

"Mashiach (the Messiah) hasn't come. The world where nations don't learn war any more hasn't happened yet. Where evil still exists, what does the individual do? War is sometimes necessary in an unredeemed world."

After the destruction of the Second Temple, rabbinic exegesis recognized three categories of war: milchemet reshut (permissible war), milchemet chovah (obligatory war) and milchemet mitzvah (commanded war). Ironically, these laws were codified during a time when Jews were under Roman rule and not able to make decisions of state.

The first rabbinic category, reshut, is understood as "optional war," a war initiated to conquer territory, for example some of the wars undertaken during the era of Jewish kings.

There are several legal requirements before beginning milchemet reshut, including obtaining the approval of the Sanhedrin, which cannot be fulfilled in the modern era.

Only Defensive Wars Are Permissible

Milchemet chovah, according to Kravitz, is war "to enhance the land or to expand the land."

Rabbi Arthur Green, president of the Reconstructionist Rabbinical College, defines it differently. Milchemet chovah, he said, is "something you are obliged to do to save the life of your society when its existence is threatened."

Milchemet mitzvah, said Green, means war that is commanded by Scripture. That definition is "limited to wars of conquest in the time of Joshua, to rid the land of the seven Canaanite nations, and war for the destruction of Amalek."

"Since the Talmud says that the Canaanite nations no longer exist in recognizable form, there is no longer any reason for milchemet mitzvah," Green said.

Other Jewish authorities disagree, defining milchemet mitzvah as war of self-defense, the one legitimate reason for war in the modern era.

"The only type of war permissible in this historical epoch is a defensive war," said Rabbi David Bleich, rosh yeshiva of Rabbi Isaac Elchanan Theological Seminary at Yeshiva University.

This war is not only permitted, but is halachically required, said Bleich and other scholars.

Unlike milchemet reshut, divine approval is not required in cases of self defense, say these rabbis, nor is anyone exempt from the effort.

Deuteronomy lists several reasons why a soldier may be exempted from fighting in an optional war: if he has built a house he has not yet dedicated, if he has not yet harvested his crops, if he is newly married or even if he is afraid.

But in the case of milchemet mitzvah, said Kravitz, "even a hassan (groom) from under the (wedding) chuppah goes."

And while every attempt to avoid war is supposed to be made, there are circumstances where negotiation is not required, according to some authorities.

"When you're dealing with an act of aggression, you're not obligated to negotiate. You're permitted to strike," according to Bleich.

Avoiding Injury To Non-Combatants

Jewish law also dictates the behavior of a Jewish army during wartime, emphasizing the sanctity of life in Judaism.

"Even in war, the means by which it is fought must be moral," according to Rabbi Harlan Wechsler, assistant professor of philosophy at the Conservative movement's Jewish Theological Seminary and religious leader of Manhattan's Congregation Or Zarua.

An army is required to "try to avoid injuring non-combatants," he said, adding that if there is a choice of weapons, the one that would target enemy soldiers without hitting innocents is preferred.

"You are not allowed to mistreat a prisoner of war," said Rabbi Aharon Soloveitchik, rosh yeshiva of Yeshivas Brisk in Chicago and a professor of Talmud at Yeshiva University in New York.

POWs have to be "treated fairly, a concept which preceded the Geneva Convention by 22 centuries," said Soloveitchik.

And according to Wechsler, "Maimonides says that when you lay siege to a city, you surround it only on three sides, allowing those who are innocent to flee. It illustrates the need to protect innocent life, because Torah prohibits murder as a capital crime."

Behavior during war is regulated even down to the obligation to protect trees, according to Deuteronomy 20:19: "When you lay siege to a city for many days, making war against it to capture it, you shall not destroy its surrounding trees."

Only if a tree is known not to be one which provides food may it be cut down, and then only to fortify areas under siege by the enemy.

Wechsler cited Nachmanides as saying that "it is well known that when armies go out to war, they will eat anything, they will plunder and commit wanton violence, and they will have no shame even to commit rape."

"Therefore, when you camp against your enemy you should be wary of all evil. Scripture wants to make sure that even in war, it is conducted morally."

YACHT REGATTA DEFIES SCUD THREAT
By Hugh Orgel

TEL AVIV, Feb. 6 (JTA) -- About 50 yachts, power and sail, plowed through choppy seas from Tel Aviv to Jaffa on Tuesday in a gala regatta that belied the fact that Tel Aviv remains under threat of Iraqi missile attack.

It was not exactly a race but a "pass-in-review" to salute Tel Aviv, which has suffered casualties and extensive property damage from Scud missile attacks since Jan. 18.

Mayor Shlomo Lahat sounded the starting signal with a blast of an air horn on a yacht.

Participants included the U.S. ambassador to Israel, William Brown, an avid yachtsman, who reached the marina just in time after a meeting with Prime Minister Yitzhak Shamir in Jerusalem.