

May 24, 1974 40 Cents Vol. 41, No. 7

# CONGRESS

A Journal of Opinion and Jewish Affairs

# bi-WEEKLY

*Phil Baum & Mark Bruzonsky*  
**U.S. AID TO ARAB COUNTRIES**

*Max Nussbaum*  
**STEPHEN WISE: MASTER BUILDER & FRIEND**

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**MARCO DEFUNIS, JUSTICE DOUGLAS  
& THE AMERICAN JEWISH CONGRESS**

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# Executive Director's Report

## AJCongress Abroad

### 'Unspeakable Acts'

AJCongress condemned the Arab terrorist murders at Kiryat Shemona as "unspeakable acts of appalling cowardice" and called on Secretary of State Henry Kissinger to demand of Syria and other Arab states "iron-clad assurances" that they would act to end terrorism against Israel.

Rabbi Arthur Hertzberg said Dr. Kissinger should make clear in his negotiations with Arab leaders "that those who perpetrate or condone these acts must be held accountable and that these crimes will not be overlooked, excused or tolerated."

In Washington, D.C. the National Capital Chapter of AJCongress spearheaded a vigil at the Lebanese Embassy to protest Lebanon's "refusal to control terrorist activity on its territory."

### Bias at UN

At the UN, however, the Security Council promptly condemned Israel's reprisal raid into Lebanon as a "violation of Lebanon's territorial integrity" without mentioning the Kiryat Shemona massacre that provoked it.

In a statement, AJCongress said this was "only the latest instance of the anti-Israel bias that pervades the United Nations" and a "dismal reminder" that the UN was "a loud-speaker for Arab propaganda." AJCongress said it deeply regretted the U.S. vote in favor of the one-sided resolution, adding that "the honorable course for our country's representative would have been to veto it."

### Timidity in Greece

AJCongress had a word for it—"capitulation"—when the Greek government "expelled" to Libya the

two Arab terrorists sentenced to death by a Greek court for slaying five and wounding 55 at the Athens airport last summer.

In a letter to the Greek Ambassador to the U.S., Constantine Panayotacos, Rabbi Hertzberg said the Greek action in effect "frees two convicted assassins to repeat their atrocious violence and implies that they may do so with impunity." The AJCongress president declared:

"The capitulation of your government to these threats is not only a denial of justice and demeaning to those who died, but it is a challenge to international good order and the security of international travel."

### Fear for Syrian Jews

The continuing desperate plight of Syrian Jews worsened with the report of the murders of four young Jewish women seeking to flee the country and Syrian attempts to pin the blame on two leaders of the Damascus Jewish community. Several weeks later, two Jewish men were found slain under similar circumstances.

AJCongress took part in an emergency rally for Syrian Jewry outside the Syrian Mission to the UN. At the same time, it protested to the *National Geographic* an article on Damascus in the April issue that depicted Syrian Jewish life as secure and viable.

In a letter to the *Geographic*, AJCongress Associate Executive Director Phil Baum detailed the strictures under which Syrian Jews live—travel limitations, curfews, denial of drivers' licenses and telephones, prohibitions on employment, arbitrary arrest, imprisonment, rape and murder. Asserting that the magazine ought not "serve as apologist for a

regime notorious for the brutal treatment of its Jewish minority," Mr. Baum asked for a correction in "an early issue."

### Hostel Benefit

The Louise Waterman Wise Youth Hostel in Jerusalem, built and maintained by AJCongress' Women's Division, was the beneficiary of the division's annual awards luncheon at the Plaza Hotel in New York.

The awards, for distinguished service in Jewish life, went to AJCongress Vice President Lillian Steinberg, honorary president of the WD and co-chairman of the Commission on Jewish Affairs, for 25 years of leadership in Congress; to Ruth Tekoah, wife of Israel's UN Ambassador, for her work in behalf of Israel; and to Peggy Tishman, a leader of New York's Federation of Jewish Philanthropies, for her work with the aging.

Deena Shor of Roslyn, Ida Aronstein of Brooklyn and Augusta Epstein of Riverdale co-chaired the successful event attended by 500 women.



Jacqueline Levine (left) and Laureate Lillian Steinberg.

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Editor Herbert Poster Associate Editor Eva Zucker

CONGRESS bi-WEEKLY is published every other Friday from November through April excepting weeks of Jewish holidays, monthly in May, June, September and October, by the American Jewish Congress, 15 East 84th Street, New York, N.Y. 10028. TRafalgar 9-4500. Annual subscription \$5. Single copy 40¢. Entered as second class matter at the Post Office in New York, N.Y., under the act of March 3, 1879. 412

May 24, 1974

A Convergence of Views

## Marco DeFunis, Justice Douglas and AJCongress

### Naomi Levine and Lois Waldman

Last month, in an eagerly awaited decision, the Supreme Court refused to rule on the merits of the DeFunis case, which challenged the admissions procedure and policy of the University of Washington Law School. In a five-to-four, *per curiam* decision, the Court noted that Mr. DeFunis had been admitted to the Law School (on the basis of a State court decision against the University) and that he would be graduating in June 1974, regardless of what action the justices took. Since DeFunis sued only in his own behalf and not in a representative capacity, and would be permitted to complete his legal studies no matter what the court decided, there was no longer any legal controversy before the Court and the lawsuit was moot.

The Supreme Court thus avoided ruling on whether the racially preferential admission policies of the University of Washington Law School were constitutional. The majority did, however, anticipate that the issue of giving "special consideration . . . to applicants from certain ethnic groups" would come before the Court again very soon. "If the admissions procedures of the Law School remain unchanged," the five-man majority said, "there is no reason to suppose that a subsequent case attacking those procedures will not come with relative speed to this Court."

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Four justices—Brennan, Douglas, Marshall and White—disagreed with the majority's ruling on mootness. They noted that because there was at least the possibility that Marco DeFunis would not graduate (he might fall ill, for example, drop out and have to reapply for admission next year), the case was not moot and the Court's refusal to reach the merits of an issue of such overriding importance was unjustified. In unusually strong language, they declared:

In endeavoring to dispose of this case as moot, the Court clearly disserves the public interest. The constitutional issues which are avoided today concern vast numbers of people, organizations, colleges and universities, as evidenced by the filing of 26 *amici curiae* briefs. Few constitutional questions in recent history have stirred as much debate and they will not disappear. They must inevitably return to the federal courts and ultimately again to this Court.

We agree with this conclusion. The issue in DeFunis will not go away. It is too important a social and legal issue. We regret that the Court did not seize the opportunity to resolve it.

In addition to the opinion of the four judges on the question of mootness, Justice William O. Douglas wrote a separate opinion in which he not only recorded his disagreement with the conclusion that the case was moot but addressed himself to the substantive issues. Many of the points made by Justice Douglas in his opinion paral-

# U.S. Aid to Arab Countries

Phil Baum and Mark Bruzonsky

President Nixon has submitted to the Congress a \$5.18 billion request for worldwide economic and military aid which includes a \$900 million aid appropriation to Middle East countries including Israel. For the first time since 1967 substantial U.S. aid is destined for a number of Arab countries including Egypt and possibly Syria. The aid request specifically earmarks \$350 million for Israel (this is in addition of course to the \$2.2 billion in emergency military aid to Israel during the Yom Kippur War), \$250 million for Egypt, \$207.5 million for Jordan, and a \$100 million contingency fund, some of which is thought to be destined eventually for Syria.

Of the new funds for Israel, \$50 million is designated as security supporting assistance and \$300 million is to be in the form of military credit sales. According to the President in his Foreign Assistance Message to the Congress, "Israel's continued ability to defend herself reduces the prospects of new conflict in the Middle East, and we must continue to assist her in maintaining that ability." Secretary of State Kissinger, in discussing the foreign aid package, has again stated that "the United States is committed to the security and survival of Israel, and this commitment has not changed."

The aid to Egypt comes amid reports that President Sadat has taken a major step in ending total military dependence on the Soviet Union and will be attempting to buy arms and receive military aid from the U.S. and other Western countries. So far there has been no U.S. agreement in the area of military aid. The Secretary of State has recently indicated that the "issue of military assistance to Egypt, whether sale or credit . . . has not been formally raised by the Egyptian government." Mr. Kissinger added that "we don't expect it to be raised in the near future. It will have

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to be considered in the light of the circumstances that exist when it is raised." The \$250 million now being requested from the Congress in economic aid for Egypt includes \$20 million to help clear the Suez Canal, \$80 million to help in the purchase of U.S. farm and industrial goods, and \$150 million for reconstruction of cities along the canal. According to Secretary Kissinger, "the \$250 million . . . requested for Egypt represents the assessment of this Administration that Egypt is sincerely attempting to bring about a constructive and peaceful solution to the problem of the Middle East." He further indicated that "one of the concerns frequently expressed during the disengagement negotiations by the Israelis . . . [was] the reconstruction of the Canal Zone." The majority of the funds are to be used to reopen the Canal and to rebuild the cities and the port facilities.

Jordan is to receive under the President's request \$77.5 million in security supporting assistance, \$100 million in military assistance grants, and \$30 million in military credit sales. According to the President, "Jordan has been a moderate force in the Arab world and these funds will enable her to maintain a position of moderation and independence which will be crucial to a permanent settlement in the area."

The possible aid to Syria is as yet unclear and appears to be firmly conditioned upon Syrian acceptance of a reasonable settlement in the Golan Heights. The Secretary of State has indicated that there have been no discussions to date with Syria on specific aid programs. It remains possible of course that the \$100 million in contingency funds could go to Egypt or be divided among other countries in the area.

A high State Department official describing the aid package has commented that it is "in part, a balancing act between Israel and the Arab states." The State Department summary of the aid program indicates that the United States "must . . . be in a position to assist Arab leaders

of nations who have the political courage to move away from armed confrontation and to take the first difficult steps toward negotiating a peaceful settlement with their Israeli neighbors."

American policy in the Middle East appears to be in a state of attempted friendship with all parties and this might be considered a positive development if in fact it can be converted into a long-term policy which can gradually contribute to peace and stability in the area. In these terms, these expenditures might be understood and justified notwithstanding the questions that have been raised about the wisdom and the necessity of supplying any aid at all to Arab countries in the light of the billions and billions of dollars in oil revenues now flowing into that part of the world.

There would, of course, be profound and legitimate apprehension about a decision to provide military aid to Egypt. Any arms sales to Egypt coming in addition to arms sale programs to Jordan and Saudi Arabia already under way, would justifiably raise profound doubts as to the real motives of the Arab countries and the overall policy of the United States. And these same doubts would be provoked by any escalation in the quality or degree of sophistication of the weapons presently being provided.

These fears would remain despite the realization that partial or total dependence by some or all of the Arab states on U.S. arms might in some circumstances be preferable to allowing these states to remain almost totally dependent on Soviet weapons. Reliance upon American military supplies arguably would enhance the United States influence and greatly increase U.S. capability to impose restraints during any future conflict. A halt to replacement of weapons, spare parts, and ammunition would make continuation of major fighting very difficult. The problem nonetheless continues to be that any initial supply of American arms which would significantly bolster the Arab military establishment or magnify its striking powers, might induce some governments to undertake another reckless military adventure.

There is further danger that arms provided one country might be transhipped to another country to whom our government might not wish to provide assistance. Presumably this

would be prevented by a 1973 addition to the Military Sales Act, which is part of the Foreign Assistance Act prohibiting the transfer to third countries of any U.S. military aid and providing that should a violation occur military aid to the country involved would be automatically terminated. But such legal restraints have proven to be not altogether dependable in the past and despite their terms such transshipments of military arms are widely suspected to have occurred.

In summary, the current request for economic aid to Egypt, in addition to other Middle East states which have been receiving U.S. aid over the past years, seems at present un-

objectionable. As long as the aid is limited to constructive purposes which further the true interests of the people of Egypt the funds can make a significant contribution to bringing peace to the Middle East. Egypt at present shows some signs of sincerity toward coexistence with Israel, especially in its program for redeveloping the area of the Suez Canal, rebuilding the towns and resettling the population. U.S. encouragement of social and economic progress in Egypt and also in Syria can help bring real benefits to the peoples of the Middle East which might be accompanied by greater U.S. influence in these countries and hopefully decreased hostility toward Israel.

## Stephen S. Wise: Master Builder and Friend Max Nussbaum

The following address, memorializing the 100th anniversary of the birth of Stephen Samuel Wise, was delivered by Rabbi Max Nussbaum to the Convention of the Central Conference of Rabbis. Dr. Nussbaum is rabbi of Temple Israel of Hollywood and vice president of AJCongress.

This article is dedicated by the editors to the memory of Rabbi J. X. Cohen on the occasion of his 19th Yahrzeit. As comrade and associate of Stephen S. Wise for over 25 years, Rabbi Cohen devoted his life to fighting discrimination against the Jews and all minorities, and sought tirelessly to broaden the vision and deepen the commitment of the American Jewish community to creative Jewish values and the Jewish heritage.

Genuine leadership is given to a people sparingly and in measured doses. But even when this gift is generously bestowed upon a generation, it is handed out either within the realm of thoughts and visions or within the confines of actions and deeds. This is why in our own history, the beneficence of *hashgacha* appeared in the form of either whole groups—namely, prophets and priests—or in individual pairs like Moses and Aaron, and Ezra and Nehemiah. It is exceedingly rare for destiny to shower the gifts of dream and deed, of vision and action upon one single personality. We did have this *mazel* in Theodor Herzl, and our own generation was blessed by such syntheses in Chaim Weizmann, the scientist and visionary, as well as in David Ben-

Gurion, the political leader and prophetic dreamer. It is to this last mentioned category that Stephen S. Wise belongs. He represents a combination of ingredients which, separately, existed with other leaders also, but in him the elements were so mixed and reached such harmonious blending that his personality was unique even among the great ones in whom the worlds of thoughts and actions, dreams and deeds were completely united.

When one evaluates Stephen S. Wise's life, one is overwhelmed, not only by the fact that he was a visionary as well as an activist, but that he brought this dual equipment to bear upon so many areas, and became a master builder of and an innovator in each one of them: he wasn't just a

great rabbi, but the outstanding preacher of his generation; the founder of the Free Synagogue (in 1907); and the founder-president of a new rabbinical seminary (Jewish Institute of Religion in 1922)—which, for the first time on American soil, produced Orthodox, Conservative and Reform rabbis—who looked upon himself as, in his own words, "an educator of men for the Jewish ministry." He wasn't just a Zionist leader, but the founder of the Zionist movement in the United States; the co-worker with Theodor Herzl, whom he met at the Second Congress in Basle (in 1898); the key spokesman for the Zionist movement, vis-à-vis the American government under President Wilson, in bringing about the formulation of the Balfour Declaration (in November 1917); and the guiding spirit of the Zionist Organization through the two World Wars and the Holocaust period. The God of Israel blessed him with more than Biblical years, long enough to live to see the birth of Israel. And at the Ford Hall Forum in Boston—it was the last month of his life—when the Jewish community celebrated his 75th birthday, he said: "I have lived to see the Jewish State. I am too small for the greatness of the mercy which God has shown us." Zionism was indeed the Sabbath of his life—and everything he did must be seen against this particular perspective.

He was the most charismatic leader of the American Jewish community, but that was only one aspect of his colorful personality. He was the founder of the American Jewish Congress (in 1918), in order to combine Judaism and Americanism at their very best and, thus, foster the deepening of Jewish consciousness in a free democratic society. But, as he was not only an American Reform Rabbi, but a Zionist, he envisioned a large international organization to speak in the name of the whole Jewish People and founded the World Jewish Congress (in 1936), which turned out to be a veritable blessing during the dark days of the Hitler period—and an organization which has remained the very symbol of the unity of World Jewry to this very day. And out of the same Zionist commitment, he became one of the organizers of the American Jewish Conference (in 1943), thus triumphantly creating the united voice of American Jewry for the building of the Jewish State.

But even this is not all. With all