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OPENING REMARKS
Sidney Liskofsky

Consultation at New York University School of Law
November 12, 1982
10 a.m. - 1 p.m.

THE CAMPAIGN TO DELEGITIMIZE ISRAEL IN UN FORUMS

1. The situation described in the memorandum sent you is not new or startling to those who follow UN affairs. There are two questions before us: (a) First, from what "perspective" to view the situation? (b) Then, what can or should be done about it, if anything? I will not restate what is in the memorandum, but will add a few thoughts on both these questions.

2. "Who listens?" How serious?

I am reminded that some years ago, when I'd call attention to anti-Israel, anti-Zionist and sometimes even undisguised anti-Semitic utterances in UN debates, a colleague's usual response would be: "Who listens?" Indeed, who does "listen" and who is swayed by the nasty rhetoric, be it in speeches or resolutions? Governments? Publics? In which countries? The implication of my colleague's question, of course, was that the UN is not the "real" world, what matters are inter-state relations outside the UN, and there is no reason to get excited about the rhetoric, however unpalatable.

This was a decade ago, when -- for example -- the possibility of Israel's suspension or dis-accreditation was unthinkable. Would my colleague have held the same opinion today? How would he have answered the question of why the Communist and Arab governments -- and the PLO, of course -- put so much effort into getting anti-Israel, anti-Zionist themes and slogans into every UN document, into every nook and cranny of the UN system? Presumably, they consider that there are "listeners," and that the noises echo outside the UN chambers and corridors.

Beyond just indignation at the unfairness of it all, how should we assess the delegitimation campaign -- for Israel and for Jews generally -- in "real world" terms? The premise of the memorandum -- and of the initiators of this consultation -- is that it is serious. But there may be other points of view which should be heard. Because, of course, over-estimation is as undesirable as under-estimation, and attitudes about the UN overall have tended in both directions, on the part both of friends and detractors.

3. Anti-Israel, anti-Zionism, anti-Semitism -- Relationship?

On the specific question of the equating of Zionism with racism, apartheid, colonialism, etc., Nossiter points out that many UN delegates

who join in voting for resolutions endorsing that equation deny they are motivated by anti-Semitism. Some explain their votes, he observes, as a "bone" thrown to the Arabs, unconnected to their governments' position on Israel's legitimacy or "right to exist." For some, I would add, "Zionism" may be just another expletive, a "bad" word of vague import. An illustration is the Chinese delegate's retort (UNESCO Executive Board, Paris, Oct. 1982) to Israel's Ambassador Vered: "Your words prove you are a Zionist!" *What "Zionist" meant in his use of the term is anyone's guess. It is, so to say, inscrutable.

Nevertheless, whatever some non-Western delegates say explicitly in private, or utter circumlocutiously in public, the Arab states -- and not only the radical ones -- and the Soviet Union and other Communist states, do not bother to distinguish in their utterances between Zionism and the State of Israel. The examples are legion. In the recent GA debates relating to the Iraqi nuclear installations and to Lebanon, for instance, the records contain repeated references to the "Zionist authorities" and "Zionist armies."

In short, how do the "anti-Israel" and "anti-Zionism" campaigns relate to one another, and to "anti-Semitism"? This is a large subject requiring much more time than we have this morning, but it may warrant some comment.

4. Honest versus Malicious Criticism? Estranging Friends?

Assuming there is agreement on the need for counter-action, two dilemmas come to mind: One, is how to relate to well-intentioned and possibly justified criticism of certain Israeli practices, which is mingled in UN resolutions and reports with clearly false charges that are part of the delegitimation campaign? A second, is how to avoid estranging groups committed to otherwise desirable UN programs, to which the Arabs have succeeded in attaching anti-Israel and anti-Zionism themes and slogans?

(a) As to the first dilemma, what does one say to reputable NGOs, for example, who ask: why should Israel be exempted from criticism for practices like administrative detention or collective punishment even if, admittedly, the way the criticism is expressed is unduly shrill, and even if far more sinful governments are exempted from scrutiny and critical notice, or receive gentle taps on the wrist?

This raises the "double-standard" issue, which brings to mind a thesis advanced by Van Boven, in what turned out to be his valedictory address last year to the Human Rights Commission. Speaking in general without mentioning any particular country, he affirmed his principled opposition to the double standard, to "selective morality", but added that he did not think the UN, just because all "sinning" governments are not equally taken to task, should refrain from directing

* (The lower case "z" in Zionist is Arab-derived to convey disdain)

attention to those whose human rights denials it is possible to expose and condemn, because "political reality" allows this to happen. In other words, he would retain the "dirty bath water" in order to "save the baby," maybe even, he hopes, like South Africa, it would serve as precedent for tougher words and measures to be applied against other human rights violators.

This point of view, I suspect, is widely shared in the human rights community. One might ask Van Boven and others who subscribed to it, how far they would carry it: Suppose, to postulate an extreme case, only one government is "indicted" for deyning human rights, even threatened with the extreme sanction of ejection from the community of nations, while other governments, equally or more culpable, are permitted to go about their evil ways unnoticed? In short, is there any point at which the "double standard" becomes so unjust as to discredit the human rights process overall?

Admittedly, in its human rights "indictments," the UN has progressed beyond the South-Africa-Israel-Chile "iron triangle," having in the recent period also targeted El Salvador, Guatemala, Iran and a number of others. But, South Africa excepted, the fact is that the attention given Israel is very special, not only because the charges against it include falsehoods and half-truths, but because of the grossly disproportionate amount of time and resources devoted to restating accusations endlessly and in extreme terms, in debate and resolutions, and in more solemn documents. Is not this very cumulation, even if it were limited to truthful charges (which it is not), itself truth-distorting?

(b) The second dilemma is related in a sense to the first. It concerns risking the estrangement of groups committed to otherwise good causes. The difference cited in attitude toward the double standard in the application of the human rights complaint process is an example, as are the differences in regard to the so-called UN "Decades" for Combating Racism and for promoting Women's Rights. Have the Jewish organizations' expressed preference that the U.S. not participate in these anti-Israel (and otherwise ideologically slanted) programs contributed to tensions with elements in the Women's Movement and the Black community?

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A word about the American Black community, particularly its activist civil rights part. The anti-Israel tendency in it has been influenced by many factors, not least the UN's equation of Zionism with apartheid, the singling out of Israel's relationship with South Africa, and the linking of the PLO with SWAPO and other African liberation movements (all of which are accorded special standing and entitlement to pursue their self-determination goals, by "all available means, including armed struggle").

I would cite a recent Black interview program ("Like It Is") on ABC TV (Oct. 10, 1982, 1 p.m.), which featured the director of Trans-Africa

and a human rights lawyer on the staff of the South African Project of the Lawyers' Committee on Civil Rights Under Law. This lawyer explained the history of the Israel-Arab conflict, from 1948 up to Lebanon, last summer, as a product of Israel's aggressive militarism and expansionism. No mention of 6 Arab armies marching against the new State of Israel in 1948. No mention of Nasser's, Jordan's and Syria's attacks in 1967. No acknowledgement of Israel's right to safe borders from PLO incursions from Lebanon. Speaking of Lebanon, the lawyer said -- and where but from UN resolutions would this come? -- that: "...the PLO, the Palestinian people (ie., equating the two -SL) are fighting for a legitimate right of self-determination and international law has developed to grant to people fighting for self-determination the right to wage that struggle by any and all means necessary and further to gain assistance from other states for that fight." In other words, both the PLO and Lebanon were acting within the bounds of international law, thereby making the Israeli attack on them illegitimate. In calling on the UN to create a Nuremberg-like war-crimes tribunal, and on Western countries to try, under the universal jurisdiction principle, suspected perpetrators of the crimes committed in Lebanon, she quite evidently meant Israeli perpetrators rather than Lebanese, Christians or Moslems, or the PLO.

And another participant in the program explained his understanding of Zionism thus (I quote from the transcript): "When the homeland was being negotiated, other proposals were made, one for a piece of land in Uganda, another for a piece of land in Guinea, and Africa would be making the same struggle that the Palestinians are making, were those options exercised." "There but for the grace of God ...," is his obvious message.

5. Counter-action

With regard to counter-action, my suggestion is to consider that question from four standpoints:

- (a) How to respond, if that is possible, within the UN bodies and agencies
- (b) How to respond if possible, by way of direct approaches to particular governments.
- (c) How to respond on the "intellectual" level by analyzing the material emanating from the UN bodies and preparing responses for publication in influential journals, and other appropriate places.
- (d) How to respond in terms of popular education or "advocacy" directed toward the NGO community, special interest groups, the media, and so forth.

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6. And finally, in considering counter-action, we should perhaps focus on those countries where the problem is both urgent and susceptible to counter-measures. Presumably, this is the Western world, whose Jewish populations are at risk, and which are more accessible than the closed (or less open) societies of Eastern Europe, Africa and Asia. But this does not mean that Africa or Asia should be overlooked.



SL/mj
82-570-2

from: Howard Kohr, AJC Washington, D.C.

to: Abraham S. Karlikow

Dear Mr Kohr

This is the info you requested

October 25, 1982

International Terrorist Attacks Against Jews
and Israelis, 1981-1982

- Our records from January 1981 until September 1982 contain 104 international terrorist attacks against Israeli and Jewish interests. This does not include domestic attacks in Israel or on the West Bank.
- Attacks against Israeli and Jewish interests have occurred in 26 countries during the last two years, with over 20 percent of the attacks in France and Italy.
- Over three quarters of the attacks were carried out by Palestinians, but terrorists from Guatemala, Colombia, France, West Germany, Italy, Greece, and Japan carried out attacks against Israelis and Jews worldwide.
- About half of the attacks were targeted against Israeli citizens or facilities, but Jews from 17 countries have been attacked by Palestinian terrorists primarily because they are Jews.
- Attacks against Jews and Israelis have been more lethal than other terrorism. Almost 60% involved attacks on people rather than property and about 65% of the incidents intended to cause casualties.
- About 400 people have been wounded and 25 killed in these attacks.
- Almost half of all attacks against Jews and Israelis have occurred in Western Europe.

Abraham S. Karlikow
Dept State

THE AMERICAN JEWISH COMMITTEE
Information and Research Services

Attitudes toward Israel since June 1982

Between June 6 and the end of September 1982 a number of polls measured American reactions to the Israeli incursion into Lebanon and to the subsequent Beirut massacres. This report examines ten recent polls and compares them with earlier ones.*

The polls are as follows:

Gallup, June 11-14

NBC, June 14-16

Harris, June 18-22

CBS, June 26-27

Los Angeles Times, July 4-8

Gallup, August 4-5 (Newsweek, August 16)

NBC, August 9-10

ABC/Washington Post, August 17

After the Beirut massacre was reported:

Gallup, September 23-24 (Newsweek, October 4)

ABC/Washington Post, September 24-26.

Findings

Reading the poll responses chronologically, we find some decrease in support for Israel and seeing Israel as an ally. Menachem Beigin's popularity drops with increasing media coverage of the events in Lebanon. Simultaneously there is a slight rise in pro-Arab sentiment, though with Israel still preferred to the Arab nations. Only Egypt is looked upon as favorably as Israel.

Two of the ten polls asked about American Jews, and for the first time in several years we find more Americans questioning

* See Appendix for tables.

the loyalty of Jews to the United States. What is more, many Americans, who in recent years have almost been unaware of the existence of antisemitism, now say they expect an increase because of recent events in the Middle East.

Between 20 and 25 per cent of respondents consistently fall into the "don't know" category. In fact, on September 24, the ABC poll found as many as 44 per cent saying they were not following Middle East events closely. It has been shown repeatedly that many Americans are not interested in foreign affairs.

1. Support/sympathy for Israel

The standard question is: "In the Middle East are your sympathies more with Israel or more with the Arab nations?" Table 1 shows how feelings about Israel fluctuate, depending on events, but always remaining between 40 and 50 per cent approving. Sympathy for Arabs has grown steadily, with a jump from 18 to 27 per cent, after the Beirut massacres. At the same time support for Israel remains close to 50 per cent. A likely assumption is that sympathy for the Arabs in August and September comes from the ranks of those who in previous polls said "neither." Note the drop in this category from 29 per cent in June to 12 per cent in September (Table 1).

On the whole, we see that in June 1982 (Table 2) the public supported Israel over the Arabs by a margin of nearly 2 to 1. This is essentially the same as in June 1980, when CBS reported a similar ratio (43 to 23 per cent).

After the Beirut massacres, in a question about sympathy for Israel's position now as compared with the previous year

(Table 3), we see a sharp drop. Fifty-one per cent say they are less sympathetic to Israel than a year ago.

2. Perceptions of Israel

How is Israel's government regarded by Americans? Do they think of Israel as an ally? Americans were fairly evenly divided in July about Israel (Table 4): 46 per cent had a favorable impression of its government, 48 per cent had not. They felt pretty much the same way about Saudi Arabia (45 to 45 per cent) but much more positive about Egypt (59 to 27 per cent).

Phrased another way by Harris, the question asked respondents how they regarded certain countries in the Middle East--as ally, friend, non-friend, or enemy (Table 5). Over a third saw Israel as an ally, more than two-fifths as a friend. Egypt and Saudi Arabia were seen by more as friendly but by fewer as an ally.

An ABC question asked on three occasions whether certain countries were reliable allies (Table 6). In October 1981, 64 per cent declared Israel to be a reliable ally, but by September 1982 only 40 per cent. Still, with Egypt at 41 per cent, Israel and Egypt are the Middle East countries that Americans regard most highly.

After the first news accounts of the Beirut massacres on September 19, most Americans judged Israel to be responsible partially or entirely for the tragedy (Table 7).

3. Lebanon

The public seems not to have known its own mind on the subject of Israel's action in Lebanon.

A week after Israel made its move into Lebanon, Gallup asked about Israeli military operations to stop Palestinian artillery attacks (Table 8). More people said they approved (40 per cent) than disapproved (35 per cent). Several days later, presumably following intensive TV coverage, there was a sharp reversal in response to a similar NBC question (Table 9): 51 disapproved and 25 per cent approved.

A week later respondents were evenly divided. Asked by CBS whether Israel was right or wrong to go into Lebanon to stop the PLO, 34 per cent said right and 38 per cent, wrong (Table 10).

Contradictory attitudes abound. After the initial approval and subsequent disapproval, Americans seemed to want Israel to defeat its enemy without being aggressive (Tables 11 and 12) and to remain in Lebanon until a buffer zone is established, without having attacked in the first place (Tables 13 and 14). Despite growing disapproval by August, more felt that the Israeli action was justified than not (Tables 15 and 16). The most recent of the polls (ABC, September 24-26) has the most striking contradiction (Tables 17 and 18). By more than 4 to 1, Americans felt that removing the PLO from Lebanon will change things for the better. On the other hand, 46 per cent of the same respondents felt that the Lebanese invasion was unjustified.

Compare wording in Tables 16 and 17 for a possible explanation of the difference in response. In Table 16 Israel is "sending troops into Lebanon," in 17 Israel is "invading Lebanon."

4. American aid for Israel

On the whole, Americans approve of U.S. policy toward Israel.

In July three fifths said they wanted U.S. policy to remain as it is (Table 22), and in August a plurality of 43 per cent said they felt the U.S. gives the right amount of military aid (Table 24). When asked specifically about reducing military aid to Israel, Americans are equally divided, 44 per cent yes to 46 per cent no (Table 19). On what U.S. policy toward Israel should be after the Lebanese action, several options were presented. In June (Table 20) 24 per cent said reduce military aid, while in August (Table 23) 27 per cent said suspend military aid for the time being and 16 per cent said cut it off permanently. The most decisive response was given to the question of selling F 16 fighter planes to Israel, 55 per cent disapproving (Table 21).

5. Begin

Until the Beirut massacres became known to the public, Begin had enjoyed the good opinion of the American people. The Camp David agreement brought his favorable rating to 59 per cent from 39 per cent in 1978 (Table 26) and in July 1982 three fifths of the respondents still had a favorable impression of him (Table 27). Three ABC polls showed lower favorable rating and a steady decline from March to September 1982 (Table 28).

To the Gallup question whether Begin's policies are hurting support for Israel, in the September 22 and 23 poll (Table 29), fully 70 per cent and 78 per cent of an oversample of Jews said yes. But the answers to this question, not to speak of the question itself, may have reflected obviously the emotions of the moment.

6. American Jews

The two polls taken at the end of September asked questions about American Jews. As noted above, Gallup also interviewed an oversample of American Jews for their opinions. The response to the question on antisemitism, which asked whether people thought it would increase because of Mideast developments (Table 30) is striking. Heretofore most Americans had not thought of rising antisemitism as a real likelihood. In February 1981 Yankelovich, Skelly & White asked whether people thought an increase in antisemitism was possible. Only a fifth of the sample thought so, and of that fifth only a tenth said problems in the Middle East could be a cause. Events in Beirut obviously account for the 51 per cent who told Gallup in September 1982 that increased antisemitism is a possibility (Table 30). More than three quarters of the Jews fear a rise in antisemitism.

Also disquieting is the response to the ABC question on American Jewish support for Israel (Table 31). As many as 41 per cent agree that Jews will support Israel even if it is against the best interests of the United States. In the past (Gallup, March 1982 and other polls), only 30 per cent have expressed the notion that Jews are more loyal to Israel than to the United States.

Of course, most Jews do not see themselves as favoring Israel to the detriment of the best interests of the United States. Gallup asked Jews what they believed the most appropriate role for American Jews concerning Israel should be (Table 32). Slightly

less than a quarter urged unconditional support, more than a third recommended taking an active role to affect Israeli policies, and slightly under a third wanted to "remain neutral."

But, despite shock at the tragic events in the refugee camps (Table 7), American Jews do not withdraw their staunch support for Israel. When Gallup asked (September 22-23) whether United States aid to Israel should be suspended to force an Israeli pullout from Lebanon, 75 per cent of American Jews said no, compared with 38 per cent of the national sample (Table 25).

Postscript

An ABC News/Viewpoint Poll conducted on October 11-12, 1982, just received here, asked: Do you think network television news tends to favor the Israelis or the Arabs in stories about the Middle East? The responses: Favor the Israelis, 43 per cent; favor the Arabs, 16 per cent; neither, 17 per cent; don't know/no answer, 27 per cent. Which networks do they watch?

November 1982
82/180/19

Geraldine Rosenfield

SUPPORT/SYMPATHY FOR ISRAEL

Table 1

In the Middle East situation are your sympathies more with Israel or more with the Arab nations?

	<u>ABC</u>		<u>L.A. Times</u>	<u>Gallup</u>					
	<u>9/82</u>	<u>8/82</u>	<u>7/82</u>	<u>6/82</u>	<u>5/82</u>	<u>'81</u>	<u>'79</u>	<u>'75</u>	<u>'67</u>
Israel	48	52	48	52	51	44	40	44	56
Arab nations	27	18	17	10	12	11	14	8	4
Neither	12	16	22	29	26	34	31	22	25
No opinion	13	14	13	9	11	11	15	26	15

Table 2

What should United States do. Pay more attention to the Arabs, or give strongest support to Israel? (CBS, June 26-27)

	<u>Per cent</u>
Israel	41
Arabs	21
Both/neither	12
No answer	26

Table 3

Compared with a year ago would you say you are more sympathetic or less sympathetic to the Israeli position. (Gallup, September 23-24)

	<u>National sample</u>	<u>American Jews</u>
	<u>Per cent</u>	<u>Per cent</u>
More	24	33
Less	51	36
Same	10	28
Don't know	15	3

PERCEPTIONS OF ISRAEL (compared with other Middle East countries)

Table 4

What is your impression of government of [] as of today? (L.A. Times, July 4-8)

	<u>Favorable</u>	<u>Unfavorable</u> <u>Per cent</u>	<u>Not sure</u>
Israel	46	48	6
Egypt	59	27	14
Saudi Arabia	45	45	10
Lebanon	16	66	18
PLO	9	83	8

Table 5

Is this country a close ally of United States, friendly, not friendly, enemy, not sure (Harris, June 18-22)

	<u>Ally</u>	<u>Friendly</u>	<u>Not friendly</u> <u>Per cent</u>	<u>Enemy</u>	<u>Not sure</u>
Israel	35	44	11	2	8
Egypt	23	58	9	1	9
Saudi Arabia	12	46	25	6	11
Jordan	6	42	26	2	24

PERCEPTIONS OF ISRAEL (Compared with other countries)

Table 6

Tell me whether you think this country is a reliable ally of the U.S.--one that can be trusted to cooperate with the United States (ABC)

<u>Country</u>	<u>Reliable</u>			<u>Not reliable</u>			<u>No opinion</u>		
	<u>1982</u>	<u>1981</u>		<u>1982</u>	<u>1981</u>		<u>1982</u>	<u>1981</u>	
	<u>9/26</u>	<u>8/17</u>	<u>10/18</u>	<u>9/26</u>	<u>8/17</u>	<u>10/18</u>	<u>9/26</u>	<u>8/17</u>	<u>10/18</u>
				<u>Per cent</u>					
Canada	88	89	92	7	6	4	5	5	5
France	58	53	59	30	36	27	12	12	14
Egypt	41	39	59	40	41	24	19	19	17
Israel	40	44	64	45	42	24	15	15	13
Saudi Arabia	28	28	33	56	57	45	16	15	21
Jordan	21	26	N/A	48	44	N/A	31	30	N/A
Syria	10	9	N/A	62	64	N/A	27	27	N/A
Libya	10	11	8	69	66	71	21	23	20

PERCEPTIONS OF ISRAEL

Table 7

Which of the following comes closest to your view? Israel cannot be held responsible for the massacre because it was carried out by
(Gallup, Sept. 23-24)

	<u>National sample</u>	<u>American Jews</u>
	<u>Per cent</u>	
Lebanese Christians	8	28
Israel must bear partial responsibility	49	54
Israel is very much responsible	32	11
Don't know	11	7

ISRAEL IN LEBANON

Table 8

Israel recently began military operations in Southern Lebanon to stop Palestinian artillery attacks on settlements in Israel. Do you approve or disapprove of this action?
(Gallup, June 11-14)

	<u>Per cent</u>
Approve	40
Disapprove	35
No opinion	25

Table 9

Have you heard about recent fighting between Arab and Israeli forces in Southern Lebanon? Do you approve or disapprove of the Israeli invasion of Southern Lebanon? (NBC)

	<u>8/82*</u>	<u>6/82</u>
	<u>Per cent</u>	
Haven't heard or read	8	24
Approve	25	24
Disapprove	51	41
Not sure	16	11

* In August the order of the words Arab and Israeli was reversed and Southern was omitted before Lebanon.

Table 10

Some people say Israel is right to fight in Lebanon in order to stop the PLO. Others say Israel is wrong to go into Lebanese territory. Do you think that Israel is right or wrong to fight in Lebanon? (CBS, June 26-27)

	<u>Per cent</u>
Right	34
Wrong	38
Other	4
No opinion	24

Table 11

Do you think Israel's military action in Lebanon was defensive or aggressive--or haven't you heard enough yet to say? (L.A. Times, July 4-5)

	<u>Per cent</u>
Unaware	20
Defensive	27
Aggressive	42
Not sure/No answer	11

ISRAEL IN LEBANON

Table 12

Should Israeli army have finished job of pushing PLO out of Lebanon? (L.A. Times, July 4-5)

	<u>Per cent</u>
Unaware	20
Should	46
Should not	24
Not sure/No answer	10

Table 13

Should Israeli army stay until a buffer zone is established between southern Lebanon and northern Israel? (L.A. Times, July 4-5)

	<u>Per cent</u>
Unaware	20
Should	51
Should not	18
Not sure/No answer	11

Table 14

Should Israel have attacked Lebanon to begin with? (L.A. Times, July 4-5)

	<u>Per cent</u>
Unaware	13
Should	24
Should not	50
Not sure/No answer	13

Table 15

The Israelis sent their military forces into Lebanon. Do you approve or disapprove of this action? (Gallup, Aug. 4-5)

	<u>Per cent</u>
Approve	30
Disapprove	60
Don't know	10

Table 16

The Israelis have given the following reasons for sending troops into Lebanon: to stop the rocket attacks on Israeli settlements and to remove PLO military forces from Lebanon. Do you think the Israelis were justified in sending troops into Lebanon for these reasons or not? (Gallup, Aug. 4-5)

	<u>Per cent</u>
Justified	47
Not justified	41
Don't know	12

Table 17

Do you think the Israeli invasion to remove the PLO from Lebanon will change things for the better or worse in the Middle East? (ABC)

	<u>9/24-26</u>	<u>8/17</u>
	<u>Per cent</u>	
Change for better	46	42
Change for worse	10	22
Won't change things at all	7	9
No opinion	17	26

Table 18

Some people say Israel was justified in invading Lebanon. Others say Israel was not justified. What do you think? (ABC)

	<u>9/24-26</u>	<u>8/18</u>
	<u>Per cent</u>	
Justified	37	37
Not justified	46	41
Don't know/No opinion	17	21

AMERICAN AID FOR ISRAEL

Table 19

Should United States reduce military aid to Israel? (NBC, June 14-16)

	<u>Per cent</u>
Yes	44
No	46
Not sure	10

Table 20

What should United States do? (CBS, June 26-27)

	<u>Per cent</u>
Publicly support Israel	20
Say or do nothing	32
Publicly criticize Israel	7
Reduce military aid to Israel	24
No opinion	17

Table 21

Should Congress approve sale of F 16 fighter planes to Israel? (L.A. Times, July 4-8)

	<u>Per cent</u>
Approve	35
Not approve	55
NS/NA	10

Table 22

Do you think United States foreign policy should be more pro-Israel or more pro-Arab or should it stay the way it is? (L.A. Times, July 4-8)

	<u>Per cent</u>
More pro-Israel	10
same	60
More pro-Arab	16
No answer	13

Table 23

In the past few days Israel has sent its military forces into West Beirut to try to expel the PLO military forces. What should the United States government do? (Gallup, Aug. 4-5)

	<u>Per cent</u>
Support Israel's actions	16
Criticize Israel & pressure diplomatically	16
Suspend military aid for time being	27
Permanently cut off military aid	16
Do nothing	15
Don't know	10

Table 24

How do you feel about U.S. military aid to Israel? (NBC, Aug. 9-10)

	<u>8/82</u>	<u>1/82</u>	<u>8/81</u>
		<u>Per cent</u>	
We give too much aid	36	30	37
Right amount of aid	43	49	42
Not enough aid	6	7	7
Not sure	15	14	14

Table 25

Do you think U.S. aid to Israel should be suspended or reduced in order to force a pull-out of Israel's forces from Lebanon? (Gallup, Sept. 22-23)

	<u>National Sample</u>	<u>American Jews</u>
	<u>Per cent</u>	
Should be suspended	50	18
Should not be suspended	38	75
Don't know	12	7

ATTITUDES TOWARD BEGIN

Table 26

On a scale of plus-5 (most favorable) to minus-5 (most unfavorable) how far up or down the scale would you rate Menachem Begin? (Gallup)

	<u>6/82</u>	<u>'81</u>	<u>'78</u> (After Camp David)	<u>'78</u> (Before Camp David)
			<u>Per cent</u>	
Total favorable	52	54	59	39
Highly favorable	9	10	11	8

Table 27

What is your impression of Israeli Prime Minister Menachem Begin, as of today?
(L.A. Times, July 4-5)

	<u>Per cent</u>
Favorable	60
Unfavorable	35
Not sure	5

Table 28

Would you say your feelings about Prime Minister Menachem Begin are: (ABC)

	<u>9/26/82</u>	<u>8/17/82</u>	<u>3/8/82</u>
	<u>Per cent</u>		
Favorable	26	32	39
Unfavorable	47	32	22
No opinion	27	36	38

Table 29

Do you think Israeli Prime Minister Begin's policies are hurting support for Israel in United States? (Gallup)

	<u>National sample</u>	<u>American Jews</u>	
	<u>9/22/82</u>	<u>9/22/82</u>	<u>9/81</u>
	<u>Per cent</u>		
Yes	70	78	53
No	12	12	34
Don't know	18	10	13

Table 30

Do you think antisemitism in the U.S. is likely to increase because of recent developments in the Mideast? (Gallup, Sept. 22-23)

	<u>National sample</u>	<u>American Jews</u>
	<u>Per cent</u>	
Yes	51	77
No	35	20
Don't know	14	3

Table 31

American Jews will support anything the country of Israel does even if it is against the best interest of the United States. Do you agree or disagree? (ABC, Sept. 24-26)

	<u>Per cent</u>
Agree	41
Disagree	53
No answer	6

Table 32

What do you believe is the most appropriate role for American Jews concerning Israel? (Gallup)

	<u>American Jews</u>	
	<u>9/82</u>	<u>9/81</u>
	<u>Per cent</u>	
Take an active role in trying to affect Israel's policies	36	31
Support Israel's government regardless of the Israeli government actions	24	30
Try to remain neutral	30	27
Don't know	10	12

THE AMERICAN JEWISH COMMITTEE

date November 19, 1982
to Staff Advisory Committee
from Sidney Liskofsky
subject

The attached is a moving speech delivered last month by Justice Chaim Cohen at a meeting of the Council of the International Association of Jewish Lawyers and Jurists. The speech itself is preceded by a four-paragraph resolution adopted by the Council. Justice Cohen comments on the Palestinian massacre affair, the tragic loss of both Arab and Jewish lives, the import of the dispersal of the PLO, the nature of the judicial inquiry process in Israel, and the legal aspects of the Lebanese action.

I intend to send the speech, or extracts thereof, to persons in the human rights and legal communities. You may find it useful to do the same in relation to your constituency.

SL/es

Enclosure

SPEECH OF JUSTICE HAIM COHN

The Council of the International Association of Jewish Lawyers and Jurists, assembled in New York, October 6, 1982

Joins with the people of Israel and with Jews all over the World in expressing its sense of horror and outrage at the wanton massacre which took place recently in two Palestinian refugee camps in Beyrouth, and in mourning over the loss of so many human lives.

Notes with satisfaction the decision of the government of Israel to call for a judicial enquiry under the Commissions of Enquiry Law.

Expresses its expectation that any person who may by the Commission of Enquiry be found directly or indirectly, wholly or partly, responsible for these occurrences, will be brought to justice,

And expresses its hope that the Commission's findings may put an end to the diffusion of malicious slanders and unwarranted accusations and clear the public atmosphere of prejudice and disdain.

Let us rise and observe a moment of silence in honour of the dead. We mourn today hundreds of people, men, women and children, who were massacred Erev Rosh Hashanoh in the Palestinian refugee camps in Beyrouth. We are grieved not only by the wanton shedding of blood; not only by the desolation and despair brought upon thousands of widows and orphans and bereaved parents - and the irredeemable hatred thus again imbued into their hearts: We are deeply and disconsolately grieved by this new spectacle of dehumanization, the like of which we had hoped and promised would never be allowed to happen again. It does not matter what amount of responsibility - if any - will be attributed to whom as a result of the forthcoming enquiry: It is the very fact that such a massacre could occur, in our enlightened days, at the hands of adherents of one against the adherents of another monotheistic religion, in our very region from which law and justice are said to come forth - it is the sad and undisputable fact of this occurrence as such that fills our hearts with shame and with horror.

And then we mourn today hundreds of soldiers of the Israel Defense Army who gave their young lives in this recent war. As the thousands who preceded them in previous wars, so did these heroes their duty to their country unflinchingly, unquestioningly, without mental or physical reservation, and with the lionhearted courage of fighters for a just cause. But we are tired now of eulogizing our war heroes; we cannot afford any longer the high and grievous price we are asked to pay for our enemies to be subdued; we are willing no longer to sacrifice our sons for burnt offerings even on God's own altars. We were never naive enough to believe that any current war would be the last one we would have to fight: But now it seems to many of us that our measure of sacrifices is full, and that the time is ripe, even in our war-ridden region, to talk of peace and accommodation and mutual compromise - to start engaging in the saving of human lives instead of their destruction.

Speech of Justice Haim Cohn
Intl Assoc. of Jewish Jurists and Lawyers
October 6, 1982
page two

Never before in the short history of the State of Israel has it been so difficult as it is this year to comply with the divine command, "and ye shall rejoice before the Lord your God seven days." How can we rejoice in our heart when our dead are lying before us, and the dead of our enemies, and the dead of so many civilian bystanders and haphazard victims; when the air is filled with one great cacophony of tears and lamentations, and no melody of joy has any chance of penetrating the deafening noise of weeping and crying all around us!

When Jeremiah lamented the destruction of Jerusalem and the First Temple, he found that the joy of our heart was ceased, our dance was turned into mourning, for our hearts became faint with grief and our eyes dim with tears. But then the State and the people had suffered a great débâcle: they had been vanquished by the enemy and driven out of their country. Now the State and the people have won a great victory: Our deadly enemy, the PLO, has been dispersed and disarmed, and our boundaries have been made secure again. We have seized ammunitions and armaments that could have - and would have - enabled them to wage more wars, cause more havoc and kill thousands and tens of thousands more people. And by eliminating the PLO from the Lebanon, we have laid the foundations for the State of Lebanon to rise again from its ashes and revert to its previous glory of a peaceful and enlightened civilization. Still we are mourning - and I would submit to you that there is in this mourning of ours, in this non-rejoicing over our victory and in our feasts, some highly appreciable consolation, something to restore our faith in humanitarian values.

Not only is it Jewish tradition that when once we were overjoyed with the downfall of Egyptians who were drowned in the sea, and burst out singing and dancing, God in Heaven exclaimed angrily: "The creatures of my hand are perishing, and you sing! It is also some indication of human solidarity if instead of rejoicing over our great victory we mourn the many sacrifices it has claimed.

As you know, doubts and disputes have arisen as to the measure of responsibility of various military agencies operating or present in Beirut at the time, and the Government of Israel has, after regrettable initial hesitation and on the insistence of general public opinion, decided this is a matter of vital public concern which calls for an enquiry. This is the decision which the Government is competent to take under our Commissions of Enquiry Law; and when such decision has been taken, the matter is referred to the President of the Supreme Court, who then has to appoint the commission. The law takes any say in the matter of how the commission should be composed, who and how many shall be its members, out of the hands of the Government and vests it in the President of the Supreme Court at his free judicial discretion. The President has seen

fit to constitute a commission of three, with himself as chairman, Mr. Justice Barak of the Supreme Court, and a retired army general - a composition which, insofar as the investigation's personae are concerned, may be regarded as the best possible guarantee of an independent, thorough, prompt and efficacious enquiry. I do not know of many countries in which the government can by law be virtually compelled to submit and to call for a judicial enquiry into its own political or military acts or omissions - where no secret information may be withheld, no government privilege or immunity be claimed, and where every intelligence and retraction is subjected to judicial scrutiny. You have had your own experiences here in the United States, where regular Federal courts had first to be petitioned for rulings as to the scope of presidential immunities, and where refusals of disclosure agitated public attention for many months. We shall now have to wait for the findings of the Commission - not only for the purpose of bringing to criminal justice and to political answerability all those who will be found directly or indirectly, wholly or partly responsible for what had occurred in the two refugee camps in Beirut but also, and no less importantly, for the air to be cleared of indiscriminate and slanderous accusations, of derogatory and wildly diffused suspicions, of the whole atmosphere of hatred and disdain which was created as a result of trials by many media instead of by competent, independent and sober judges.

Before entering on the agenda of the day, I should like to say a few words on the legal aspects of the Lebanese War - aspects with which most of you probably will be, if you have not as yet been, faced in your own communities one way or the other. It has been said on weighty authority (for instance by the International Commission of Jurists) that the Israel military action in the Lebanon must be regarded as a war of aggression, and as such, of course, a war crime under international law. The Israeli position is that this military action was an act of legitimate self-defense under international law, and I would submit to you that this Israeli position is well founded in international law.

The inherent right to self-defense is assured to all nations by Article 61 of the UN Charter. As distinguished from the right to self-defense as spelled out in criminal statutes, the Charter does not restrict the right to self-defense to such military actions as would not exceed in scope the measure actually and immediately required to protect oneself against the imminent danger. Now this opinion is not accidental: There is a fundamental distinction between the right to self-defense in international law and the right to self-defense in criminal law. The distinction is that while criminal law looks at the right of self-defense ex post factum, namely as a justification or excuse of an act already completed, international law looks upon this right a priori, from before the start of waging the defensive war. While, in criminal law, what has to be determined to establish legitimate self-defense is, firstly, the imminent danger, and secondly, the proportionality of the act of defense, in

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international law you can now only determine the imminence and gravity of the danger to find that the military action was legitimate. Wars between nations are by their very nature disproportionate and unproportionable - which is one of the many considerations why they ought to be outlawed.

That the danger with which Israel was confronted was both imminent and grave has meanwhile been confirmed by the amount and nature of ammunition and armament seized from the PLO. Their arsenals were ready for immediate and major warfare - not just for continuation of sporadic terrorist activities. The intelligence on which the Government acted when the military action was decided upon was amply corroborated by the results.

But the principle of proportionality has found its way into international law too, if only by virtue of some judicial decisions. A war which has started and been initiated as a defensive war, may turn into an aggressive war if the purpose of legitimate self-defense has been completely achieved, but the warfare cannot oust the character and legitimization of the original defensive war. Nothing of the kind has happened in the Lebanon: The hesitation of Israel, or even her refusal, to withdraw her troops so long as her conditions are not fulfilled, cannot, of course, amount to aggression or to warfare. There may also be another, more procedural, aspect to the application in international law of the principle of proportionality - and that is that when a country wages an aggressive war in the wake of a defensive war, it cannot be heard to argue that the whole of its war was legitimate self-defense: it is, so to speak, estopped by its own subsequent action from further relying on its right to self-defense.

As to the question whether the purposes of our defensive war have indeed been achieved, completely or at all, we must wait and see. We can only hope and pray that the great sacrifices in human lives claimed by this war may be the last, and that we shall now finally be allowed to pursue our efforts and endeavors at peace and security for ourselves and all our neighbors in a peaceful, civilized, humanitarian manner and from the vantage point of mutual trust and respect, jointly striving for the common cause of happiness and human fulfillment for all.

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