Review of the Year

UNITED STATES

OTHER COUNTRIES
Civic and Political

Intergroup Relations and Tensions in the United States

In 1973, as in any given year, there were innumerable cross-currents flowing simultaneously between the diverse racial, religious, and ethnic groups comprising America; advances as well as setbacks; harmonies as well as discords. From the wealth of material and reports, at times contradictory, there emerged a number of major trends.

It was evident that the concept of equal opportunity in higher education and employment had been supplanted by one of "affirmative action." Mere nondiscrimination was found insufficient to erase the cumulative effects of discrimination based on color and sex. Special help for the disadvantaged became the order of the day. While some advocated limited affirmative-action measures, such as expanded recruitment, test validation, remedial education, apprenticeship training, and financial stipends—provided others weren't deprived in the process—many went appreciably further in supporting quotas, preferential treatment, and artificially imposed proportional representation based on race, ethnicity, or sex. Endeavors of the latter kind, perceived as discrimination in reverse, engendered considerable acrimony among white males.

Tension developed between whites and economically and culturally disadvantaged minority groups—Chicanos, Indians, Puerto Ricans, Asians—in a variety of conflict situations. Frequently partial accommodations of competing group interests occurred; but rarely, if ever, were the underlying problems—the disparities of wealth, power, status, and life style—resolved. An increasingly important factor in intergroup relations was the heightened group consciousness and assertiveness of the so-called "white ethnics"—Italians, Poles, Slavs,
Greeks, and others—whose needs and aspirations had remained unfulfilled. Still another complicating element was the emergence of women as a distinct group with distinct grievances and goals. But despite the multiple configurations of rights in conflict, there was intergroup cooperation on many levels, and even coalition-building around particular common causes, for example, the fight against crime of the diverse groups welded together in the National Alliance for Shaping Safer Cities.

It was apparent that black people, the largest disadvantaged minority group, continued to make progress in 1973 in economic, educational, and political status, as well as human dignity. There was much debate, however, about how substantial these gains actually were in relation to the depth of black deprivation.

Racial integration in public schools presented a contradictory picture. While some formerly largely segregated school districts particularly in the South became integrated, numerous others, which had been largely desegregated, became resegregated when white parents moved away because the growing number of black pupils became unacceptable to them. The underlying reasons were latent racism, concerns about their children's safety, discipline, or scholastic achievement, or a combination of these factors.

Closely linked to the possibilities of school integration was the ongoing problem of integration in housing, where relatively little progress was made despite legal sanctions. Some of the reasons were the same as those impeding school integration (the fear of many whites that a black influx would mean a rise in the violent crime rate and a decrease in property values being paramount), compounded by lack of the necessary money on the part of most blacks. Still, there was continued limited movement of inner city blacks into predominantly white suburbia.

Relations between the various faith groups had their share of cooperation and controversy. The emotion-laden issue of financing with public funds impoverished, mainly Roman Catholic religious schools continued as a bone of contention between Catholics, Jews, and Protestants, despite U.S. Supreme Court rulings invalidating various state efforts to provide public aid to such schools. There were sharp divisions on this issue within each major faith group, as well as among them. The same was true, to a degree, of the persistent proposals to amend the Constitution to permit organized prayer in public schools, as well as of the battle over abortion reform, although on these issues the divisions were of a somewhat different nature. And the major Christian evangelical drive, Key '73, was seen by many Jewish leaders as a potential threat to religious pluralism in general,
and to Judaism in particular. This was distinguishable, however, from traditional antisemitism, which was generally considered to be no major problem for American Jews. On the whole, the differences between the faith groups on various moral and political issues, while serious and frequently troublesome, did not destroy their healthy relationships.

Goals, Quotas and Preferential Treatment

BUSINESS AND INDUSTRY

The year 1973 witnessed the continued use of goals and timetables, quotas, preferential treatment, and artificially imposed proportional representation in employment, as well as in higher education.

A 1970 Department of Labor administrative regulation mandating all government contractors to establish written "affirmative action" programs covering blacks, Spanish-surnamed persons, Orientals, and American Indians, and amended in 1971 to include women as a separate category, required contractors to report on their utilization of employees from these groups in each job classification. Wherever it appeared that such minority group members or women were underutilized in terms of their available numbers in the geographic area, goals and timetables had to be established to augment their representation.¹

In 1973 the institutionalization of goals and timetables proceeded rapidly. While government officials sought to distinguish goals from outright quotas in that no penalty attached to an employer who failed to meet a goal, provided he had made a good-faith effort to do so, the pressure to achieve numerical results led many to conclude that hiring practices designed to attain goals were little different from mandatory quotas. In either case, it was argued, there was a built-in potential for granting preferential consideration to those from the targeted groups. A radically different perspective was presented by Herbert Hill, national labor director of the National Association for the Advancement of Colored People (NAACP), in an article in which he asserted,

¹Stated Daniel Seligman in "How 'Equal Opportunity' Turned Into Employment Quotas." Fortune. March 1973: "In practice, contractors are encouraged to assume that they are underutilizing women and minorities and, accordingly, they have goals and timetables just about everywhere. For example, International Business Machines Corp., which has long been a model employer so far as fair-employment practices are concerned, has goals and timetables today at every one of its 400-odd establishments in the U.S."
What is really involved in the debate over hiring quotas is not that Blacks and other minorities will be given preference over whites, but rather that a substantial body of law now requires the elimination of discriminatory systems that operate to favor whites at the expense of Blacks."^2

Illustrative of the impact of "affirmative action" was the settlement of a job discrimination suit brought by the government against the American Telephone and Telegraph Company. On January 18 the company agreed with negotiators for the Equal Employment Opportunity Commission and the Labor Department's Office of Federal Contract Compliance to award $15 million in back pay and $23 million in annual increases to women and minority group males against whom it had allegedly discriminated in job assignments, pay, and promotions, as well as to make an effort to place specified proportions of women and minority-group men in certain jobs from which they had formerly been excluded. For example, the agreement established a goal of 38 per cent of all inside craft jobs and 19 per cent of outside craft jobs, such as lineman, for women.

In a similar case (Stamps v. Detroit Edison Co., 365 F. Supp. 87), in October, a federal judge ordered the Detroit Edison Company to pay $4 million in punitive damages to blacks who, according to his findings, had been victims of deliberate racial discrimination by the utility. He further ordered the company to promote workers to skilled jobs at the rate of three blacks for every two whites, until 25 per cent of the employees filling those jobs were blacks, and to promote one black employee to foreman or supervisor for every white employee so promoted. In still another employment case (U.S. v. Wood, Wire and Metal Lathers International Union, Local 46), a three-judge panel of the U.S. Court of Appeals for the Second Circuit held that while quotas merely to attain racial balance in employment were forbidden by the Civil Rights Act of 1964, quotas to correct discriminatory practices were not. Therefore the Court approved a requirement that the union grant work permits to nonwhites on a one-to-one basis with whites for a limited period of time. The background of the case included a finding by a U.S. District Court of a history of job discrimination by the union.

Other decisions rendered by courts in 1973 also decreed employment quotas as a remedy. In all the cases the court found a pattern of discrimination in employment based on race, and resistance to eradicating such discrimination and establishing genuinely equal job opportunities. The same approach was used in a number of cases

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throughout the country involving police and fire departments. In both the private and public employment sectors, the imposition of racial quotas generated considerable resentment among white employees.

ACADEMIA

Six Jewish organizations\(^3\) continued to submit to the U.S. Department of Health, Education and Welfare (HEW) capsule summaries of instances of alleged preferential treatment or other improper procedures, based on race or sex, in admissions and employment at colleges and universities. They contended, in essence, that the cases cited were merely the "tip of the iceberg" of wide-ranging discrimination in reverse practiced by academic officials. While HEW acted on some complaints in which the evidence was conclusive, the Jewish groups generally felt that the Department was considerably less responsive to this type of complaint than to legitimate complaints of traditional discrimination. In fact, it was widely believed, HEW policies and pressures had actually fostered reverse discrimination because universities feared the loss of government funds for noncompliance. In any event, the Jewish organizational stance of opposition to quotas and other forms of racial preference angered many black spokesmen.\(^4\) Typical of prevalent preferential treatment was a memorandum of March 5 to the Liberal Arts department chairmen at Drake University, suggesting the following: "As you recruit and select graduate assistants (if any) for next year, do not overlook the Affirmative Action policy. Make every endeavor to obtain a minority or female if they approach the necessary quality level. Look to a minority person to be added providing they are not too far below the minimal level."

Elsewhere, the Old Westbury College of the State University of New York, in an effort to narrow the gap in the enrollment between white and disadvantaged minority students, established admissions "guidelines" that would achieve a desired racial and ethnic student mix: 30 per cent white, 30 per cent black, 30 per cent Hispanic and 10 per cent other (mainly Oriental and American Indian). This policy resulted from a calculated decision by the college administration and

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\(^3\)Agudath Israel of America, American Jewish Committee, American Jewish Congress, Anti-Defamation League of B’nai B’rith, Jewish Labor Committee, Jewish War Veterans.

\(^4\)"If Jews are not prepared to accept a quota system as a means of quantitatively evaluating the eradication of racism in America, when then?" stated Dr. Carlton B. Goodlett, president of the National Newspaper Publishers Association, in the New York Amsterdam News, September 29, 1973.
faculty to concentrate on the education of those who in the past had no access to higher education. The curriculum, too, was geared to this central objective. In evaluating applicants for admission, conventional screening standards—high school averages and College Board scores—were sharply downgraded as indicators of academic potential in favor of such other criteria as apparent motivation, past employment, and community service.\(^5\)

On November 19, 1973, the U.S. Supreme Court agreed to review a most important State of Washington Supreme Court decision upholding preferential admission based on race to the state university law school. The case arose when a white applicant for admission, Marco De Funis (who happened to be a Sephardi Jew), a Phi Beta Kappa, *magna cum laude* graduate of the University of Washington, was denied admission to its law school.

He filed suit in which he charged that he was wrongfully rejected because other applicants whose grades and test scores were lower than his were accepted because of their race. (All black, Chicano, American Indian and Philippine American applicants admitted had received special consideration.) After a trial, the court held that the university had in fact discriminated against De Funis on the basis of race in violation of the Equal Protection Clause of the Fourteenth Amendment, and ordered the university to enroll him. The court found that of 44 applicants from the stipulated minority groups who had been offered admission, the great majority had poorer credentials than De Funis and some of them, had they been white, would have been summarily rejected.

In compliance with the trial court order, the university enrolled De Funis, but appealed the decision to the Supreme Court of Washington. That court, in a 6–2 decision, reversed the lower court ruling and upheld the university’s right to consider race as one factor in selecting students for its law school because of a “compelling state interest” in turning out more minority-group lawyers. Enforcement of the judgment of the Supreme Court of Washington was stayed by Justice William O. Douglas, pending review by the U.S. Supreme Court.

Although civil-rights groups overwhelmingly endorsed the university’s position and prepared to file briefs *amici* accordingly, most Jewish organizations, including the American Jewish Committee, American Jewish Congress, and Anti-Defamation League of B’nai B’rith, supported De Funis. Two Italian-American and one Polish-American organizations joined in the American Jewish Committee brief.

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Ethnic Consciousness

On January 19, the Office of Federal Contract Compliance of the U.S. Department of Labor issued a set of "affirmative action" guidelines on discrimination because of religion or national origin which called for special "outreach and positive recruitment" by federal contractors to hire and promote more Jews, Italians, Greeks, Slavs, etc. This development was the culmination of a host of political and societal pressures resulting from a heightened awareness that members of those groups also had been victimized, or at least hindered, by discrimination and that, therefore, something more than the traditional equal-opportunity approach was needed to rectify the consequences of such discrimination. As stated by one ethnic spokesman, "What Poles and Italians are asking [is] 'What about our civil rights? After all, the Civil Rights Act outlaws discrimination also on the basis of ethnic origin. Why does the problem of civil rights . . . especially in employment, have to be defined almost exclusively in black terms, and ethnic discrimination completely overlooked?' "

The enactment of the Ethnic Heritage Studies Programs Act by Congress in 1972, termed by its chief sponsor, Senator Richard S. Schweiker (R., Pa.), "an important new Federal commitment to ethnicity and pluralism as positive forces in America," had given further impetus to public recognition of the significance of ethnicity. The Act authorized federal grants to public and private nonprofit educational agencies and institutions for developing programs and materials relating to the history, culture, and traditions of the various ethnic groups in America for use in schools and colleges. As noted in its introductory Statement of Policy, the Act sought "to afford to students opportunities to learn about the nature of their own cultural heritage, and to study the contributions of the cultural heritages of the other ethnic groups of the Nation." In 1973, $2.5 million was appropriated for this pilot project. On the state level, progress continued in the issuance of curriculum guides, teaching supplements, bibliographies, and audio-visual aids on ethnicity for distribution to local school boards. Twenty-six states had policy statements on ethnic

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studies and thirteen had laws mandating the inclusion of ethnic studies in the curriculum.\(^8\)

The year was marked too by an expansion of the developing consciousness around the meaning and psychological implications of ethnicity. As Michael Novak\(^9\) put it:

Such differences as we have, apart from race, are mainly internal. And not so much in our ideas or even in our words, but in our affections and imaginations and historical experiences: in those concrete networks in which ideas and words are given concrete reverberation, rootage, and meaning. Our personal likes and dislikes, our signals of delight and our warning signals, our inhibitions and expressiveness—these are developed in us not only by our individual effort, but also by the social and cultural traditions in which we were reared.

Books on particular aspects of the subject, such as *The White Ethnic Movement and Ethnic Politics*, by Perry L. Weed (Praeger), and *Ethnic Diversity in Catholic America*, Harold J. Abramson (John Wiley and Sons), continued to be published. Proof of the growing acceptance of the concepts of ethnic group interests and of neighborhood development was the allocation of federal anti-poverty funds to neighborhood ethnic organizations in New York City, Newark, and Philadelphia.

On June 11 the U.S. Supreme Court agreed to review a case involving the issue of bilingualism for non-English-speaking public-school children. Chinese parents in San Francisco claimed that their children were being denied equal educational opportunity by the failure of the school district to provide instruction for them in a language they could understand. Lower federal courts had found no discrimination, in legal terms, in the existing system. The American Jewish Committee, American Jewish Congress and The Anti-Defamation League of B’nai B’rith filed a joint brief *amici* in the Supreme Court in support of the Chinese, urging that the district be required to develop an appropriate plan for compensatory instruction in English for all affected pupils.\(^10\)

Much of the interest in the situation of the white ethnics derived, as before, from their frequently negative attitudes toward the growing


\(^10\)On January 21, 1974, the Supreme Court held unanimously that the school district’s failure to deal with the language problem violated federal law or implementing regulations. *Lau v. Nichols*, 39 L. Ed. 2d 1.
aspirations of blacks and other people of color. Said Andrew M. Greeley: “One could argue that as new members of the middle class, the ethnics are most likely to be the victims of ‘status anxiety’ and hence most likely to react unfavorably to those beneath them on the status ladder.” Indeed, there was much conflict between white ethnics and other minorities in urban areas around the country, but there were also efforts at depolarization and accommodation. For example, in July in the ethnically mixed Greenpoint section of Brooklyn, street fights between Puerto Ricans and Poles, triggered by incidents in a bar, led to a meeting between Puerto Rican and Polish community leaders during which both sides agreed to seek an amicable resolution.

Clashes of this kind, it was felt by specialists in the field, could be at least moderated, if not averted, by cultivating a constructive sense of ethnic identity among more members of different groups:

Indeed, the “new ethnicity” in America offers promise—of building community in an anonymous society, helping each individual define himself in terms of a past and a future, delivering services equitably and according to people’s needs and styles and in general leading toward a new openness implied by pluralism. Out of a focus on the individual and the ethnic component of his identity will emerge a more positive climate for intergroup relations and social change, for security on one’s own ground is a prerequisite for cooperation with others.12

MEXICAN-AMERICANS IN SOUTHWEST

In the November 1972 election, La Raza Unida, a new political party deriving its name from Mexican-American organizations in the Southwest, drew 200,000 votes in Texas as part of its drive to force political concessions to Mexican-Americans from the largely “Anglo” establishment. The party continued to be active in 1973, urging the predominantly Mexican-American labor force at the nonunion Farah Manufacturing Co. in El Paso, one of the country’s largest manufacturers of men’s pants, to join the Amalgamated Clothing Workers in its continuing strike against Farah. While 3,000 workers were out on strike, some 5,000 others remained on the job.

In a move designed to reflect the broadening scope of its efforts, the

former Southwest Council of La Raza changed its name to the National Council of La Raza. Its director Henry Santiestevan explained that "Chicanos are coast to coast now and their problems predominantly are urban problems that deserve national attention." To strengthen its operational capacity, the Council set up three subsidiary corporate entities—La Raza Housing Development Corporation, La Raza Investment Corporation, and La Raza Educational Development Center. Throughout the year La Raza continued its work in developing urban barrios and rural colonias through projects aimed at improving income, housing, education, health, and cultural opportunities for Mexican-Americans.\(^{13}\)

In a 68-page report, "Teachers and Students—Differences in Teacher Interaction with Mexican-American and Anglo Students," the U.S. Civil Rights Commission declared that public-school teachers in the Southwest, both white and Mexican-American, favored white students in classroom discussions and thus "seriously hinder educational opportunity" for Mexican-American students. The Commission found, among other things, that teachers praised or encouraged Anglo children 36 per cent more often than Chicanos, built upon ideas and suggestions from Anglos 40 per cent more frequently than from Chicanos, and asked questions of Anglo students 21 per cent more often than of Chicanos. The report was based on firsthand observations by the Commission staff, centering on verbal interaction between teachers and students, in 429 elementary- and secondary-school classrooms in California, New Mexico, and Texas. "It is the schools and teachers of the Southwest, not the students, who are failing," the report concluded.\(^{14}\)

Although political violence involving Mexican-Americans was relatively rare in 1973, in one episode in Denver in March one Chicano was shot to death and 19 persons, including 12 policemen, were injured in shooting and an explosion touched off by police gunfire hitting ammunition in an apartment. The police had responded to a complaint of disturbance at the apartment, which was owned by the Crusade for Justice, a Chicano activist group. Thirty-six persons were arrested.

**INDIANS AT WOUNDED KNEE**

On February 28 some 200 armed Indians of the militant American Indian Movement occupied a trading post and a church in the settlement of Wounded Knee, on the Pine Ridge Sioux Reservation in

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South Dakota. They seized ten hostages, exchanged gunfire with federal officers, and vowed to maintain their occupation until the government acceded to their demands.

Behind the confrontation lay the long and tangled history of Indian defeat, subjugation, resource theft, and treaty violation by the dominant whites, along with bitter divisions among the Indians themselves on how best to serve Indian interests and, in fact, on what was best for Indians: integration into white society, restoration of their traditional culture, or some kind of synthesis of the two. Among the demands of the militants at Wounded Knee were a full-scale Senate investigation of government treatment of the Indians and removal of the predominantly mixed-blood elected Pine Ridge tribal council which, they claimed, was dictatorial, corrupt, and subservient to white interests.

In addition to a 50 per cent unemployment rate among the 8,000 Oglala Sioux, a study of the Pine Ridge Reservation by the U.S. Public Health Service found “an alarmingly high rate of suicide attempts, chronic alcoholism, an 81 per cent school dropout rate by the 12th grade, disintegrating family structures, and feelings of inferiority and futility,” a classic picture of a people in despair.

After extended negotiations between the insurgents and officials from the Justice and Interior Departments, with ministers from the National Council of Churches serving as mediators, an agreement was reached on May 6 to end the occupation. Unlike an earlier agreement in April, which had foundered on questions of interpretation, this accord was buttressed by detailed, written procedures for the disarmament and evacuation of Wounded Knee. Its main provisions included a meeting with White House representatives to listen to Indian grievances on the reservation, a thorough audit of reservation finances and protection by the government of the legal rights of individual Indians against abuses by the tribal governing authorities. At the time the accord was signed, Ramon Roubideaux, an Indian lawyer...
for the American Indian Movement, warned, "There will be more Wounded Knees unless it is realized that current Indian government is a failure that must be corrected."\(^{18}\)

A Harris poll in March revealed that most Americans felt guilty about the treatment received by American Indians, with 62 per cent of those polled agreeing that "American Indians have been mistreated by the federal Bureau of Indian Affairs," and 59 per cent agreeing that "the U.S. government has not lived up to the treaties signed with them." In the Wounded Knee episode, 51 per cent sympathized with the Indian dissidents, 21 per cent with the government, and 28 per cent were not sure.\(^{19}\)

\textbf{Black America}

\textbf{HOW MUCH ECONOMIC PROGRESS?}

A major article in the April 1973 issue of \textit{Commentary}, "Black Progress and Liberal Rhetoric," by political analysts Ben J. Wattenberg and Richard M. Scammon, triggered a sharp controversy among civil-rights leaders. While acknowledging that the economic gap between blacks and whites was "still a national disgrace" and that "black unemployment rates have been twice as high as white rates," the authors reported that in recent years blacks nevertheless had made massive economic progress, to the point where a bare majority may now be characterized as middle-class. They said, too, that growing numbers of employed blacks had gained access to middle-class occupations, such as white-collar and craft jobs, coupled with "a great break-through in the area of education" which, of course, is closely tied to economic prospects. The authors concluded that there were "fewer blacks in poverty" and that those who continued to be poor were "far more likely to be receiving help than was formerly the case." They also cited a 1972 Gallup poll finding that blacks were the only group among 31 subcategories which believed that, on the whole, "things were getting better."

In light of their overall assessment, Scammon and Wattenberg challenged what they perceived as the prevailing posture of liberal whites and blacks regarding black progress, which was either to ignore or to minimize it. In their view, stressing failure was the wrong strategy, for it played into the hands of the opponents of further progress by fostering an attitude of hopelessness. Instead, they urged,


by “acknowledging those successes that have in fact been achieved, demanding the means and the money for the completion of the job, liberals might legitimately hope for action, and an extension of their political writ.”

In an angry rebuttal, John A. Morsell, assistant executive director of NAACP, attacked the Scammon-Wattenberg statistical analysis as well as their recommendations. He advanced a radically different interpretation of the black condition in America, according to which the family income “black-white gap in cash terms” was widening (Scammon and Wattenberg had noted, apparently correctly, that the percentage gap was narrowing). He also charged the two authors with having painted a far prettier picture of urban ghetto employment than the facts warranted.

While Morsell conceded that, by dint of hard work and sacrifice by blacks and many whites, some gains had been achieved in education and employment, he stressed the gross disparities which persisted. He denied the Scammon-Wattenberg implication that Negro leaders had failed to acknowledge the achievements to date. At the same time, he said, “so much more remains that is evil that we cannot slacken the pace of our protest by the merest fraction.”

Employment opportunity for blacks rose significantly in 1973, according to Andrew F. Brimmer, the first black member of the board of governors of the Federal Reserve System. Blacks, he reported, had made marked gains in participation in the labor force as a whole and had benefited from expanded opportunities in higher-paying blue-collar and professional jobs. There was also a moderate decrease in black unemployment, he said. In 1972 jobs held by blacks increased by 400,000, or 4.6 per cent, to 9.3 million. The gains occurred among both teenagers and adults, with those by black men attributable to the strong performance of the manufacturing sector. Black women and youths also registered substantial gains. Unemployment among blacks dropped by about 7.5 per cent, from 957,000 in 1972 to 884,000 in 1973. In summary Dr. Brimmer said, “While blacks made real progress in obtaining higher-paying jobs, their occupational concentration remained in the relatively low-skill, low-paying jobs.”

**Political Power**

In May 1973 Thomas Bradley, a black, scored a solid victory over Mayor Sam Yorty in mayoral elections in predominantly white Los Angeles, despite Yorty’s appeals to racial fears. Bradley won almost

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half of the white vote, running exceptionally well in Jewish districts and even gaining a narrow majority of Mexican-Americans, who had backed Yorty four years earlier. Bradley's victory marked the first time a black candidate was elected mayor of a major city with the help of so many white votes.

In October Maynard Jackson became the first black mayor of a major Southern city, predominantly black Atlanta, winning nearly 60 per cent of the vote over the incumbent, Sam Massell, and drawing better than one-fifth of the ballots in white precincts. This was followed by the election of black mayors in a number of cities: by narrow margins in Detroit, where the electorate was almost evenly divided between blacks and whites, and in Raleigh, N.C., where the population was only 30 per cent black; in Dayton, O., and Grand Rapids, Mich.

These results were encouraging to analysts, who interpreted them as an indication that growing numbers of white voters were willing to choose the candidate they deemed to be superior, irrespective of race. They were hailed also as a sign that black voters were becoming politically more mature. Vernon E. Jordan, Jr., executive director of the National Urban League, stated in his syndicated column: "The growing ranks of black mayors are important not only because they are symbolic of black participation in politics and black acceptance of the responsibilities of citizenship but also because the greater the demonstration of black political muscle the greater the possibilities are for constructive change in our society." Yet despite the 1973 election results, less than one-half of one per cent of all elected officials were blacks (they constituted some 12 per cent of the American people). Specifically, in the U.S. Congress, Edward W. Brooke (R., Mass.) was the only black senator, and about 3 per cent of the members of the House of Representatives were black. Underrepresentation of blacks, in proportion to their numbers in the population, was the prevailing pattern in state and local governments as well.

SCHOOL INTEGRATION

There were a number of significant developments in 1973 relating to the ongoing national endeavor to racially desegregate public schools, all adding up to a very mixed picture. Jack Greenberg, director-counsel of the NAACP Legal Defense Fund, observed that "modest gains" were achieved despite bitter disputes over busing, in the North and South, and efforts to "hinder and negate the law." On the other

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hand, evidence grew that many urban school districts in the North became more segregated than they had been. In Chicago, for example, the Board of Education's 1973 annual racial census revealed that 259 of 537 elementary schools had black enrollments of 90 per cent or higher, with the percentage of black students in the total system up to 57.6 per cent, as compared with 56.9 per cent the year before. The Board's survey indicated, too, that when neighborhoods began to change racially, integration was short-lived. As black families moved into white areas, the rate of white departure increased so rapidly that the schools became from 90 to 100 per cent black.

Atlanta was typical of once racially segregated school districts that were desegregated and have become resegregated. In April 1973 the city adopted a controversial plan which provided for minimal busing, leaving most of Atlanta's 21,000 white pupils in predominantly white schools and most of its 75,000 black pupils in predominantly black schools. The trade-off for this virtual acceptance of the status quo, approved by the local NAACP and other black spokesmen, such as U.S. Representative Andrew Young (D., Ga.), was an agreement to give blacks half of the key jobs in the school administration. Behind this signal development was a growing black middle class, desirous of avoiding racial turmoil (which, regrettably, was not infrequent in integrated schools); a measure of disenchantment with the purported educational benefits to black pupils of attending integrated schools, and a pragmatic interest in augmenting black power within the school system.24 Said Benjamin E. Mays, president of Atlanta's Board of Education: "But 20 years or so ago, when school desegregation was just starting in the South, Atlanta schools were 70% white and 30% black. Now they're 80% black and 20% white. It's a matter of white flight and private schools, the old story. Massive busing would be counterproductive at this point. We'd end up with no whites to bus."

The most vocal opposition to the Atlanta plan came from outside the city, from the national offices of NAACP and the NAACP Legal Defense Fund, which took the matter to court.

One of the crowning ironies of the drive to desegregate public schools is that almost 20 years after the watershed Supreme Court Decision in Brown v. Board of Education of Topeka, Kansas, a new suit was initiated in Topeka in October 1973, which claimed that Topeka 'is still 'systematically' discriminating against Negro students

24Cf. Walter J. Shapiro, "Black and White Together is Still the Point," Washington Monthly, June 1973: "But the Black leadership conspicuously did not support an ACLU suit calling for metropolitan desegregation which would create schools with roughly a 70-30 white-black racial balance."

by relegating hundreds of them to dilapidated, poorly equipped and inadequately staffed schools that continue to be predominantly black in a city whose population of 130,000 is more than 90% white. Topeka school officials contended that the current segregated situation was a result of housing patterns (de facto), rather than governmental action (de jure).

In the Brown case (AJYB, 1955 [Vol. 56], pp. 195, 197), the Supreme Court ruled that government enforced racial segregation in public schools violated the Equal Protection Clause of the Fourteenth Amendment. Yet during the past year there were still countless thousands of public school classrooms which were not integrated. Hard questions were raised in numerous law suits, particularly in the North, as to whether or not the existing segregated situations were brought about by any government actions. (Government action, to be sure, is not restricted to the kind of officially separate school systems that formerly existed in the South. Any action by government which in any way promotes racially segregated schools is vulnerable to constitutional attack.)

While in 1973 schools in the South were by no means fully desegregated, especially in cities such as Atlanta and New Orleans, many Southern school districts were considerably more desegregated than some in the North. In rural districts of the South, even in Mississippi, white and black children in significant numbers were attending the same schools, despite the segregated private academies which had sprung up to prevent this condition. The fall of 1973 was acknowledged by educators to be "the quietest and most peaceful in the South in years."

The classic explanation for the situation in the North, as in Topeka, was that government had no responsibility for, or control over, where parents of school-age children chose to live. In 1973, however, a number of non-Southern school districts were found guilty of discriminating against black students by gerrymandering attendance zones, assigning black teachers to predominantly black schools, and spending more money on white than on black students.

In an important, though somewhat confusing decision in the case of Keyes v. School District No. 1, Denver, Colorado (413 U.S. 189), the Supreme Court in June ruled that the Denver school board would have to prove it did not deliberately segregate students by race in any part of its district. If it failed to do so, it would have to desegregate the entire system. Returning the case to the U.S. District Court to resolve the matter, the Court said: "proof of state-imposed segregation in a

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27 Ibid.
substantial portion of the district will suffice to support a finding by the trial court of the existence of a dual system.” Such proof was promptly found by the District Court.

As the board, in compliance with the Court’s order, prepared to submit a desegregation plan, feelings ran high, particularly among white parents who feared having their children bused into largely black schools. Superintendent Louis J. Kishkunas was admonished by the only black member of the Denver board of education for a series of “inflammatory statements” about the problem, including one in December that “we may end up without any people to desegregate—all the whites may be living in the suburbs.”

In June 1973 the U.S. Court of Appeals for the Sixth Circuit ruled, in *Bradley v. Milliken* (484 F. 2d 215) that black children from Detroit must ride buses out to the suburbs and that white suburban children must ride them into Detroit to achieve racial balance in the area schools. The decision set the stage for a Supreme Court ruling on how far state and local governments were required to go in breaking down racial barriers in education. In approving the principle of metropolitan area busing, the Sixth Circuit Court set itself in direct opposition to the Court of Appeals for the Fourth Circuit, which had invalidated a similar metropolitan busing plan in the Richmond, Va., area. A 4–4 Supreme Court vote (*Bradley v. School Board of City of Richmond*, 93 S.Ct. [1952]) let the Richmond decision stand.

Apprehension over federal court decisions mandating busing to achieve racial balance, such as the Detroit decision, kept alive congressional sentiment in favor of proposed antibusing constitutional amendments. Congressmen continued to report a heavy volume of mail from their constituents, which was overwhelmingly opposed to “forced” busing. Both the House and Senate Judiciary Committees held hearings on the proposed amendments—most of them simply prohibiting pupil assignment or transportation to public schools on the basis of race—during which testimony was submitted by groups and individuals on both sides of the issue. On April 16 nine major Jewish organizations placed on record their opposition to all antibusing

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28William L. Taylor, former staff director of the U.S. Commission on Human Rights, stated in “The Legal Battle for Metropolitanism,” *University of Chicago School Review*, May 1973: “Many white parents are afraid of sending their children to inner city schools. It will not do to label their concerns racist. Often they are not.”

29Denver Post, January 18, 1974.

amendments essentially on the ground that they were in reality antidesegregation amendments.

HEREDITY-ENVIRONMENT CONTROVERSY

In the deepening controversy over the reasons for the disparity between the mean intelligence test score of blacks and of whites, there were a number of developments which continued to affect somewhat black-white relationships.

Ten black scholars sharply criticized noted educational critic Christopher Jencks, among other things, forreviving in his book, Inequality: A Reassessment of the Effect of Family and Schooling in America, published in 1972, what they considered to be the discredited hypothesis of Dr. Arthur R. Jensen of the University of California that there may be a genetic basis for the differences in black-white average IQ scores. The authors assumed that the genetic argument had been effectively refuted and they strenuously objected to Jencks’ attempt to resuscitate it as inimical to solving the problems of educational inequality: “Jencks is part of a chorus of nay-sayers seeking to disparage educational intervention intended to improve pupil performance—especially for children who are poor and of color,’’ they charged.

The University of California at Berkeley took action to ban any academic research that might jeopardize “the reputation or status of a social group or an institution.” A debate which was scheduled to have taken place at Harvard between Dr. William Shockley of Stanford University, a Nobel Prize winner in physics and leading exponent of the view that the current situation of blacks is linked to inherent deficiencies in intelligence, and Roy Innis of the Congress of Racial Equality was cancelled due to pressure from the Black Law Students Association. However, Shockley was able to speak at Princeton, despite similar protests.

Seven hundred professors and students from campuses across the country met at New York University for a conference convened to “fight the academic racism” of several professors—Jencks, Shockley, and Dr. Richard Herrnstein of Harvard—who have been outspoken

31 Cf. Seymour B. Sarason, “Jewishness, Blackishness, and the Nature-Nurture Controversy,” American Psychologist, November 1973: “The one thing we can say with assurance is that our concepts of intelligence are value laden, culture and time bound, and deficient in cross-cultural validity.”


exponents of theories linking intelligence to race by heredity. Such theories, the assembly was told, were unfit for college classrooms because "they are as untrue as 'the world is flat'". Many student participants were members of local college organizations called Committees Against Racism. When asked if he believed that censoring theories would jeopardize the university as a forum for the free exchange of ideas, Dr. Garland Allen of Washington University, who addressed the conference, said he believed in academic freedom, but only in conjunction with the ideas of the local community. "It should be like what goes on in China," he said. None of the participants took the position that a free exchange of ideas on this subject should be encouraged.34

In a challenging article in Change magazine, black academician Thomas Sowell offered a basically critical, yet balanced, appraisal of Jensen's thesis, coupled with criticism of his detractors for having failed to respond effectively to his learned research and analysis which, Sowell felt, deserved to be taken seriously. He noted that Jensen's own work "contains some of the best evidence against his theories," for example a finding of a rise of eight to ten points in the IQs of black poor children after only several days of allowing them to become acquainted with him in a play situation. Yet Sowell strongly defended the continued use of IQ and college entrance tests as the best available means of measuring scholastic aptitude. "Moreover," he said. "it is precisely the black students who need IQ tests most of all, for it is precisely with black students that alternative methods of spotting intellectual ability have failed."35

PUBLIC SCHOOL FINANCING AND EQUAL EDUCATIONAL OPPORTUNITY

In a March 21, 1973, decision in the case of Rodriguez v. San Antonio School District (411 U.S. 1), the U.S. Supreme Court, for the first time, dealt with discrimination by wealth in the distribution of public educational resources (AJYB, 1973 [Vol.74], p. 183). In upholding the constitutionality of the Texas school finance system under the Equal Protection Clause of the Fourteenth Amendment, the Court ruled that states could finance their schools with property taxes which provided more money and better facilities for pupils living in richer districts. (School districts in Texas with valuable property to tax spent up to three times as much per pupil as did poorer districts and, in some instances, did so with lower tax rates than in the poorer districts.)

The majority (in the five to four decision), including the four justices appointed by President Nixon, concluded that state laws for financing public services should not be declared unconstitutional "merely because the burdens or benefits thereof fall unevenly, depending upon the relative wealth of the political subdivisions in which citizens live." In dissenting, Justice Thurgood Marshall called the decision "a retreat from our historic commitment to equality of educational opportunity and unsupportable acquiescence in a system which deprives children in their earliest years of the chance to reach their full potential as citizens."

Basically, the majority decided that education is not a fundamental constitutional right; that the disparities between the Texas districts did not constitute "invidious discrimination," and that there is not the same "compelling state interest" in providing comparable education for rich and poor districts as there is, for example, for black and white children. The Court did not say, however, that the existing system of school finance was a good one. In fact, it called for changes in the system, which Justice Potter Stewart called "chaotic and unjust." But, the Court said, this is a matter for the states, not for the federal government, to solve. Said one education writer, "It was less a defense of the present system of school finance than a ringing declaration of states' rights."

If a single justice had shifted his vote, the school system of every state except Hawaii would have been drastically affected, with residents of wealthier districts having to pay higher taxes to help support equal standards in poorer districts, or else submitting to lower standards in their own districts. Irrespective of the Court's decision, residents of some states still faced this eventuality. In April 1973 the New Jersey Supreme Court, in a determination based solely on the state constitution, struck down that state's school financing system, which relied primarily on local property taxes, and ordered the legislature to establish a more equitable one. Similar judicial rulings in several other states, such as Florida and Kansas, impelled legislatures to enact equalization reforms. But this was the exception rather than the rule. John E. Coons, professor of law at the University of California, Berkeley, and an authority on public school finance, observed, "Unfortunately, there is little reason to expect most state legislatures spontaneously to take up serious consideration of the problem."

In the wake of the *Rodriguez* decision, debate continued over the actual importance of school finance equalization to pupil achievement. If the findings of Christopher Jencks and James Coleman were correct, i.e., that learning differences were only minimally a function of teachers and facilities, then equal funding could not be regarded as the optimum means of upgrading achievement. Yet, as others repeatedly noted, the wealthier districts usually chose to spend more on their own schools. Said one proponent of equalization: “Perhaps what is being suggested, although only covertly, is that children of the affluent somehow are entitled to what we have called an intrinsically satisfactory educational experience while the children of the less advantaged are not.”

**Housing Integration**

People who live in single family homes in suburbia want to preserve the quality of their neighborhoods and the value of their property. They therefore usually look with disfavor on any proposals to build apartments in such neighborhoods and, with particular horror, on plans for public housing apartments for low-income families, many of whom are apt to be black. It has also been obvious that, increasingly, suburbia is where the jobs are, and that it is impossible to achieve both integrated schools and neighborhood schools without residential integration. In 1973 there were few signs of change either in prevailing white suburban attitudes or in the housing patterns which tended to mirror them.

According to Roy Wilkins, “Suburbia and the ‘walls’ that separate it from the inner city will be the next, most immediate civil rights battleground.” He predicted “a massive fight by blacks to be included in the suburbs of this country.” A Census Bureau survey, released in February 1973, noted that 18 per cent of blacks lived in the suburbs, a 2 per cent increase over the 1970 count. Anthony Downs, housing economist and chairman of the Real Estate Research Corporation in Chicago, observed, “Blacks are moving from the city for the same reason whites are—they’re afraid of crime and they want better schools—and they want to live in good black middle-class neighborhoods. If given a free choice, I think most blacks will choose small, predominantly black clusters.”

A major debate on suburban integration, which reflected much of the

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problem, was presented in the pages of the real estate section of the
for a housing development in the Candlewood Lake area of Fairfield
county, Conn., made by Paul Davidoff, executive director of the
Suburban Action Institute, which had been working assiduously since
1969 to open the suburbs to all, particularly the poor and nonwhite. 
The opposing viewpoint was articulated by literary critic Malcolm
Cowley, a local resident.

Davidoff described the typical rhetoric at local zoning hearings on
proposed developments in terms of the World War I song, "Over
There," meaning that somewhere else is always a better location. He
observed that "opposition to residential development increases
geometrically with the rise in the percentage of nonwhite and poorer
families the proposed project would house. The New York State
Urban Development Corporation's minimal plan for 100 units in each
of nine Westchester towns caused such an uproar as to lead one to
believe that the Bronx was to be relocated to Chappaqua." The
Suburban Action Institute's plan for Candlewood Lake called for the
rezoning of land, then restricted to single-family homes on one-acre or
two-acre lots, to allow townhouses and garden apartments at densities
of six to ten units an acre, for families of every income and
background.

Cowley strongly opposed the plan to house some 8,000 people on a
253-acre lakeshore tract, "hilly, difficult of access, well
adapted for vacation homes on large plots, but miserably adapted for a
crowded urban community." He argued, too, that building costs
would be so high that very few blacks could afford to live there, even if
they were subsidized, and he disputed Davidoff's suggestion that the
surrounding area afforded ample job opportunities. Cowley implied
that the real issues in the zoning battle had to do with land speculation
and the net profits to be derived from development, along with
destruction of precious open countryside and environmental pollution.

The town of New Fairfield rejected the proposed development and
Suburban Action Institute filed suit against it. In Westchester county,
N.Y., as a result of a related situation, the Institute began litigation
challenging the legality of federal grants to the town of New Castle for
construction of sewer and recreational facilities on the ground that
such grants to a community which maintained exclusionary zoning
practices violated federal laws and regulations. Chris Jensen, an
Institute lawyer, said that "by building a sewer that only serves the
existing population you lock in the pace of development and
perpetuate the discriminatory practice."41

The trend toward the expansion of inner city ghettos into adjoining suburban communities, as well as within city limits, continued unabated. Black neighborhoods in Washington, D.C., for example, were overflowing into Prince Georges county in Maryland. The Cleveland ghetto began to extend into De Kalb county. There was a similar movement into suburbs like Darby near Philadelphia and Maywood near Chicago. Invariably as blacks began to trickle in, whites began to trickle out, and the trickles often became torrents. Neighborhood turnover continued to bring loan foreclosures and housing abandonment, predominantly black schools and, in some areas, new slums. Concerning Kansas City, Mo., one reporter wrote, "Whites who might have been willing to accept integration were never offered a choice. They could flee or prepare to live in a virtually all-black neighborhood." In most areas, neighborhood racial stabilization remained an elusive target.

Dayton, O., and its suburbs, however, did take an apparently successful step toward creating neighborhoods which would be reasonably balanced, both racially and economically. The Regional Planning Commission had proposed construction of 14,000 federally subsidized housing units for low- and moderate-income families to be dispersed throughout the city and its surrounding communities. The Commission’s member communities unanimously approved the plan. The key to its acceptance evidently was the understanding that each community would receive its specified share of the subsidized units—and no more.

Predominantly black Newark, N.J., was confronted with a different kind of housing problem, which intensified racial polarization. The Temple of Kawaida, a black nationalist organization led by Imamu Baraka (LeRoi Jones), had planned to construct a 16-story low- and middle-income housing project (Kawaida Towers), to be financed with state funds, in the predominantly Italian-American North Ward. Opponents of the project claimed that it would bring crime and violence, cause problems in the schools, and destroy the character of the neighborhood. Vehement protests by residents, coupled with picketing and attempts to physically halt construction work, culminated in a violent confrontation on February 22, in which two policemen were injured. North Ward political leader Assemblyman Anthony Imperiale charged black supporters of the project with deliberately baiting white demonstrators. Subsequently, a Superior Court judge dismissed all legal challenges to the construction of the project. The

43Ibid.
Kawaida Towers controversy cast into sharp relief an observation by John Cardinal Dearden, Archbishop of Detroit: “The Negro-white confrontation in American cities is in greater part a Negro-Catholic confrontation because Catholics traditionally have been concentrated in urban areas.”

The Jews

While antisemitism had by no means disappeared from the American scene in 1973, most Jews did not view it as a major problem affecting their daily lives. Lunatic fringe elements, to be sure, such as the National Socialist White Peoples Party and the Liberty Lobby, continued to irritate Jewish communities in different parts of the country. But the influence of these hatemongers on the whole appeared to be negligible. By and large, concerned American Jews worried less about their own status and security as Jews than they did about their oppressed coreligionists in the Soviet Union (p. 500) and, following the Yom Kippur war, the beleaguered and relatively isolated Israelis (p. 531).

Still, though antisemitism lacked respectability, there were signs that a fair proportion of non-Jews, white and black, were not anti-antisemitic either. For a variety of reasons—religious, economic, political—a good many Gentiles continued to maintain an essentially negative image of Jews. At least partly because of this, indifference to issues of Jewish concern, such as Soviet Jewry, for example, was not infrequent, nor was insensitivity to the feelings of Jews with regard to Israel.

FOREST HILLS CONTROVERSY

In 1971-72 the conflict over the construction of a low income public housing project in the predominantly Jewish middle-class neighborhood of Forest Hills in Queens commanded nationwide attention (AJYB, 1972 [Vol. 73], pp. 117-19). Passions on both sides ran high. To its advocates (including some Forest Hills residents and Jewish groups) the project represented a fine opportunity to hasten the breakup of poverty-ridden black and Puerto Rican ghettos and to promote both economic and racial integration in housing, as well as in public schools. To its opponents it symbolized yet another potentially disastrous adventure in social engineering which, by importing the crime and

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pathology of the ghettos into a hitherto stable middle-class neighborhood, would accelerate white flight from New York City and destroy another such neighborhood. There was little question that the controversy had an adverse effect on relations between blacks and Jews, though middle-class blacks in comparable situations had responded not very differently from many of the middle-class Jews in Forest Hills.

Though 1973 was a year of negotiation and compromise, there were few indications that the underlying resentment of many residents had disappeared. The lessening of public protest was seen by observers as symptomatic of widespread resignation to the inevitability of the project, rather than a change of heart. Protest leaders, conceding that the earlier noisy opposition had somewhat abated, claimed that in the course of negotiations with the New York City Housing Authority, with all of the proposals and counterproposals, many residents had come to believe "that they had somehow avoided having a low-income project in their neighborhood." There were, however, some protests; for example, about 50 members of the ad hoc committee against the proposal attempted to "sleep in" at Queens Borough Hall, but were barred by police from entering the building.

While the initial community protests failed to halt construction, they succeeded in reducing the size of the project and in converting it into a cooperative. Scheduled to be completed at the end of the summer of 1974, it was to consist of three 12-story buildings and two community buildings, with a total of 432 apartments for about 1,300 people. This was nearly a 50 per cent cut in the original project's three 24-story towers and 840 units. As originally planned, 40 per cent of its units were to be allocated to the elderly and 60 per cent to low-income families. Other problems, still unresolved as the year drew to a close, had to do with the exact nature of the cooperative arrangement and whether the project's board of directors or the Housing Authority would have the ultimate say in the vitally important questions of tenant selection and eviction for cause.

In 1973 the American Jewish Committee, which from the inception of the Forest Hills dispute had encouraged mediation, began a community social services program designed for present residents, as well as for those who would be moving into the new project. As a

47To make public housing viable, it is imperative to ".. screen the tenancy and weed out as painlessly as possible the hard-core delinquent and anti-social families. . ." J.S. Fuerst, "Survival Kit for Public Housing," Commonweal, September 7, 1973.
result of its efforts, a senior citizens program was begun in Forest Hills High School (to be relocated in the project upon completion) and construction was begun on a day-care facility within the project, which was not in the original plans. The Committee also worked with city officials to make them aware of the needs and concerns of the present residents, and helped organize tenants in a garden apartment development adjacent to the project site, which was deteriorating, to compel the landlord to do a proper job of repair and maintenance.

HASIDIM IN BROOKLYN

The Hasidic movement, founded in the late 18th century in Eastern Europe and preaching intense religious devotion manifested through joy and mysticism, considers itself the distinctive surviving form of traditional Judaism. After World War II, many Hasidim came to New York and settled in the Williamsburg, Crown Heights, and Borough Park sections of Brooklyn.

Because of their unique culture and appearance, Hasidim tended to maintain tightly knit relationships with each other and to shun intimacy with outsiders. With the influx of blacks to Crown Heights and Puerto Ricans to Williamsburg came intergroup conflict. The Hasidic neighborhoods were plagued by street crime, the perpetrators being mainly black and Puerto Rican youths, and the Hasidim began to fight back. According to Puerto Rican leaders in Williamsburg, however, their resistance and retaliation were not confined to the actual culprits but were directed at innocent Puerto Ricans too, thereby exacerbating tensions between the two groups. Father Byron J. Karvelis, whose parish is largely Puerto Rican, charged that there had been numerous "mob beatings" of Puerto Ricans by Hasidim, and that complaints to the police were futile. The police claimed that the complaints had been investigated and that action was taken where warranted.48

An incident in Crown Heights in June, involving Hasidic Jews and a black physician, touched off a melee. The service road in front of the Lubavitcher Hasidic headquarters on Eastern Parkway was normally closed to traffic on the Sabbath, but residents of the block had been allowed by the police to pass through. When the physician, who lived on the block, attempted to do so to escort a patient out of the area, Hasidim in the streets stopped his car, damaged it, and threatened him and his patient. Two policemen, who had been at the scene, intervened and were then set upon by the crowd. They thereupon summoned help and 30 police cars responded. According to the police, eight officers

were hurt in the ensuing fracas; one of them was knocked unconscious. The Hasidim claimed that two of their number had been injured but, more importantly, that club-swinging police had waded into the crowd shouting anti-Jewish obscenities.

Following the clash, a black clergyman, Reverend Clarence Norman, president of the interracial and interfaith Crown Heights Clergy Council, announced that an agreement had been reached to end the dispute over access to the service road on Saturdays. "We have received assurances from Jewish leaders that no traffic will be interfered with in traveling through this area," he reported, urging drivers to "bear in mind the safety of those children and adults entering and leaving services" at the Lubavitcher Synagogue.49

LUIS FUENTES AND LOCAL SCHOOL BOARD

School District 1 on the lower East Side is one of New York's 32 decentralized local school districts. In 1973 about 68 per cent of the enrollment in its 20 elementary and junior high schools was Puerto Rican, 17 per cent black, 8 per cent Chinese and 7 per cent white. Its teaching staff was about 90 per cent white, most of them Jewish. In citywide reading tests, a substantial majority of the pupils consistently scored below grade level.

The dispute over the appointment in 1972 of Luis Fuentes as superintendent of District 1, which brought forth charges that he had made a number of antisemitic remarks during the Ocean Hill-Brownsville controversy over his dismissal of teachers and a formal request for his dismissal by several Jewish groups (AJYB, 1973 [Vol. 74], pp. 159, 234), continued. In April 1973 a hearing officer, former New York City Police Commissioner Vincent L. Broderick who was appointed by School Chancellor Harvey B. Scribner to weigh the charges against Fuentes, recommended that he not be dismissed. Shortly thereafter, State Education Commissioner Ewald B. Nyquist declared the local board had followed proper procedures in selecting the superintendent, but sharply rebuked him for some of his earlier conduct.

The United Federation of Teachers (U.F.T.) contended that Fuentes aimed to purge the white principals in the district; that he was abetted by his supporters, who were accused of threatening and harassing principals out of office. He responded that of eight new principals appointed during his first year, four were white, and of these two were Jewish.

In the local school board election in May 1973, a slate of six

candidates, most of them white, supported by U.F.T. which had made the removal of Fuentes a major campaign issue, was elected to the nine-member District 1 board. None of the six had children in the public schools. Backers of Fuentes, including the NAACP Legal Defense Fund, and at least the more vocal elements in the Puerto Rican community, charged that irregularities had deprived many minority group voters of their franchise and initiated a law suit to obtain a new election.

Meanwhile, the anti-Fuentes majority on the new board first moved to limit the superintendent's powers and dismiss some of his appointees whose qualifications were questioned and then, on October 16, suspended him from his post for alleged insubordination and misconduct. Fuentes denounced the charges, claiming that they were inspired by U.F.T., which resented him for educational improvements he had introduced, such as bilingual programs for Spanish- and Chinese-speaking pupils and involving parents in the school decision-making process. He accused U.F.T. of defending everybody in their ranks, including incompetents, at the expense of the children.

The superintendent's supporters called a boycott to protest his suspension, during which some two-thirds of the 17,000 pupils in the district were absent. It was ended only after a court ordered him temporarily reinstated. The chairman of the school board claimed that many parents kept their children out only because they had been intimidated and told that their children would not be safe if they went to school.

OTERO V. NEW YORK CITY HOUSING AUTHORITY

The Seward Park Extension Urban Renewal Area is a federally-assisted project on the lower East Side of Manhattan. Two buildings with 360 apartments were built on the site. Their construction involved the demolition of slum housing and the relocation of former residents, many in public-housing accommodations, as required by federal and local regulations. They were given explicit assurances by Housing Authority officials that, as former "site residents," they would be entitled to top priority in the new public housing.

It soon became evident that many applicants who did not have "first priority" were obtaining apartments in the new buildings, and that the proportion of nonwhites, mainly Puerto Ricans, but also some blacks

80 Richard Davis, a member of the District 1 board, who had argued against reinstatement, reported that his life had been threatened. New York Times, October 20, 1973.
and Orientals, was significantly lower than that among the former residents of the area. Some of these groups, believing that the selection of new tenants constituted racial discrimination, filed suit in federal court.

In February 1973 U.S. District Judge Morris E. Lasker, upholding an earlier decision of a different judge in that court, ruled that the Housing Authority must honor its promise of first priority to nonwhite former site residents (354 F. Supp. 941). He enjoined the Authority from leasing apartments in the new buildings to whites who were not former site residents, even though this would have improved racial balance. It would also have enabled Jews selected for occupancy in these buildings to be closer to a particular synagogue, thus doing away with the harassment and abuse to which they were exposed on their way from their present apartments to the synagogue. Judge Lasker held that religious favoritism in the assignment of public-housing accommodation violated the Establishment Clause of the First Amendment.

Reversing the U.S. District Court decision, the U.S. Court of Appeals ruled in September 1973 (484 F 2d 1122) that the city had not necessarily violated the constitutional rights of blacks and Puerto Ricans by giving preference to Jews and other whites. It agreed with the Housing Authority's contention that its regulation giving priority to displaced residents was superseded in this case by a duty to maintain a reasonable racial balance in the project.

However, the Court ordered new hearings to resolve certain points of factual dispute on the ground that the Authority had not proved it needed to bar the black and Puerto Rican residents to maintain such balance. The new proceedings were ordered to determine the racial and ethnic mix of the urban renewal area surrounding the project to see if the project itself would cause a shift in that mix.

Energy Crisis

While the Arab oil embargo in the wake of the Yom Kippur war was designed to cripple United States support of Israel, fears were expressed by many that its painful impact would result also in deep anger and resentment toward American Jews, who overwhelmingly had identified themselves with the Israeli cause. Indeed, such fears were far from groundless. Feeding upon traditional undercurrents of hostility toward Jews, as well as upon a new willingness on the part of many Americans to reexamine the Arab case in the light of Arab objectives ostensibly limited to recovery of their conquered territories,
hard questions were raised as to the wisdom of ongoing United States backing of Israel and, more importantly, the apparent role of American Jews in bringing it about and perpetuating it. The old accusation of dual loyalty was raised once again, for example, by the conservative commentator, Jeffrey St. John, on CBS radio. According to a respected trends analyst, "the plain fact is that expressed anti-Semitic sentiment, spontaneous and unorganized, has increased a hundredfold since the outbreak of the fighting in the Middle East." 51

Yet, it was also true that despite a conglomeration of pressures—domestic hardship and dislocations due to heating oil and gasoline shortages, powerful world support for the Arabs, Arab-American and New Left activities against Israel, Arab government propaganda, conventional antisemitic agitation—the last quarter of 1973 did not witness any massive popular upsurge of bitterness or hatred toward American Jews. 52 Most people tended rather to place the blame for energy problems on the oil companies, the federal government, the ecologists, or even the oil-producing Arab states for driving prices sky-high.

As for the Middle East conflict, although public opinion polls in December continued to reflect far more sympathy for Israel than for the Arab countries, 53 they reflected simultaneously a strong disposition against United States involvement in the conflict, indicating perhaps fear of another Vietnam. As interpreted by one Jewish observer, "Americans sympathize with Israel, but not so intensely that they are ready to sacrifice a great deal to save her." But he concluded that, "If the leadership continues to insist on the crucial connection between Israel's survival and basic American interests, then the American public will support, however reluctantly, the perceived imperatives of American foreign policy." 54

Another important facet of the effect of the energy crisis on intergroup relations was its cumulative effect on blacks and other disadvantaged minority people. Members of these groups, disproportionately poor, tended to suffer disproportionately from scarcer resources and rising prices. Black workers, for example, frequently with low seniority, were concentrated in those sectors of the labor force which were most vulnerable to energy shortage-induced layoffs

51 Milton Ellerin, "The War, the Oil Embargo, A New Anti-Semitism?" Reform Judaism, February 1974.
52 "The Arab use of oil as a weapon to modify Israel's stance is only beginning." (Malachi B. Martin, "The Dialogue is Over," Worldview, January 1974.)
53 Gallup found 54 per cent pro-Israel, 8 per cent pro-Arab; the remainder undecided.
and shutdowns. According to Vernon E. Jordan, Jr., executive
director of the National Urban League, a nationwide unemployment
rate of 6 per cent would likely mean a black unemployment rate of at
least 15 per cent. Nevertheless, said Jordan, "the high-level
committees dealing with the crisis are lily-white." In addition, poor
minority group people in rented inner city apartments, who often
received inadequate heat from indifferent landlords in the best of
times, bore the brunt of heating oil shortages and soaring costs which
provided a convenient excuse for such landlords to cut back further.

An interesting sidelight of the energy problem was the proposal of a
number of Congressmen, chiefly from the South, to help save gasoline
by terminating all bussing designed to promote racial integration in
public schools. It was not widely acclaimed.

Civil Rights

EXECUTIVE SUITE

While it is impossible for anyone to say definitively that
discrimination in any given year was less or more than in the year
before, it is not impossible to discern longer-term trends. It can be
asserted, for example, that, in general, discrimination against Jews was
considerably less evident in 1973 than was the case a decade earlier.
The cumulative impact of the civil rights movement and the drive for
equal opportunity, with the concomitant legislative sanctions, made
discrimination based on religion, race, and national origin less
acceptable. Almost certainly there was more discrimination in
employment against Jewish women because they were women than
there was against Jewish men because they were Jewish. But some
discrimination existed against both Jewish women and men for no
reason other than religion.

For example, the Federal Equal Employment Opportunity Commis-
sion and the U.S. Attorney in Manhattan filed suit in the U.S. District
Court against the Metropolitan Life Insurance Company, charging it
with "unlawful employment practices which discriminate against Jews
and other minority group members." The government alleged that
Metropolitan Life's hiring policy limited employment opportunities for
Jews and that it failed to make reasonable accommodations in certain
work assignments, as required by law, to enable Jews to observe their
Sabbath.

A number of studies had definitely established that discrimination against Jews in executive positions of major United States corporations was the rule rather than the exception. Although, in 1973, there continued to be isolated instances of Jews being promoted to top management jobs in such companies, the dominant pattern persisted. Given the number of Jews whose educational credentials and professional experience highly qualified them for such positions, they were grossly underrepresented in corporate executive suites. When confronted with charges that discrimination against Jews was deeply rooted and systemic within their organizations, company presidents almost invariably denied that such was the case. In one such instance, however, Acme Supermarkets in Philadelphia agreed after extended discussion with the Philadelphia Chapter of the American Jewish Committee to take affirmative action to remedy the relative absence of Jews on its management team.

A capsule summary of discrimination against Jews in Florida was furnished by Arthur N. Teitelbaum, director of the Anti-Defamation League's regional office in that state. He reported that "Discrimination in employment and housing against Florida's estimated 256,000 Jewish citizens is a reality—and at the same time a virtually invisible phenomenon." While, according to Teitelbaum, some victims of discrimination are willing to press complaints, many are not "because they don't want to make an issue of it, because they don't have sufficient proof or because they feel nothing can be done." Many were not even aware that they had been victimized.

Among several illustrations cited by Teitelbaum was the case of a Jewish man who was about to purchase a condominium apartment in Fort Lauderdale from a willing seller, but found the sale blocked by the condominium board. He had been required to reveal his religion, nationality, and his wife's maiden name on the condominium's application form. The owner of the apartment said that the rejection was due to religious discrimination. During the initial stages of an investigation by the U.S. Department of Housing and Urban Development (HUD), the condominium board reversed its position, claimed there had been a "misunderstanding," and approved the application.

In the field of employment, according to Teitelbaum, most private employment agencies in Dade County were still willing to accept discriminatory job orders which expressly excluded Jews from consideration. Although this account was limited to Florida, informal

57 Ibid.
reports indicated that similar practices were prevalent elsewhere in the country.

**DISCRIMINATION BY PRIVATE CLUBS AND FRATERNAL ORDERS**

In recent years discrimination against minority groups in access to public accommodations, such as restaurants, hotels, and recreational facilities, has been all but eliminated largely because Title II of the Civil Rights Act of 1964 made such discrimination illegal. But Title II explicitly exempted from its reach *bona fide* private clubs. The rationale for this exemption was the right of free association. As stated by former U.S. Supreme Court Justice Arthur Goldberg:

> Prejudice and bigotry in any form are regrettable but it is the constitutional right of every person to choose his social intimates and business partners solely on the basis of personal prejudices including race. These and other rights pertaining to privacy and private association are themselves constitutionally protected liberties. (*Bell v. Maryland*, 378 U.S. 226 [1964]).

Yet many have questioned the legitimacy of exclusionary practices based on race or religion by private clubs or fraternal orders because of their societal consequences. It has been claimed, for example, that many such clubs actually are quasi-public because they frequently are the setting for important business and political decisions that may affect the entire community. Evidence has accumulated, too, of a positive correlation between advancement of corporation executives and their acceptability for membership in prestigious city and country clubs. Jews have been particularly hurt by this.

No matter whether or not private clubs or organizations should have the right to discriminate, strong sentiment has developed that government should neither condone nor support discrimination by granting privileges like liquor licenses or tax benefits to groups guilty of such practices. In 1969 Maine enacted a law barring any organization which is licensed to dispense liquor from withholding membership from any person on account of race, religion, or national origin. Exempted were only religious or ethnic organizations. The State Supreme Court upheld the validity of this statute when it was challenged by 15 Maine Elks lodges whose national constitution restricted membership to whites only. On April 16 the U.S. Supreme Court dismissed an appeal by the Elks. In the same month, the Idaho Elks were stripped of their property tax-exemption when the state attorney general held that it was illegal for the state to grant tax exemption to organizations with racially discriminatory membership policies.
As a direct result of mounting pressures, the racially exclusionary Loyal Order of Moose, with one million members throughout the country, voted in May to delete all references to race from its constitution and by-laws. And in October, in a referendum among their 1.5 million members, the Elks voted by a four to one majority to strike the word "white" from their constitutional requirements for admission. (Just three years earlier, the national organization had suspended its lodge in Madison, Wis., for doing precisely the same thing.)

In November Eleanor Holmes Norton, chairman of the New York City Human Rights Commission, declared that she would "strongly lobby" for passage of legislation introduced in the state senate, which would require revocation of the liquor license of any private club discriminating in its admission policies on the basis of race, religion, or sex.\(^58\)

For the year as a whole, progress toward the elimination of private club discrimination proceeded at snail's pace. With rare exceptions, clubs which traditionally had excluded blacks and Jews from membership continued to do so. In the area of sex discrimination, however, an Associated Press sampling of some two dozen men's clubs across the country revealed a gradual opening up to women in actual membership as well as in use of athletic facilities.

WOMEN AS A GROUP

At its convention in Miami the AFL-CIO, after years of solid opposition, endorsed the Equal Rights Amendment. The U.S. Department of State announced that it was actively recruiting women for the Foreign Service to represent the United States abroad. Rabbis in the Conservative branch of Judaism voted to authorize women to be counted as part of a minyan. A bill was introduced in Congress to establish a national center for the prevention of rape. Two all-women law firms opened offices in New York City and an all-women bank was in the process of formation. These were but a few of the many developments in 1973 which, considered as a whole, signified the continuing emergence of women as a distinct group and the growing awareness of people of both sexes of the unmet needs and unfulfilled aspirations of many women in our society.

According to the results of a survey of 120,000 women, reported in the January 1973 issue of Redbook magazine, nine out of ten believed that women were treated as second-class citizens. Although the percentage of women who belonged to activist women's organizations...
was relatively small, the impact of the women’s movement was a powerful and pervasive one. During the year, feminist thinking influenced countless thousands of women who considered themselves anything but radical in other respects, and who were repelled by much of the extremist ideology and imagery of the militants in “women’s lib.” Writing about the new feelings and attitudes prevalent among working class women in Brooklyn, one reporter concluded, “The feminist movement is responsible in large measure for their belief that they can change the course of their middle-aged lives.”

Six days of hearings conducted in July by the Joint Economic Committee of Congress, chaired by Representative Martha W. Griffiths (D., Mich.), marked the first time that any congressional committee had attempted to take a comprehensive look at the economic status of American women who constituted 40 per cent of the permanent labor force. The Committee listened to expert testimony about sex discrimination in virtually every aspect of economic life—jobs, taxes, insurance, mortgage loans, pensions, and Social Security for housewives. It heard a Census Bureau statistic that three-fourths of working women either have no husband, or a husband who earned less than $7,000 a year, thus negating the common notion that most women work only for “pin money.” A parade of witnesses charged the federal government not only with failure to enforce the laws prohibiting sex discrimination, but also with practicing such discrimination within its own agencies. The Office of Federal Contract Compliance, for example, whose job it is to see that firms receiving government contracts do not discriminate against women, was itself accused of employing no women in professional posts in any of its field offices.

In 1973 the number of women serving in state legislatures was 441, up 28 per cent from the preceding year. As the year drew to a close, 30 states had ratified the Equal Rights Amendment, a top priority of the feminist movement.

Another significant event was a U.S. Supreme Court ruling (eight to one) in May that women in military service must be granted the same dependency benefits for their husbands that military men receive for their wives (Frontiero v. Richardson, 36 L.Ed. 2d 583). The Court invalidated federal laws requiring a servicewoman to prove that she provided more than one-half of her husband’s support before she could collect housing and medical allowances for him while asking no such proof of married servicemen. This far-reaching decision cast a

constitutional shadow over other laws which, for whatever reasons, differentiated in their treatment of men and women.

Within the Jewish community there was continuing tension between women's rights activists and what they perceived to be the "male-dominated Jewish establishment." Expressing concern that some Jewish organizations had been in the vanguard of the drive against goals and timetables for women and minorities in employment on the ground that these led to reverse discrimination, Dr. Pauline Bart, a psychiatrist at the University of Illinois medical school, announced the formation of the Committee of Jewish Women for Affirmative Action.60 Others commented on the traditional status of women in Judaism: "While the Jewish woman was respected and treated well by comparison with parallel cultures from Biblical times to the 20th Century, circumstances, custom and ritual law made of her a second class citizen. Exemption from the obligation to perform time-bound 'mitzvot' (commandments), and divorce regulations may have been motivated by the desire to protect women. Yet, the ultimate result was exclusion from participation in major religious and communal functions on an equal footing with men."61 It is noteworthy too that disproportionate numbers of women of Jewish extraction continued to play leadership roles in the women's movement, e.g., Gloria Steinem and Betty Friedan, as well as in its rank and file.

On the other hand, grave concern was raised by many Jews over the adverse implications of the feminist ethos for Jewish group survival. In this view the dynamics of the women's movement, with its stress on career options, its hostility to prescribed sex roles of any kind and, most importantly, its downgrading of motherhood and child-rearing, constituted a major threat both to the size and the cohesiveness of the Jewish family.62 Since, even before the advent of feminism, American Jews were barely reproducing themselves and since historically the mother's place in the Jewish family structure was central to Jewish continuity, these concerns were scarcely frivolous. In partial response to this critique, one measure suggested was to increase the number of Jewish-oriented day-care centers for young children of career women.

In a reaction to the feeling that the somewhat amorphous women's movement was insufficiently responsive to particularistic concerns,

1973 witnessed the actual formation of the National Black Feminist Organization and the National Conference of Puerto Rican Women, while the groundwork was laid for the creation of separate labor union and white ethnic women's groups. Reflecting the broad impact of the feminist movement throughout our society, the development of these new groupings was seen by its leaders as a force for women's coalition-building, which in time would exert even greater influence on American economic, political and cultural institutions.

**ABORTION AS MORAL ISSUE**

On January 22, the U.S. Supreme Court ruled seven to two that all state laws prohibiting or restricting a woman's right to obtain an abortion during the first three months of pregnancy were unconstitutional. The Court ruled, too, that abortions after the first three months, while also legal, were subject to limited state regulation. The decision in effect overturned laws in all but four states—Alaska, Hawaii, New York, and Washington—which already had liberalized laws. (*Roe v. Wade*, 410 U.S. 113).

Justice Harry A. Blackmun, writing for the majority, declared that the constitutional right of privacy, developed by the Court in a long series of decisions, was "broad enough to encompass a woman's decision whether or not to terminate her pregnancy." He rejected, however, the argument of women's rights groups that this right was absolute. Justice Byron R. White, dissenting, called the decision "an improvident and extravagant exercise of the power of judicial review which the Constitution extends to this court."

Reaction to the Supreme Court decree was swift and predictable, since the battle lines had been drawn years before. Civil libertarians and women's rights activists applauded it. Roman Catholic Church spokesmen excoriated it. Reflecting the Catholic conviction that legalized abortion was legalized murder, John Cardinal Krol of Philadelphia characterized the decision as "an unspeakable tragedy for this nation." On the other hand, Reverend Dr. Howard E. Spragg, executive vice president of the Board for Homeland Ministries of the United Church of Christ, said: "The decision is historic not only in terms of women's individual rights but also in terms of the relationships of church and state."

The Court's decision appeared to remove much of the stigma previously attached to abortion; the result was tens of thousands of


64*Ibid.*
legalized abortions throughout the country during the following year. The Harris Poll found a reversal of public opinion, which now supported liberalized abortion by a margin of 52, against 41, per cent; a previous poll had indicated opposition of 46, against 42, per cent. Catholics remained opposed to legalized abortion by a 56, against 40, per cent margin.65

Antiabortion forces, however, were not admitting defeat. The National Right to Life Committee, consisting predominantly (but by no means exclusively) of Roman Catholics, made plans to press for a constitutional amendment to guarantee the rights of a fetus, which, if adopted, would nullify the Court’s decision. As a counterweight to this move, 16 religious organizations, including Baptist, Methodist, Presbyterian, United Church of Christ and Jewish groups, organized a National Religious Coalition for Abortion Rights “to safeguard the right of women to use individual freedom of conscience in deciding whether to seek an abortion.”66

Church-State Issues

Religious elementary and secondary schools, approximately 90 per cent of which are Roman Catholic, on the whole continued to experience acute financial difficulties. Why this was so has been a subject for lively debate, in which such factors as cost inflation, declining numbers of teaching nuns, personal crises of faith, shifting parental attitudes toward denominational schools, improved suburban public schools, and the declining Catholic birthrate were each accorded varying weights. At the same time, the controversy over supporting such schools out of public funds continued unabated. The National Council of Churches, as well as eight major national Jewish Organizations, submitted testimony to Congress in opposition to legislation which would have allowed tax credits for parents of religious school pupils. Catholic and Orthodox Jewish groups supported it.

Those in favor of public subsidy, whether through direct aid to the schools or indirect aid to parents of religious school pupils, stressed the enormous contribution of such schools in providing quality secular education for almost five million American children, as well as the

healthy pluralism of parental option to have children educated outside the monolithic public-school system. They noted, too, that religious schools that close down for lack of funds, necessarily thrust their pupils upon the public schools, and that it would be cheaper for government to provide the needed partial aid than to bear the full cost of educating these pupils in the already overcrowded public schools. "Every day," it was held, "one and a half non-public schools close their doors."  

Opponents of such aid argued that, according to the First Amendment, it would be improper for government to subsidize schools whose chief purpose is to propagate a religious faith; that the partial aid being sought was merely a prelude to demands for total public support, and that most public schools were ready, willing, and able to accept former religious school pupils.

On June 25, 1973, the U.S. Supreme Court in three cases handed down far-reaching decisions proscribing government aid to religious elementary and secondary schools, while sustaining a limited form of aid to sectarian colleges. Coupled with similar rulings issued by the Supreme Court in 1971 (AJYB, 1972 [Vol. 73], p. 105), these decisions seemed to indicate that the Court majority has closed the constitutional door on any possibility of substantial public assistance to sectarian schools in whatever shape or form.

Specifically, the Court in an eight to one decision invalidated a 1970 New York law under which nonpublic schools were paid specified sums per pupil for providing certain services "mandated" by the state (Levitt v. Committee for Public Education and Religious Liberty, 93 S.Ct. 2814), and one provision of another New York law, enacted in 1972, providing for payments to nonpublic schools to cover cost of maintenance (Committee for Public Education and Religious Liberty v. Nyquist, 93 S. Ct. 2955). The Court also invalidated, 6 to 3 (Sloan v. Lemon, 93 S.Ct. 2982), a Pennsylvania law providing for partial reimbursement to parents for tuition paid to nonpublic schools; the second part of the 1972 New York statute providing similar reimbursement to such parents with annual incomes below $5,000, and


68 "For the now well defined three-part test that has emerged from our decisions is a product of considerations derived from the full sweep of the Establishment Clause cases. Taken together these decisions dictate that to pass muster under the Establishment Clause the law in question, first, must reflect a clearly secular legislative purpose; second, must have a primary effect that neither advances nor inhibits religion; and third, must avoid excessive government entanglement with religion."

(Committee for Public Education and Religious Liberty v. Nyquist, 93 S.Ct. 2955.)
the third part of the same law giving tax benefits to such parents with annual incomes above $5,000. In the college aid case, the Court, in a six to three decision, upheld a South Carolina law aiding colleges, including church-related institutions, through the issuance of revenue bonds (Hunt v. McNair, 93 S.Ct. 2868).

While Protestant, Jewish, and public-education groups generally hailed the Court’s decisions, official Catholic reaction was one of keen disappointment. Thus Terence Cardinal Cooke of the Archdiocese of New York described the rulings in a pastoral letter as “tragic and misguided.” In an article in the Jesuit weekly, America, Father Charles M. Whelan, professor of law at Fordham Law School, observed that while these decisions were a severe blow to hopes for significant public assistance to religious schools, the Court did not outlaw all such assistance. “Buses, books, health services, lunches and the traditional institutional tax exemptions remain constitutional.” Further, tens of millions of dollars in federal aid flowed to religious schools throughout the country in 1973 for “remedial, therapeutic and welfare services” to disadvantaged children under the provisions of the Elementary and Secondary Education Act of 1965, the constitutionality of which had yet to be examined by the U.S. Supreme Court.

Despite the discouraging Supreme Court rulings, proponents of educational vouchers for children in all schools, public and private, continued their efforts to win support for this broad form of tuition grant, lending credence to Father Andrew M. Greeley’s assertion: “The battle over aid to parochial schools may go on as long as there are parochial schools.” In apparent agreement with this thesis, anti-parochial aid groups, spearheaded by the American Civil Liberties Union, National Education Association and American Jewish Congress, and building on state and local PEARL (Public Education and Religious Liberty) coalitions, prepared to organize a national consortium of such groups.

The American Jewish Committee, while generally opposing public aid to religious schools, continued to endorse “dual enrollment” or “shared time” programs already successfully operating in a number of states, under which students pursued secular studies in public schools.

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71Church and State, January 1974.

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in tandem with religious studies in denominational schools, as a partial and putatively constitutional means of alleviating the financial plight of the denominational schools.\(^{73}\)

PRAYER IN PUBLIC SCHOOLS

Few national issues have so persistently remained in the public spotlight as the dispute over prayer in public schools. Since the U.S. Supreme Court rulings in 1962 (Engel v. Vitale, 370 U.S. 421) and 1963 (Abington School District v. Schempp, 374 U.S. 203), which banned organized prayer, Bible-reading, and religious exercises in public schools, every session of Congress has seen resolutions to amend the Constitution so as to nullify the effects of these decisions. The year 1973 was no exception. Twenty-six bills were introduced in the House of Representatives and seven in the Senate, proposing amendments in varying forms which would permit "voluntary" or "non-denominational" prayers in public buildings, including schools.\(^{74}\)

Advocates of school-prayer amendments continued to stress the overwhelming popular support (as evidenced in public opinion polls) for restoring prayer in public schools, invoking also the Free Exercise Clause of the First Amendment to buttress their argument that religious liberty, as well as public morality, was at stake. Opponents responded by asserting that nothing in the Supreme Court decisions barred any child from uttering a prayer in public school (provided he did not obstruct the normal school program) and that the Supreme Court prohibition was aimed solely at school-sponsored, organized religious practices. They argued, too, that the dynamics of the school situation precluded genuinely "voluntary" organized prayer and that "nondenominational" prayer, which lacks a distinctive religious commitment, is a meaningless exercise.\(^{75}\)

A new element was added to this highly emotional controversy in September when the U.S. Catholic Conference administrative board, consisting of 28 bishops, recommended a model amendment which would not only allow organized sectarian prayer in public schools (which the board considered inadequate), but would also permit religious instruction in these schools if "provided under private auspices." The latter clause sought to nullify a 1948 U.S. Supreme


\(^{74}\)St. Louis Globe-Democrat, October 20, 1973.

\(^{75}\)For an exposition of both sides of the issue, see "The Question of a 'School Prayer' Amendment to the Constitution—Pro & Con," Congressional Digest, January 1974.
Court decision prohibiting such instruction on public school premises (McCollum v. Board of Education, 333 U.S. 203). "Since the Supreme Court has interpreted the Constitution to forbid genuine religious freedom in public education, the people of the United States have no recourse but to amend the Constitution," the board said.76

There was much speculation as to the motivation for making this proposal just then, since it represented a distinct shift in the Catholic position. "The reason may be tied to the fact that more and more Catholic children are attending public school due to the financial bind of the parochial schools," suggested one religion editor.77 Others conjectured that one factor in the attitude of at least some of the bishops may have been an abiding resentment at the apparent direction of Supreme Court decision-making in the religious sphere generally—not only its decisions in Engel, Schempp and McCollum, but also its pro-abortion and anti-parochiaid rulings.

In 1971 a prayer amendment failed by only 28 votes in the House (AJYB, 1972 [Vol. 73], pp. 108-109). Supporters were optimistic that the new Catholic stance would sway enough congressmen to win the next time it came up for a vote. This failed to happen in 1973, however, although the Senate Subcommittee on Constitutional Amendments did hold hearings at which prayer amendment advocates testified. Among the proponents were representatives of the American Legion, Citizens for Public Prayer, and the ultra-Orthodox Lubavitcher movement.78 Although hearings to receive testimony of prayer-amendment opponents were postponed, spokesmen for the mainstream Protestant and Jewish bodies were prepared to reiterate their opposition, previously expressed, to any proposals which, in their view, would tamper with the First Amendment.

Interreligious Relations

KEY '73

While most of the developments in the field of intergroup relations and tensions during the past year dealt with problems and issues that were not new, one phenomenon, Key '73 (AJYB, 1973 [Vol. 74], p. 161), may be characterized as fresh, perhaps unique. Inaugurated with considerable fanfare in January, this evangelical campaign by a

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coalition of 140 Protestant and Roman Catholic groups (including 43 dioceses) was designed to confront every person in the United States and Canada with "the gospel of Jesus Christ" through the use of the mass media, mass rallies, and door-to-door canvassing. Although this ecumenical venture drew participation from a broad spectrum of Christian groups, its predominant orientation was a religiously conservative one. Three major denominations, the United Church of Christ, the Episcopal Church, and the United Presbyterian Church withheld official endorsement.\(^79\)

Shortly after its launching, Key '73 encountered serious questions from Rabbi Marc Tanenbaum, the American Jewish Committee's director of interreligious affairs, as well as from other Jewish leaders who were concerned about its potential impact on Jews. In an attempt to allay such fears, Reverend Theodore Raedeke, the campaign's executive director, wrote to Rabbi Tanenbaum that there is "no anti-Semitism in either the ideology or the thrust of Key '73."\(^80\) But tensions persisted. The American Jewish Congress, for example, protested a memorandum written by the U.S. Navy chief of chaplains, which had urged Navy chaplains to participate in Key '73, on the ground that "proselytization is not one of their responsibilities."\(^81\) Others voices, including those of non-Jews, joined in the criticism. Reverend Malcolm Boyd, Episcopal priest and author, characterized Key '73 as "high-powered hucksterism," and Reverend Christian Raible of the Unitarian Universalist Association accused it of "merely peddling piety as it attempts mass manipulation."\(^82\) Rabbi Balfour Brickner, director of the Union of American Hebrew Congregations' interfaith department, said:

> What really worries me about Key 73 is the confluence of two streams I see emerging in the country now. The political and social conservatism and religious conservatism. . The threat of Key 73 is really not to Jews. The threat is to the fabric of American society itself.\(^83\)

Senator Mark O. Hatfield (R., Ore.), a devout Evangelical, warned that efforts to "Christianize the nation" could severely damage the integrity of the church.\(^84\)

\(^83\)Ibid.
On the other hand, Reverend Billy Graham, a staunch supporter of Key '73, expressed his disapproval of any "proselytizing that is coercive, or that seeks to commit men against their will," noting his understanding of the purpose of Key '73 to be "to call all men to Christ without singling out any specific religious or ethnic group." And on March 2 the governing board of the National Council of Churches, while advocating Christian dialogue with Jews about Jewish fears of evangelical pressures, refused to condemn efforts to convert Jews to Christianity.

Dr. Arnold T. Olson, president of the Evangelical Free Church of America, discussed several aspects of the Key '73 controversy in an article published in his denomination's bimonthly. With reference to Jewish criticisms of Key '73, Olson acknowledged that "some of this opposition is the result of the announced plans by some missionary organizations to use Key '73 as a launching pad for intensive evangelism among 'their own people.'" Despite this, he maintained that "the leaders in the Jewish community are over-reacting." Noting the broad-based nature of Key '73, involving more than 150 Christian groups, Olson commented: "Certainly these do not intend to concentrate upon one small segment of our society, representing less than three per cent of the nation's population." He suggested that "the burden therefore rests upon the leaders in Judaism to increase the knowledge and strengthen the religious faith of her youth." In a development which was related only tangentially to Olson's article, the Union of American Hebrew Congregations distributed to its 710 member synagogues kits of materials containing responses to questions frequently posed by representatives of groups like Key '73 or "Jews for Jesus," and designed particularly to counteract such missionary efforts directed at Jewish youth.

Key '73 was the brainchild of evangelical theologian Dr. Carl F.H. Henry, who first spoke of it in 1967 in an editorial in Christianity Today. In the same periodical, Henry more recently took issue sharply with what he called Jewish "efforts to discredit Key 73 as anti-Semitic even before the nationwide evangelistic campaign got underway." Since Rabbi Tanenbaum was castigated by name in this article, he responded in a letter to the publication in which he acknowledged that

88Ibid.
some Jewish spokesmen may have been guilty of "excessive zeal" in reacting to Key '73, but also chided Dr. Henry for making "a number of sweeping generalizations that are unsupported by facts" and for using "both a polemical tone and terminology" to describe the rabbi's position.\footnote{Religious News Service, April 11, 1973.}

At the annual plenum of the National Jewish Community Relations Advisory Council in Washington, D.C., in June, a policy statement adopted by the 300 delegates representing nine major Jewish organizations and 93 local groups, declared that "the current wave of evangelistic proselytizing was not a major threat to the American Jewish community or to Judaism." It went on to say that concerns that Jewish-Christian relations might be damaged "by the aggressive missionizing intent of Key 73 appear to have abated"; that, "by challenging Jews to a reaffirmation of faith," it may in fact "give impetus to a strengthening of their Jewishness and Judaism."\footnote{New York Times, June 25, 1973.}

While it is difficult to assess exactly the overall impact of Key '73, the prevailing view seemed to be that this widely heralded campaign had been considerably less than a resounding success. On the positive side, many church leaders believed that the project gave new impetus to evangelism. It also proved that religious conservatives, no less than liberals, could coalesce in an ecumenical movement to "call the continent to Christ."\footnote{"The Week in Review," New York Times, January 20, 1974.} But because of financial problems, neither the national nor the local drives could make extensive use of the mass media. Other factors in the negative column appear to have been a lack of proper organization and failure to articulate clearly defined goals. As for the Jewish response to Key '73, Reverend Raedeke remarked, "I think their reaction helped our cause."\footnote{New York Times, September 2, 1973.}

MOTION PICTURES AND TELEVISION

"Jesus Christ Superstar"

Reaction to the film version of "Jesus Christ Superstar," in terms of its religious implications rather than its artistic or entertainment value, ranged from mildly favorable to sharply critical. This stylized "rock" opera, filmed in Israel and depicting the last seven days in the life of Jesus, was seen by some as deeply offensive to Christians and/or Jews,
not to mention the portrayal of Judas (duped by the Jewish priests) by a black actor. While many questioned the wisdom of showing the film in its present form, few called for boycott or outright suppression. The predominant disposition was to censure rather than censor it. Other viewers of both faiths found in it little, if anything, that was objectionable.

Jewish reaction to the film was mainly hostile. Benjamin R. Epstein, national director of the Anti-Defamation League of B'nai B'rith, said the movie's "sharp and vivid emphasis on a Jewish mob's demand to kill Jesus" could have an impact on the large numbers of young people who were expected to see it. The American Jewish Committee released a detailed eight-page analysis by Gerald Strober, a Presbyterian educator and staff member, which charged the film with falsifying history and fostering vicious antisemitic stereotypes. The journal of the American Jewish Congress published an article which accused the filmmakers of "unbelievable naïveté" in once again painting the Jews as "Christ killers." "History, they appear to be saying, never happened. There never were any anti-Jewish laws, crusades, inquisitions, blood accusations, desecrations of synagogues, pogroms."

A number of Christian spokesmen supported the predominant Jewish view that the film had an antisemitic impact. A statement by the U.S. Catholic Bishops' Secretariat for Catholic-Jewish Relations, which was sent to Catholic dioceses throughout the United States, called the film's "caricaturing of Jesus" offensive to Christians, but emphasized that "important portions of the film defame and deprecate Jews and Judaism." Six Protestant leaders in Philadelphia sharply criticized the portrayal of Jews in the film, urging clergymen, in a letter to nearly 2,000 colleagues, "to counteract the negative impact the film can have on Jewish-Christian relations." And the Church Council of Greater Seattle issued a statement declaring that the film distorted the New Testament message. "These materials," it asserted, "translate to the screen in 'Superstar' as gross anti-Semitism. . . . We feel, in particular, that children and youth viewing this film should be aware of these distortions."

There were those in whose judgment the film was not harmful to the Jews. Ben Kayfetz, executive director of the central region of the

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Canadian Jewish Congress, wrote that it was "not overtly anti-Jewish in content" in a memorandum to CJC's Joint Community Relations Committee. A movie critic for the London Jewish Chronicle observed that "stage productions of 'Jesus Christ Superstar' have been running all over the world without provoking any pogroms, and I do not think the screen version will do any harm either." 

The Christian Century, an influential ecumenical weekly, also maintained that the production was not antisemitic. This view was echoed by an editorial in the United Methodist Reporter, a national weekly, which declared, "That's not anti-Semitism; it's Christian history." Somewhat similar was the view of religion columnist for the Washington Post, who, in criticizing the American Jewish Committee's critique of the film, maintained: "The way to combat anti-Semitism, it seems to me, is not to re-write the Bible or to challenge those popularizers who fail to do so, but simply to reiterate repeatedly the indisputable fact that Jesus and all his followers were Jewish." Writing in The Pilot, official organ of the Boston diocese, the Reverend Monsignor Matthew P. Stapleton and the Reverend Neil Cronin, chairman and executive secretary, respectively, of the Archdiocesan Ecumenical Commission, took a middle position: "We sincerely believe that the ordinary Christian today will not be turned against the Jews because of this picture, but if in his heart there is any trace of anti-Semitism an individual might feel his animus is confirmed in the attitude of the chief priests who are presented as selfish, callous, cruel and blood-thirsty."

Elmer L. Winter, president of the American Jewish Committee, suggested that, in a possible television adaptation of the film, its "hostile caricature of the Jewish people, their priests and their temple be eliminated" and that TV as well as foreign versions include both a prologue and epilogue stating clearly that the film "has no pretense to theological or historical authenticity."

An interesting footnote to the controversy was provided by an interview with Carl Anderson, who played the role of Judas in the film and who was asked whether Jews are, as some have claimed, the real killers of Christ. "I can't say yes and I can't say no," he replied.

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"Bridget Loves Bernie"

Had the closely watched Nielsen ratings been the only determining factor, it is hard to believe that "Bridget Loves Bernie," the Saturday night situation comedy dealing with a Jewish-Catholic intermarriage, would have been dropped by the Columbia Broadcasting System in the 1973 fall season. According to Nielsen, this program was the seventh most popular on the TV networks. Yet the series, which from its inception had rabbis and priests as consultants in an effort to avoid being offensive to either faith, was cancelled.

"Bridget Loves Bernie" did in fact encounter criticism from some Catholic spokesmen. For example, one critic, writing in a diocesan newspaper, commented: "The Catholic father emerges as a pompous ass; the mother as a simpering nincompoop whose religious formation apparently stopped in the second grade. . Some video viewers may find the show amusing. But can they honestly say it does not smack of 'religious indifferentism' condemned by the Popes over the long centuries?"

By far the heaviest attacks on the program came from Jewish sources. Although traditionally American Jews have espoused freedom of expression for all and have fought vigorously against attempts at censorship from whatever quarter, there were numerous protests against this particular series from representatives of all segments of the religious community, Orthodox, Conservative, and Reform. The Synagogue Council of America, the organization of rabbinical and synagogal bodies of all three branches, was in the forefront of the campaign.

While the show was accused of mocking the teachings of Judaism, the chief reason for the overwhelming Jewish opposition was that intermarriage, which has been perceived as a growing menace to Jewish group survival in America, was presented in a largely favorable light. According to Allen S. Maller, a Reform rabbi, who cited the disproportionately high rate of divorce among Jewish-Gentile couples, the producers

were doing a great disservice to the audience, especially the teenage audience, by glossing over the serious problems that a Catholic-Jewish

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107 In February of 1973, the New York Board of Rabbis adopted a resolution strongly condemning those of its members who performed mixed marriages.
marriage entails. For the sake of a laugh, this program encouraged ridicule of traditional religious values that are rooted in experience and fact. It also encouraged young people contemplating a mixed marriage to avoid facing hard decisions that will only become more difficult when there are children to be raised.108

Not all Jewish reaction to "Bridget Loves Bernie" was of the same kind, however. Writing in Sh'ma, a biweekly journal which is open to diverse viewpoints, a teacher of synagogue youth inquired:

Do we seriously believe that removing such a show will stem the tide of intermarriage? Do we have the right to determine that which is directed at the entire country? My class and I submit that we do not, and that it is high time to stop playing with words and to take the term "freedom" seriously.109

George Johnson of the Synagogue Council of America analyzed the problem of intermarriage in terms of a declining sense of Jewish identity among American Jews. "Jewish behavior among non-intermarried families is so minimal," he noted, "that intermarrieds are in many cases equally Jewish, or perhaps even more Jewish, than the non-intermarried".110 In essential agreement with Johnson's perspective was the following observation in an article about the series:

That Jews and non-Jews marry each other is an unavoidable side-effect of living in a predominantly Christian country where the mores make for direct, free socializing between people of all religions. But those who intermarry know and care so little about what they are doing, they are so "de-Judaized" that whether or not to intermarry is not even a meaningful question for them. This is the real tragedy, and it bodes ill for the future of Jewry in America.111

The decision to eliminate "Bridget Loves Bernie," according to CBS president Robert D. Wood, was "absolutely removed, independent, and disassociated from criticism of the show from some Jewish groups."112 Echoing this disclaimer was the following comment of a network official: "We probably only received 300 letters from the

viewers on ‘Bridget Loves Bernie.’ We received between 3,000 and 4,000 letters over the cancellation of the daytime serial, ‘Love Is a Many Splendored Thing,’ in the last week.” The producer of the cancelled show, however, widely disseminated its Nielsen rating results for the two weeks after its cancellation was announced, showing it ahead of the Mary Tyler Moore program (also on Saturday night) which, of course, was not cancelled.

Samuel Rabinove

U.S. Middle East Policy
and Diplomacy

The massive October 1973 attack on Israel by Egypt and Syria had been code-named by them “Operation Spark.” It set off an explosion which not only rocked the Middle East, but caused severe economic repercussions throughout Western Europe and Japan and triggered a confrontation between the nuclear superpowers, unparalleled in its gravity since the Cuban missile crisis more than a decade earlier.

In the process long-held stereotypes about Arabs and Israelis were shaken and some popular illusions about the new era of Soviet-American détente were smashed. But if the cold war appeared revived and virulent in the Middle East, the over-all consequences were not unfavorable to the United States. The new situation created by the fighting, although fraught with danger, unfroze the political and psychological stalemate in the Arab-Israel conflict that had frustrated UN and United States mediation efforts since 1967.

Washington seized the diplomatic initiative. Secretary of State Henry A. Kissinger had previously been reluctant to become involved in the emotion-charged Middle East for fear that his Jewish background might hamper his effectiveness by raising doubts about his objectivity. But now Kissinger turned his full attention to the conflict and, in a dazzling display of shuttle diplomacy, managed to win the admiration of both the Egyptian and Israeli leadership. While his success was widely attributed to his unique personal style and negotiating skill, an equally important factor was the Arab realization that the United States held the key to obtaining concessions from Israel. Although it was Russian arms and Soviet training that had made the attack possible, it was the American resupply airlift to Israel in the second week of the war that enabled Israel to counter successfully the tremendous flow of sophisticated new weaponry Moscow was providing the Arab belligerents. Moreover, the firm diplomatic posture of the United States, backed up by a global alert of the Strategic Air Command, deterred Moscow from unilaterally intervening with its own troops and tactical nuclear weapons to bail out the encircled
Egyptian Third Army and prevented the Russians from imposing a political settlement on Soviet and Arab terms.

**U.S. Relations With Arab States**

Paradoxically, the clear demonstration of direct American political and military support for Israel during the Yom Kippur war accelerated the recent trend among Arab states to seek improved relations with Washington. This was in marked and ironic contrast to the situation following the 1967 six-day war when Egypt and five of the other, more radical and ostensibly Socialist, Arab League states had broken relations with the United States (AJYB, 1968 [Vol. 69], pp. 148-49). Their action had been prompted by false Egyptian charges that the U.S. Sixth Fleet had flown sorties for the Israelis during the conflict. Even though Nasser subsequently acknowledged that he had been mistaken and that the United States had not intervened militarily, it was only in 1972 that the Sudan and Yemen resumed formal diplomatic relations with Washington, and Iraq allowed the opening of an American interests section under the aegis of the Belgian embassy (AJYB, 1973 [Vol. 74], pp. 194-95). Similarly, only a small staff of United States diplomats had continued to work in Cairo after the 1967 war under the flag of the Spanish embassy, while a few Egyptians operated in Washington as part of the Indian embassy.

At the beginning of November 1973, only days after the cease-fire on the Egyptian-Israeli front and following Kissinger’s trip to Egypt for talks with President Anwar al-Sadat, the two governments announced their intention to resume full diplomatic relations. President Sadat explained that he was now convinced that the United States had embarked on a more positive policy toward the Arab states and that he had confidence in the objectivity and helpfulness of the new American secretary of state, to whom he subsequently referred as “my friend and brother, Dr. Henry.” United States Ambassador designate Herman F. Eilts, a career diplomat with previous service in the Arab world, arrived in Cairo on November 5.

Following Kissinger’s visit to Damascus in December, the Syrian Ba’athist military régime headed by General Hafez al-Assad, also indicated a willingness to resume full diplomatic relations with the United States. However, the formal ceremonies in Cairo, Damascus, and Washington were to take place only after the conclusion of the Egyptian-Israeli and Syrian-Israeli disengagement agreements. The rapid improvement in Arab-American relations aroused misgivings in Israel, despite Washington’s assurances that the United States remained committed to Israel’s security.
Ascendancy of the Moderates

The war also accelerated a realignment of forces in the Arab world. The year 1973 marked the ascendancy of the more pragmatic, less ideologically fanatical elements in the Middle East. The Egyptians successfully resisted close relations with Colonel Muammar al-Qaddafi, the mercurial Libyan leader who had resorted to such flamboyant tactics as arriving unannounced in Cairo, and sending a large truck convoy of Libyans to Egypt to demonstrate for implementation of the long-projected merger between the two countries, which was to have been concluded on September 1. The Egyptian authorities turned back the convoy at the frontier. Qaddafi went on the air to charge the Egyptian régime with being soft on Zionism, lacking in Islamic purity, and having been corrupted by bourgeois tastes. Qaddafi's fundamentalist views on the traditional role of women in society, his encouragement of reactionary Islamic and extremist Palestinian groups, and his meddling in the internal affairs of strife-torn countries as far apart as the Sudan, Ireland, and the Philippines, all served to convince the more educated Egyptians that Qaddafi's shortcomings more than outweighed the lucrative oil revenues to be expected from a merger with Libya.

Sadat successfully outmaneuvered Qaddafi by mending his fences with other Arab states. A mini-summit conference, in Cairo in early September, with Syrian President Assad and Jordanian King Hussein led to a resumption of Egyptian relations with Jordan, which had been severed because of Hussein's suppression of the Palestinian guerrilla groups. The summit conference also made vague declarations about improved coordination in the continuing Arab military struggle against Israeli aggression and expansionism. Hussein later claimed that his new Arab allies had failed to confide in him as to the timing of their impending attack on Israel.

Of greater importance was the economic and political support Sadat managed to extract from Saudi Arabia's King Faisal. Egyptian-Saudi relations had improved markedly since the low point in the mid-1960s, when Nasser, in the name of Arab revolution, socialism, and progress, had called for the overthrow of reactionary Arab monarchies and had dispatched more than 50,000 Egyptian forces to Yemen to aid the republicans against the Saudi supported royalists (AJYB, 1967 [Vol. 68], pp. 97-98). Sadat abandoned, or at least shelved, Nasser's grandiose pan-Arab and pan-Islamic ambitions, concentrating instead on an Egypt-first policy.

Faisal, who was almost as rabidly anti-Communist as he was anti-Zionist, had encouraged Sadat to end his dependence on the Soviet Union and had allegedly assured Sadat that if he expelled the
Soviet advisers, Washington would show its gratitude by pressuring Israel to withdraw from all of Sinai. When, in 1972, the United States failed "to squeeze Israel like an orange," as Sadat had demanded, he complained to Faisal and reportedly obtained his pledge of financial support to pay for the arms required in the Egyptian cross-Canal attack and also to bring the Saudi oil weapon into play.

The Oil Weapon

The Saudi-Egyptian reconciliation thus proved to be a mixed blessing for the United States. On the one hand, it helped make Saudi Arabia's conservative, pro-Western régime less vulnerable to attack by the Arab socialists. On the other hand, to silence criticism by Palestinians and the "progressive" Arab camp of his unholy alliance with the United States, Faisal finally agreed in 1973 to use his oil as a weapon to influence American Middle East policy. On several occasions before the outbreak of the October war, Faisal and his oil minister, Ahmed Zaki al-Yamani, had publicly warned that Saudi Arabia would cut back its production unless the United States modified its support of Israel and adopted a more evenhanded policy. The Saudis enlisted the help of such American oil companies as Mobil and the Standard Oil Company of California, both partners in ARAMCO (Arabian-American Oil Company), to pressure the United States government to support the Arab position in the conflict with Israel and to win over American public opinion to the Arab cause through advertising campaigns and letters to their shareholders. After the outbreak of the October war and the American resupply of Israel, Saudi Arabia joined in the oil embargo against the United States and its Western allies. It even ordered ARAMCO to stop its supplies to the U.S. Navy. (The response of the American government and public is discussed more fully below.)

Essentially and on balance, the policy backfired politically, arousing more resentment than sympathy for the Arab cause; but economically it has thus far proven a success, enabling Saudi Arabia and the other major foreign oil producers to triple, and even quadruple, their oil revenues.

However, the trend of rising prices and greater national control of Middle East oil resources had already been predicted before the war (AJYB, 1973 [Vol. 74], pp. 203–204), and, indeed, non-Arab Iran, which refused to join in the oil embargo and continued to ship oil even to Israel, was a prime mover in the campaign to increase oil prices.
Although the embargo caused some isolated economic dislocations in the United States, it did not result in 1973 in the major disruption that had been feared. However, there was the long-range danger that, unless massive development of alternative energy sources was rapidly achieved, or unless the Middle East oil producers moderated their economic policies, even after the embargo was lifted the exorbitant price of oil would exacerbate the inflationary tendencies in the industrial nations, add to the misery of the oil-poor developing countries, and possibly precipitate a global depression.

Renewed Emphasis on Palestinians

On October 22, the UN Security Council passed Resolution 338, which linked the cease-fire to the immediate and concurrent start of negotiations “between the parties concerned,” with the aim of “establishing a just and durable peace in the Middle East.” Support of the resolution by Egypt, Syria, and Israel aroused fears among the Palestinian guerrilla groups that they would be frozen out of the negotiating process and that the war-weary Arab states would make a deal with Israel, accepting its right to exist within secure and recognized boundaries in exchange for Israeli withdrawal from Arab territories. Extreme groups, such as George Habash’s Popular Front for the Liberation of Palestine (PFLP), which was notorious for its hijackings and civilian massacres, denounced the cease-fire resolution and maintained their opposition to any solution other than the total elimination of Israel and its replacement by a Palestinian Arab state. Some of the more moderate elements, both in the neighboring Arab states and among the Palestinians, feared that wanton terrorist acts by PFLP and other extremist groups might wreck the prospects for a political settlement, and with it dash any hope in the foreseeable future for Palestinian self-determination.

Others argued that the Vietnam experience had shown it was possible to fight and negotiate at the same time. Only by stepping up the guerrilla war against Israel, they felt, could they force the Israelis and the Great Powers to acknowledge that no lasting settlement was possible unless the palestinians were brought into the negotiations at Geneva.

Debates raged among the Palestinians, recalling to veteran Middle East observers similar soul-searching among the Zionist leaders in 1937, when the Peel Commission under the British Mandate recommended partition of Palestine into independent Arab and Jewish
states, and again in 1947, when the United Nations General Assembly made a similar recommendation. The moderates within the Yishuv and the world Zionist movement prevailed and agreed to accept partition on the practical grounds that half a loaf was better than none. Within the Arab camp, however, the extremists had won out, partly because the Mufti of Jerusalem, Hajj Amin el-Husseini, had systematically assassinated Palestinian Arab leaders who had been willing to compromise with the Jews.

After the Yom Kippur war more and more voices began to be heard among the Palestinians arguing that, since the super-power détente would not permit the destruction of Israel at this time and since Israel's Arab neighbors were determined to work out some form of accommodation with Israel, the Palestinians should shift their tactics and demand the establishment of an independent, or autonomous, Palestinian state to be created, at least initially, on territory to be evacuated by Israel. However, by year's end the moderates had failed to take effective action to curb the terrorists, and the various "resistance" groups comprising the Palestine Liberation Organization (PLO) had not yet reached agreement on a common policy toward Israel.

ALGIERS ARAB SUMMIT

To reassure the Palestinians that they were not being sold out, the Arab League Summit Conference in Algiers, at the end of November, declared that Arab demands in the projected negotiations under UN auspices at Geneva would be not only full Israeli withdrawal from territories occupied in the 1967 war, but also "restoration of the national rights of the Palestinian people." Moreover, despite objections by Jordan's King Hussein, the Algiers Summit designated the Palestine Liberation Organization, headed by al-Fatah leader Yasir Arafat, to be "the sole legitimate representative of the Palestinian people."

Arafat met with Sadat and visited Moscow in December. Both the Russians and the Egyptians were reported to have encouraged him to create a government-in-exile, which would send a delegation to Geneva to participate in discussions on the disposition of the Israel-occupied West Bank and Gaza Strip and the claims of the Palestinian refugees. But to gain admission to a UN peace conference, he was told, the PLO would have to moderate its rhetoric calling for the destruction of Israel, which was a member state of the United Nations.

When asked by a Lebanese paper in November whether the
“Palestinian resistance” would eventually participate in the Geneva peace conference, Arafat replied: “Is there an alternative as long as the Arab situation is as it is?” In contrast to earlier maximalist demands, Arafat did not categorically reject a Palestinian state on the West Bank, nor did he call for the reemigration of Israeli Jews. He even allowed interviewers to gain the impression that the projected West Bank Palestinian state was prepared to settle its differences with Israel by political rather than military means, although he did not explicitly speak of recognition of Israel.

The optimists contended that this marked a fundamental shift in the position of the so-called moderates in the PLO, and that if Arafat did not elaborate on this in public, it was for fear of assassination by extremists in his own ranks. The pessimists responded that Arafat had merely changed his rhetoric to suit the needs of his Soviet and Egyptian mentors; that his ultimate aim still was the destruction of Israel. Arafat now began to echo the statements of Sadat, who spoke of the struggle against Israel as one of several stages. In early December Arafat was quoted in the Paris daily *Le Monde* as explaining that his was a “phased policy, which makes us hold back various projects and formulas, and impels us to reconcile what is currently possible with our ultimate strategic objective.”

Speaking to an Arab audience on the *Voice of Palestine* from Riyadh on December 10, Arafat’s right-hand man, Abu-Iyad, was even more explicit about the PLO’s ultimate intention:

> If at certain times we have maintained silence over certain matters, this does not mean we will stop at this point, concede our historic rights, and stop our struggle and fighting. Our adherence to our historic right to liberate Palestine and establish a democratic Palestinian state on all Palestinian territory is a basic principle from which we cannot depart.

**ISRAELI AND U.S. REACTION**

The Israel government’s reaction to the possible participation of the PLO at Geneva was that UN Security Council Resolution 242 of November 22, 1967, whose implementation was called for under Resolution 338, spoke of agreements among the existing states of the region; that it did not recognize the Palestinians as a separate party and referred to them only indirectly in speaking of “a just settlement of the refugee problem” (AJYB, 1968 [Vol. 69], p. 181). Noting that intelligence reports had confirmed clandestine ties of Black September, which brutally killed two senior American diplomats and a Belgian in Khartoum in March, with Arafat’s al-Fatah, the Israelis further insisted that they would have no dealings with terrorists.
The United States officially maintained a low profile on the Palestinian question, for it did not wish prematurely to complicate the negotiations, or to offend both Israel and Jordan, which contended that Palestinian interests might best be represented as part of the Jordanian delegation.

The issue remained academic during 1973, since the Palestinians themselves had not yet decided to make a formal application to attend the Geneva conference. The initial two-day session in mid-December was largely ceremonial and limited to formal statements of position by Israel as well as by Egypt and Jordan, which at the time were the only Arab states prepared to sit in the same room, but not at the same table, with Israel. By general consensus the Geneva conference adjourned pending the conclusion of quiet diplomatic efforts to achieve military disengagement agreements along the Suez Canal and on the Golan Heights. It was becoming increasingly clear, however, that the peace conference ultimately would have to grapple with the Palestinian issue.

EGYPTIAN AND SOVIET SUPPORT

Opinion was divided on why Egypt and Russia were backing the PLO. The pessimists saw in Sadat’s October 16 pledge to the Egyptian Assembly that he would continue to fight “to restore and obtain respect for the legitimate rights of the people of Palestine” a commitment to Israel’s ultimate destruction, to be implemented whenever he felt strong enough to do so. Sadat’s comment, in the same speech, that “our enemy has persisted in this arrogance not only in the past six years but throughout the past 25 years—that is since the Zionist state usurped Palestine,” (emphasis added) supported this view.

The optimists dismissed these utterances as mere rhetoric. They pointed to signs that Egypt was turning inward, that it was fed up with serving as “the blood bank of the Arab world.” If the PLO became a party to the Geneva negotiations and accepted a West Bank state, they contended, this would provide Egypt with an honorable way out of its commitment to champion the Palestinian cause. As an editorial in the semi-official al-Ahram of November 29 noted, restoration of Palestinian rights “would remove the causes of explosions, instability, and recurrent military confrontations.”

The growing Soviet support, in 1973, for the Palestinian guerrillas has also been subject to varying interpretations. One view was that the Russians were basically conservative and preferred to deal with existing states, but that fear of being outbid by the Chinese in their strategic and ideological struggle has prompted the Kremlin to
maintain a facade of support for such militant liberation movements as the Palestinian. Others thought that the Soviet uneasiness over recent American diplomatic successes in the Middle East has prompted the Russians to keep PLO in reserve as a potential minefield on the road to peace, to be detonated if the Geneva negotiations should go counter to what the Soviet regarded as their interests.

Or the Russians may have decided that, for reasons of global strategy, they did not at present wish to risk another nuclear confrontation with the United States over the Middle East and that, therefore, some form of negotiated Arab-Israel settlement was desirable. The creation of a small, Soviet-backed and potentially irredentist Palestinian state could provide a strategically located new base for Soviet long-range ambitions in the Middle East, especially since the Soviet postion in Egypt was in serious danger of being eroded by American offers of political, economic, and technical aid.

An unstable Palestinian state, it was noted, could serve as a new focus for tension and a possible pretext for Soviet intervention in support of future irredentist Palestinian demands against either Israel or Jordan. Should radical Palestinians succeed in overthrowing the pro-American Jordanian monarchy and establishing themselves on both sides of the Jordan, this might help create an expanded Soviet sphere of influence linked to the neighboring Arab states of Syria and Iraq, with potentially serious consequences for the balance of power in the region. The pessimists cited the mischievous role of the Soviet Union before and during the Yom Kippur war (p. 530) as further evidence that, despite their formal commitments to détente, the Kremlin leaders had not abandoned their imperialist ambitions in the Middle East.

**PRE-WAR PEACE EFFORTS**

The United States did not wait until after the Yom Kippur war to try to get some progress in Arab-Israel negotiations. During King Hussein's visit to Washington in early February, President Richard M. Nixon reaffirmed that the Middle East would have "very high priority" in his second term of office. Hussein received a pledge of "firm U.S. support" for Jordan's new economic development and military modernization programs. In fiscal 1972 Jordan had received a total of $110.9 million in United States economic and military aid, of which $55 million was in general supporting assistance, $38 million in military grants, and $11.4 million in military sales. During the visit, the President promised Hussein two squadrons of F-5E jet fighters and
some additional equipment. (In fiscal 1973 Congress voted $32.7 million for military grants and $50 million for supporting assistance for Jordan. For fiscal 1974 these figures were raised to $65 million for supporting assistance and $36 million for military grants.)

Noting that Hafez Ismail, a special envoy of Egyptian President Sadat, and Prime Minister Golda Meir were expected in Washington shortly after Hussein, Nixon jokingly declared “this is sort of Mideast month.” In a more serious vein he announced that the United States was determined to move the Middle East stalemate “off dead center.” However, the Washington talks failed to reveal any significant change in the position of any of the parties. Mrs. Meir reiterated that Israel was “prepared to talk seriously and honestly to our neighbors any time, any hour, any place.” She denied that there was any need for Israel to come up with “new ideas,” since the old ideas had never been put to the test.

Ismail, who was described as Sadat’s Kissinger, told newsmen that his visit had produced “more relaxed relations with the United States,” and Secretary of State William P. Rogers stated that, as a result of the talks, “we developed a good rapport with Egypt.” But while the atmosphere may have improved, there was no real progress on substance. Ismail reportedly conveyed to the United States government Sadat’s readiness for a peaceful settlement. At the same time, he repeated Cairo’s longstanding insistence that Israel sign a formal commitment to total withdrawal from Sinai as a precondition for talks, even on an interim agreement for an initial pullback of Israeli forces from the Suez Canal, which was to precede the return of the evacuated area to Egyptian civilian control and the clearing and reopening of the Canal. Israel had agreed in February 1971 to discuss such an interim agreement either directly with Egypt or under United States auspices. However, Jerusalem refused to accept the Egyptian precondition, insisting that the extent and timing of Israeli withdrawal in the over-all final settlement was something to be negotiated by the parties. Ismail failed in his effort to convince President Nixon that the way to normalize American relations in the Arab world was to pressure Israel to accept the Egyptian demands.

Mideast Arms Race

While Hafez Ismail’s ostensible peace mission to Washington received most of the headlines in the American press, there was only scant mention of the nearly simultaneous mission to Moscow of General Ahmed Ismail, Egypt’s minister of war, as follow-up to the
arrival of an important Soviet military mission to Cairo in February. He met with the Soviet Defense Minister Marshal Andrei A. Grechko, presumably to discuss additional Soviet arms shipments to Egypt. The official Soviet press agency Tass said that they had had a “friendly talk” about “matters of mutual interest,” without giving details.

It was disclosed in mid-March that Mrs. Meir, on her visit, had received from the Nixon administration a commitment to sell Israel four squadrons of combat jets and an offer to help Israel set up production of its own fighter planes modeled on the French Mirage and powered by a General Electric engine. Tentative plans involved the sale of about 24 F-4 Phantom fighter-bombers and 24 A-4 Skyhawk light attack planes, with deliveries extended over two years, starting in January 1974. They were to insure a continuing flow of equipment to Israel upon completion of deliveries under the previous contract signed in 1971. However, the total supplies under the new agreement were to be less, and at a somewhat lower rate of delivery.

Sadat later charged the 1973 agreement convinced him that the United States was not going to pressure Israel into making territorial concessions and he consequently concluded that he would have to go to war to achieve his aim. Other, reliable sources indicated that the basic Egyptian decision to embark upon a cross-Canal attack had been reached earlier, but its implementation was postponed several times. For example, Major General Sa‘ad al-Din al-Shazli, Egyptian chief of staff in the October war, disclosed (al-Ahram, December 6, 1973) that active planning had been going on for nine to ten months before the outbreak of hostilities.

United States officials said the additional shipments of matériel to Israel were in response to recent and anticipated shipments of Soviet aircraft to Egypt and Syria, and of French aircraft to Libya. American analysts noted that in the past year the Soviet Union provided Egypt with more than 120 MIG-21-J fighters and 12 Sukhoi-17 fighters, and that Syria received 40 MIG-21’s since January, as well as numerous SAM-2 and SAM-3 missiles. Meanwhile, intelligence sources confirmed that Libya received some 60 French Mirage-5’s which it made available to Egyptian pilots for training.

U.S. View on Negotiations

The military aid to Israel, United States officials explained, was also intended to serve as a symbol of continuing American determination to maintain the military balance of power in the Middle East. It was also hoped that if Israel felt militarily secure, it would be more likely to be
flexible in negotiations. Gerald R. Ford, then House Republican leader, declared on May 7 that the United States aid was providing Israel with the means of deterring aggression, adding that "the United States must continue to give Israel the backing necessary to maintain the credibility of our friendship." While the "ultimate and overriding objective" of United States policy was a "permanent and just peace in the Middle East," he emphasized:

In the Congress, our bipartisan policy in the Middle East is committed to a peace that must emerge from the parties directly involved. We reject any diplomatic concept that would call upon our friends the Israelis to negotiate with the United States rather than with Egypt on the territorial question.

This did not mean, however, that the United States unequivocally endorsed the Israeli negotiating position on specific issues. If the United States was not applying material pressure, it was beginning to prod the Israelis, as well as the Arabs, to modify their thinking.

This view was elaborated by President Nixon on May 3 in his fourth annual Report to the Congress on U.S. Foreign Policy for the 1970's. After stating that the United States objective was still "to help move the Arab-Israeli dispute from confrontation to negotiation and then toward conditions of peace as envisioned in UN Security Council Resolution 242," he declared:

But a solution cannot be imposed by the outside powers on unwilling governments. If we tried, the parties would feel no stake in observing its terms, and the outside powers would be engaged indefinitely in enforcing them. A solution can last only if the parties commit themselves to it directly. Serious negotiation will be possible, however, only if a decision is made on each side that the issues must be finally resolved by a negotiated settlement rather than by the weight or threat of force. This is more than a decision on the mechanics of negotiation; it is a decision that peace is worth compromise.

He added that it should be possible to enter such negotiations "without expecting to settle all differences at once, without preconditions, and without conceding principles of honor or justice." At the same time, he acknowledged that "urging flexibility on both parties in the abstract seems futile."

The President's Report, which was said to have been largely drafted by Kissinger, made the following additional points regarding the potential negotiations: Neither side was willing, "without assurance of a satisfactory quid pro quo," to sufficiently modify its basic positions to get a concrete negotiating process started. "A step-by-step
approach” still seemed the most practical. The United States was “open-minded” on how the first step was to be related to subsequent steps leading toward a broader settlement, but emphasized that the relationship could not be ignored. Moreover, “all important aspects of the Arab-Israeli conflict must be addressed at some stage, including the legitimate interests of the Palestinians.” The United States also remained open-minded with regard to its own role in the negotiating process.

Noting that the issues were “formidable, interlinked, and emotion-laden,” the President’s Report concluded that solutions could not be found in general principles alone, but would have to be embodied in “concrete negotiated arrangements.” Peace, it maintained could not be achieved by clever gimmicks, for “the parties will not be tricked into compromise positions by artful procedures.” Nevertheless, “there is room for accommodation and an overwhelming necessity to seek it.”

CRITICISM OF ISRAEL AND RESPONSE

While the President’s Report refrained from explicitly blaming either Israel or the Arab states for the lack of progress in negotiations, its studied even-handedness implied that Israel was at least partially responsible for the stalemate. This point was made strikingly explicit by Assistant Secretary of State for Near Eastern Affairs Joseph J. Sisco, in an address to the American Israel Public Affairs Committee on May 7, on the occasion of Israel’s 25th birthday. It was an opportunity for him to “speak frankly” to his audience of Israeli officials and American supporters of Israel and to “caution” Israel not to allow “myths of the past” to obscure “the realities of the present.” The speech was evenhanded in that he also called upon the Arab states to abandon what he called various myths clouding their perceptions, notably that the six-day war was sparked by unprovoked Israeli aggression; that the U.S. Air Force aided Israel in the war; that “peace can be achieved by going to war,” a view currently circulating in the Arab world, and that “peace can be made by proxy.”

Sisco chided Israel for failing to respond adequately to the change in Arab attitudes since 1967. He contended that while there were still some Arab voices calling for the disappearance of Israel, “there are many others in the Arab world who now perceive their national interest as compatible with the existence of a sovereign Israel”; that “for most Arabs Israel’s existence is no longer the principal issue.” He regretted that despite the narrowing of the gap on the question of coexistence, the two sides were further apart than ever on the issue of boundaries,
with the Israelis calling for substantial changes from the 1949 armistice lines (i.e. the pre-June 5, 1967 lines) and Sadat refusing to concede "an inch of territory." Another myth, in Sisco's opinion, was Israel's view that the six-day war was the result of a calculated Arab plan to launch a war of destruction against Israel. The "most plausible explanation," he contended was that it resulted from "improvised actions and reactions by each side," which the cumulative weight of mutual suspicion escalated until war became inevitable. Equally illusory, he thought, was the notion that "security is solely a function of the physical location of territorial boundaries."

According to Sisco, the principal lesson of the last 25 years of Arab-Israeli relations was that it "is a history of lost opportunities"; that this has been especially so since adoption of the 1967 Security Council Resolution, which provided the principles for a lasting peace, because "neither side, Arab or Israeli, has collectively defined its goals in terms of the 'opportunity costs' of achieving those goals. There is no broadly agreed consensus on either side as to what the acceptable trade-offs might be."

Sisco believed "it is time for the parties to begin to choose options, to establish priorities, to decide what is most important and what it will cost, and to decide whether it is worth the price." He warned that the cost of each missed opportunity in the Middle East was becoming progressively higher. Alluding to the pre-October feeling of complacency in Israel that time was on its side, that it could continue to live with the status quo, and that eventually the Arabs would realize the futility of their position and come to terms, Sisco warned:

We see a situation that every rational person knows in his innermost thoughts is not normal, not stable and not durable. True . . . such situations can last for a surprisingly long time. But need they? And isn't the cost in the end often greater than it would have been if both sides had seized the opportunities and taken the risks necessary to resolve conflicts sooner?

ROLE OF "ENERGY CRISIS"

Sisco denied that he had any ulterior motive in urging the Israelis to make concessions. Referring to the widespread speculation that the "so-called energy crisis is going to lead to changes in our Middle East policy," he contended that this was "the wrong way to pose the question. The question is whether our policy of seeking to promote a peaceful settlement through negotiations between the parties is going to succeed, so that there will be no temptation for some to seek to politicize the energy problem." This was not reassuring to the Israelis, for it implied that the need of the United States to maintain good
relations with the Arab oil producers was an added incentive for it to push actively for a settlement that included Israeli concessions.

Sisco stated explicitly that the United States would "continue to press" for a negotiated solution. Alluding to the talks with Egyptian, Jordanian, and Israeli officials in Washington in February and March, in which all had given assurances of their desire to keep the doors of diplomacy open, Sisco said, "we intend to take them at their word." Since the immediate problem was to "reconcile Egyptian sovereignty and Israeli security needs," the United States would make a new attempt to achieve step-by-step progress on an interim Suez Canal agreement "with some Israeli withdrawal in Sinai, the reopening of the Suez Canal and an extended cease-fire."

Simha Dinitz, recently appointed Israel ambassador to the United States and previously political advisor to Prime Minister Meir, departed from his prepared text on Israel's accomplishments during the past 25 years to respond to Sisco's speech. Dinitz stated categorically that "no opportunity for peace was ever missed by Israel"; that Israel had always been, and still was, prepared "to enter immediately into peace negotiations with the Arab countries on an overall settlement without any preconditions on either side." He reminded the audience that Israel accepted the offer of an interim Suez settlement, but that Egypt refused to attend the American arranged proximity talks. He charged that Arab hostility was not a myth but a somber reality, and that after every war "the Arabs converted the situation from a platform for meaningful negotiations into a jumping board for preparation of a new war."

DEBATE ON ISRAELI POLICY CONTINUES

With the hindsight of the Yom Kippur war, which began only five months after the Sisco-Dinitz exchange, there has been much debate both in the United States and in Israel as to who was right. It is one of the tragic ironies of that war that partisans of both views have found confirmation for their position. For some there remained nagging uncertainty that if Israel had only displayed greater diplomatic flexibility, taken some unilateral initiatives, and refrained from "establishing facts" in the occupied territories, perhaps Sadat would not have felt impelled in frustration to go to war, and thousands of lives would have been saved on both sides.

For others, the perfidious Yom Kippur attack, launched at a time when Sadat's emissary to the UN was deluding the Americans into thinking that he was seriously considering their latest proposal for an interim agreement, proved that Arab declared intention of peace could
not be trusted. Moreover, the Israeli maximalists were pointing to the extravagant war aims proclaimed by Sadat and the semiofficial _al-Ahram_ in the early days of the war, when it seemed that the Egyptians and Syrians were about to score a great victory, as evidence that the ultimate Arab intention to destroy Israel had not been abandoned even by the allegedly more moderate Egyptian government. In their view, Israel's refusal to relinquish any territory in the absence of real peace was not intransigence but essential for survival. They argued that had Israel withdrawn from Sinai to the 1949 armistice lines, as it had after the 1956 Sinai campaign, Egypt would have been even more tempted to attack Israel's nearby population centers and thereby threaten its very survival as a state.

For the minimalists, or "doves," the war confirmed Sisco's thesis that even the far greater territorial buffer provided by Sinai and the Golan Heights did not provide absolute security for Israel and failed to deter an attack. Therefore, true security ultimately depended on a reconciliation between Israel and its Arab neighbors. This view found increasing support in the United States among former foreign service officers, defense officials, and others in the foreign policy establishment. Typical was an article in the October 21, 1973, issue of _New York Times Magazine_ by former Assistant Secretary of State Lucius D. Battle, who argued that while the United States had a commitment to Israel's survival, this did not mean it should endorse Israel's conquests. He considered the Egyptian attack not the start of a war of annihilation, but a limited and possibly necessary tactical move designed to restore Egyptian pride and prestige as a prelude to achieving a negotiated settlement with Israel.

**Soviet-American Détente**

The search for peace in the Middle East had long been complicated by great power rivalries in the region. During most of 1973, the United States sought to encourage the application of Soviet-American détente to the Middle East. President Nixon's May 3 report to Congress noted that the "mix of local animosities and external power still makes the Middle East a most dangerous threat to world peace." The President declared that the United States had no desire to interfere in the development of political relations between Middle East states and outside great powers. He noted that "we have our close ties with Israel, which we value, and we also have a strong interest in preserving and developing our ties with the Arab world." While acknowledging that other powers had the same right, he warned that "attempts at
exclusion or predominance are an invitation to conflict, either local or global.”

Concerning the possibility of direct involvement by the great powers in the Arab-Israel conflict, Nixon noted that “a significant Soviet presence and substantial military aid continue in the area.” He cited recent shipments of Soviet military equipment to Syria, Iraq, and the People’s Democratic Republic of Yemen. The crucial question, he said, was whether the Soviet presence was paralleled by a Soviet interest in promoting peaceful solutions; for the major powers had a continuing obligation to refrain from steps which would again raise the danger of their direct engagement in military conflict.

The President’s evaluation of the effects of Soviet-American détente on the relations between the superpowers in the Middle East was optimistic. He felt that the danger of immediate U.S.-Soviet confrontation, which had been very real in 1970 and 1971, was “reduced”; that the “Moscow Summit and the agreement on the Basic Principles of our relations contributed to this, not only for the present but also for the longer term.” (Emphasis added; AJYB, 1973 [Vol. 74], pp. 197-98). Nixon concluded that “neither side at the summit had any illusions that we could resolve the Arab-Israeli conflict, but there was agreement that we could keep it from becoming a source of conflict between us.” He added that the United States had no interest in excluding the Soviet Union from contributing to a Middle East settlement or from “playing a significant role there.” He recalled that, at the summit, “we agreed that we each had an obligation to help promote a settlement in accordance with Resolution 242.”

SAN CLEMENTE SUMMIT COMMUNIQUÉ

At the conclusion of the second summit conference, held at San Clemente on June 25, Nixon and Soviet Communist Party General Secretary Leonid I. Brezhnev issued a joint communiqué emphasizing “the great importance each side attaches” to the Basic Principles agreed upon in Moscow and reaffirming “their commitment to the continued scrupulous implementation and to the enhancement of the effectiveness of each of the principles of that document.”

Although the Middle East had been discussed at length, Secretary Kissinger confirmed that no agreement on a Middle East settlement had been reached. This was reflected in the communiqué, which noted that each of the parties “set forth its position on this problem,” and that all they agreed to was “to continue to exert their efforts to promote the quickest possible settlement in the Middle East.” The communiqué specified:
This settlement should be in accordance with the interests of all states in the area, be consistent with their independence and sovereignty and should take into due account the legitimate interests of the Palestinian people. (Emphasis added.)

The last clause was significant in that it marked a further step in the evolution of American official thinking on the status of the Palestinians. There now was acknowledgement that "the Palestinian people" constituted a distinct political factor to be considered, rather than just individual refugee claimants to be dealt with by the existing states. The communique neither indicated how the Palestinians were to be represented in the peacemaking process, nor defined their legitimate interests.

**BREZHNEV'S PLEDGE TO THE AMERICAN PEOPLE**

In a television address to the American people, on June 24, Brezhnev expressed the hope that détente would spread throughout the world. "Mankind," he declared, "has outgrown the rigid Cold War armor which it was once forced to wear. It wants to breathe freely and peacefully." Among the remaining "hotbeds of dangerous tension," he conceded, was the "still very acute" situation in the Middle East, where "justice should be assured as soon as possible" and "a stable peace settlement reached that would restore the legitimate rights of those who suffered from the war and insure the security of all peoples of that region."

Brezhnev emphasized that peace in their area "is important for all the peoples of the Middle East, with no exception. It is also important for the maintenance of universal peace." In short, he concluded, "the ending of conflicts and the prevention of new crisis-fraught situations is an essential condition for creating truly reliable guarantees of peace. And our two countries are called upon to make a worthy contribution to that cause."

In retrospect, these words had a cynical and hollow ring in light of the provocative and inflammatory actions of the Soviet Union during the Yom Kippur war less than four months later.

**ROLE OF THE UNITED NATIONS**

During 1973 the Arab states, particularly Egypt and Lebanon, sought to use the United Nations Security Council as a vehicle to impose sanctions on Israel, to publicly embarrass or intimidate the United
States into ending its support of Israel, and to win UN support for an imposed political solution on Arab terms.

**Libyan Plane Crash**

However, the first condemnation of Israel during the year was issued not by the Security Council, but by the UN's International Civil Aviation Organization which, by a vote of 105 to 1 (Israel), condemned Israel for downing a Libyan civil airliner over Sinai on February 21, and called for an immediate investigation of the cause of the tragedy, which took the lives of 106 men, women, and children. The Libyan airliner, on a flight from Benghazi to Cairo, had lost its bearing, strayed over Israel-held Sinai, and ignored the signals of Israeli interceptors to land. When the plane made suspicious maneuvers, the Israelis, who claimed not to have seen any passengers and who had received warnings of an Arab terrorist plan to smash an explosive-laden plane into an Israeli city, tried to force the plane down; it crashed in the process. The Israel government expressed "the profound sorrow of Israel over the death of the passengers" but noted, in mitigation, that the "terrible disaster" had occurred under circumstances of Arab "belligerency and incessant threats of acts of terrorism from the air."

While not acknowledging legal liability, Israel announced that it would make *ex gratia* payments to the families of the victims "in deference to humanitarian considerations."

Prior to the ICAO vote, the United States had introduced an amendment to have the aviation organization simply "deplore" rather than "condemn" Israel's action. It withdrew its amendment under prodding from Britain and Belgium to avoid unnecessary controversy.

**Battle Against Terrorism**

The UN readiness to condemn Israel was not matched by eagerness to condemn Arab terrorist acts. This once again became apparent in April, when the Security Council met to consider a Lebanese complaint against Israel, which, on the night of April 9–10, conducted a commando raid against Palestinian "resistance" groups operating in Lebanon. Israel confirmed that it struck against terrorist bases, headquarters, and hideouts in the Beirut area, including the headquarters of al-Fatah and the Popular Democratic Front. Three prominent leaders of the PLO and of al-Fatah/Black September, including Mohammed Yussef al-Najjar (Abu Yussef) who had
participated in the terrorist murder of Jordanian Premier Wasfi Tal in Cairo, were killed during the attack.

Israel Ambassador to the UN Yosef Tekoah defended the Israeli actions as necessary to protect the lives of its citizens and to "end the sanguinary assaults deliberately directed against guiltless men, women and children." He claimed that in recent weeks numerous terrorist operations were launched from Beirut. These included: the kidnap-murder of the American and Belgian diplomats in Khartoum, during which the terrorists had been in constant radio communications with their Beirut offices; an unsuccessful attempt to blow up a Cyprus passenger ship with 250 Christian pilgrims bound for Haifa while it was in Beirut harbor; a Black September attempt to bomb the El Al offices at Kennedy Airport and two Israeli banks in midtown New York, narrowly averted by the discovery of time-bombs at these locations; a series of attacks against Israelis and El Al airliners in Cyprus, Paris, and Rome.

Chinese-Soviet Recriminations

The Security Council engaged in a long and bitter debate, marked by the usual Arab-Israeli counteraccusations and Soviet tirades against Israel, as well as by vitriolic ideological polemics between the Soviet Union and Communist China. Huang Hua, the Chinese delegate, declared the Palestinian actions to be a "perfectly just" response to the "atrocities" and continuing aggression of the "Israeli Zionists" who had driven the Palestinian people from their homeland. He charged that "connivance and encouragement by the two superpowers" enabled the Israeli Zionists to refuse to withdraw from occupied territories. The two superpowers, he further asserted, were deliberately maintaining a situation of "no war, no peace" in the Middle East in order to make political deals at the expense of the Palestinians and other Arabs and "to facilitate their contention for strategic points and oil resources in the Middle East." And while one superpower was supporting the Israeli aggressors with arms and economic aid, the Chinese tirade went on, the "other was pouring a steady flow of manpower into Israel [an allusion to Soviet Jewish emigration] to supply the aggressors with sources of troop recruitment and technical specialists."

Soviet delegate Yakov Malik responded in kind. China and Israel, he maintained, were "united by anti-Sovietism" and a desire to slander the Russians, and then proceeded to match the Chinese delegate in
anti-Israel rhetoric. More disturbing, however, was Malik's statement, on April 13, calling on the Security Council to "decisively condemn the latest piratical acts by Israel" and to take effective steps to halt the "acts of aggression by the unbridled Israeli militarists." He ominously declared, "The USSR would support in the Council effective sanctions against Israel up to and including its expulsion from membership of the United Nations as a State that had made aggression the main purpose of its foreign policy and that systematically violated the basic principles of the Charter." However, while this indicated the extent of Soviet hostility to the Jewish state, it did not really pose an immediate serious threat to Israel. It was essentially a grandstand play for Arab support and an attempt to outbid the Chinese and embarrass the Americans in the Arab world; for a move to expel Israel from the UN would have almost certainly been vetoed by the United States.

Anti-American Charges

Anti-American elements also used the Israeli counterterrorist attack on Beirut to spread rumors throughout the Arab world accusing the United States embassy in Lebanon of connivance, collusion and participation in the Israeli attack. Palestine Liberation Organization leader Yasir Arafat charged that former United States Ambassador to Lebanon Armin Meyer, who now headed the interdepartmental United States task force against terrorism, provided Israel with intelligence information for its successful attack. State Department Spokesman Charles Bray dismissed the charges as "irresponsible" and "ludicrous." When they did not cease, then Secretary of State Rogers summoned Arab envoys to reject as "absolute falsehood" allegations of United States involvement, and asked them to convey his authoritative denial to their governments. United States representative to the UN John A. Scali called the Arab charge "a massive untruth—the Big Lie," which had been "an art form of the totalitarian mentality" used by the dictatorships in psychological warfare before and during World War II. Should this latest Big Lie succeed in inflaming new violence in the Middle East, he warned the Security Council, responsibility would rest "on the shoulders of those who listened impassively to it and did nothing to speak the truth."

Scali said that the United States opposed violence and terror "from whatever source and whatever kind." He reiterated United States recognition that Middle East peace could only be achieved "by taking into full account the legitimate aspirations of the Palestinians."
warned, however, that unless the Council could move "from recrimination to even-handed condemnation of all violence, there would be no progress towards peace."

UN Condemns Violence Against Civilians

While the Israelis were not particularly pleased with the United States statements, which seemed to equate their measures to counteract terrorism with the wanton Arab terrorist attacks themselves, the majority of the Security Council did not even display this degree of evenhandedness. The Anglo-French resolution, which was adopted by the Council on April 21 by a vote of 11 to 0 with 4 abstentions (China, Guinea, USSR, United States), contained only a veiled and implicit condemnation of Arab terrorism. This was limited to a preambular paragraph "deeply deploring all recent acts of violence resulting in the loss of innocent individuals and the endangering of international civil aviation," and to an operative paragraph expressing "deep concern" over, and condemning "all acts of violence which endanger or take innocent human lives." The words Arab or Palestinian terrorism appeared nowhere in the resolution.

By contrast, the Council was quite explicit in condemning "the repeated military attacks conducted by Israel against Lebanon and Israel's violation of Lebanon's territorial integrity and sovereignty," and in calling "upon Israel to desist forthwith from all military attacks on Lebanon." Yet for some of the Council members the resolution was not strong enough in its condemnation of Israel. The Chinese delegate abstained on grounds that the resolution had failed to draw a distinction "between right and wrong and between the aggressor and the victim of aggression." He said China supported "just wars" and thus feared that Zionists and imperialists might use the resolution to oppose the Palestinian and Arab peoples in their "just struggle" to recover their territories and national rights. The Soviet delegate abstained because the resolution did not provide for sanctions against Israel or take other positive measures to end "such piratical acts by Israel" in the future.

On the other hand, the United States abstained, as Scali explained, because the resolution was "inadequate" and "focused too much on the meaningless exercise of trying to parcel out blame." Nevertheless, he considered the resolution a step forward in that it marked the first time the Council "rejected the cycle of violence and counterviolence" by condemning both violence and terrorism.
Egypt Seeks End of U.S. Aid to Israel

The Egyptian delegation used the Council debate over the Lebanese complaint to press for an end of United States aid to Israel. Foreign Minister Mohammed Hassan el-Zayyat stated it was "unbelievable that Israel continued to receive ever-increasing massive military and economic assistance" in view of the Council's condemnations of the Israeli incursions, and, even more, that this was so while Israel occupied the territories of three UN member states, continued to colonize these territories, made a mockery of UN principles, and flouted UN resolutions. He stressed that a ban on military supplies and financial aid to Israel was essential for the attainment of peace in the Middle East. The least the Council could do, in el-Zayyat's opinion, was to call on all states, particularly the United States, to suspend their economic assistance and military supplies to Israel.

Scali's response was that United States aid was limited to meeting Israel's "legitimate defense needs." Noting the omission of any reference by Egypt to the major arms shipments to the area by other powers, he made it clear that the United States had no intention of sitting idly by "while others pour arms into the Middle East for one side, thus inevitably tempting some governments to believe that they can risk another round in the war."

Soviet Representative Malik contended that there was a moral difference between American and Soviet aid. While the United States provision of arms to an aggressor was in flagrant violation of the UN Charter, the Soviet Union's assistance to "the victims of aggression, including the delivery of arms, is a legitimate and just matter, fully in keeping with the Charter." (This, of course, ignored the fact that after the six-day war in 1967 the United Nations rejected the Soviet Union's strenuous attempts to have the UN brand Israel an aggressor.)

Reading this Soviet statement together with Malik's earlier call for sanctions against Israel and its expulsion from the UN as an aggressor leaves one with the chilling thought that the Soviet Union was laying the legal groundwork for the defense of the Arab Yom Kippur attack. The same arguments would no doubt have been used to justify direct Soviet intervention in support of the Arab armies had not the United States effectively deterred such action.

Egypt also made calculated use of the United Nations to buttress its position internationally. Egyptian delegate Ahmed Esmat Abdel Meguid accused the United States of supplying Israel with arms not for
legitimate defense, as Scali stated, but to maintain the fruits of aggression. If the United States really intended to be "evenhanded" it should not sit idly by while Israel continued its policy of "expansion and absorption of the occupied territories." To be evenhanded, he said, was to encourage the international community to implement the "unanimously agreed" solution for a lasting and just peace.

There was, of course, no such total agreement; but Egypt was now determined to obtain United Nations endorsement of its version of the controversial and ambiguously worded Security Council Resolution 242 of November 22, 1967. Accordingly, Egypt proposed, and the Security Council on April 20, 1973 unanimously approved without formal vote, a resolution calling on the UN secretary-general to submit a comprehensive report on UN efforts in the Middle East since June 1967, to be followed by a full-scale discussion of the Middle East situation by the Council. The Soviet delegate warmly endorsed the Egyptian initiative. Scali questioned the usefulness of yet another lengthy debate, noting that in the "present emotional circumstances, new discussion might produce contention" and create difficulties for those seeking peace in the Middle East. However, the United States decided to raise no formal objections to the Egyptian resolution.

**Secretary-General's Report**

Secretary-General Kurt Waldheim submitted a detailed report on May 18; his conclusion was that "the basic deadlock remains." He stated that since, to his knowledge, the Security Council was the only forum "where all the parties to the conflict have been able to meet together in the same room" he hoped this advantage would be used in the forthcoming debate for constructive moves toward a settlement. Responding to Waldheim's appeal, Egyptian Foreign Minister Zayyat declared that Egypt was placing its case "squarely inside the framework of the United Nations." He claimed that, in deference to the international community's will, Egypt accepted all Council and Assembly resolutions and was eager to end the costly war still being imposed on Egypt. But he warned that "the only way to end it is to end the military occupation."

Millions of Arabs in Egypt and elsewhere, he declared, had been waiting for six years for tangible results from the UN's Middle East efforts; and "those hopes, unfulfilled," he warned "were giving way to disillusion and scepticism." As a result, "many Egyptians doubted the usefulness of Egypt's coming to the Council." They questioned what the Council could do while "the aggressor was digging more
fortifications and creating more so-called new facts in the conquered territories, all the time acquiring more armor to silence resistance and to terrorize Egypt into surrender."

Egypt's Territorial Demands

Zayyat recalled that, in February 1971, Egypt had given Gunnar Jarring, the UN secretary-general's special representative, "serious commitments," including "readiness to enter into a peace agreement with Israel if Israel also carried out all its Charter obligations." However, Zayyat quickly made it apparent that Egypt's view of what the Charter required of Israel went far beyond simple withdrawal to the June 5, 1967, borders. The UN General Assembly's resolution of November 29, 1947, he stated, partitioned Palestine into an Arab and a Jewish state, and UN member states "gave it [the Jewish state] recognition within the frontiers allotted to it in the 1947 resolution."

This was no offhand remark; it was part of the carefully calculated Egyptian strategy of a two-stage campaign against Israel. Zayyat proceeded to quote from a statement made by Soviet Ambassador Malik in the Council on March 4, 1949, that Israel's territory had been defined by the General Assembly's partition resolution. Of course, Zayyat failed to mention that, at the time, Egypt and the other Arab states had denounced the partition resolution as illegal and sent their armed forces into Palestine to prevent the creation of Israel, and that the Soviet Union had condemned the Arab invasion as aggression and a violation of specific Security Council and Assembly resolutions.

Later in the debate, Egyptian delegate Abdul Meguid again raised the issue of the borders. Responding to the Israeli delegate's reference to Israel's right to "safe and recognized boundaries," the Egyptian asked:

Of what boundaries is he talking: those of 1947, 1948, 1949, 1956 or 1967? When certain States recognized the State of Israel they recognized it with boundaries that were defined in the partition plan—in other words within a territory that had been allocated to it by a United Nations resolution, and nothing more.

Ambassador Tekoah commented that these repeated Egyptian references to 1947 "strengthened Israel's doubts and suspicions regarding Egypt's ultimate objectives." Moreover, while Egypt demanded for itself only total Israeli withdrawal from Sinai to the international frontier between Egypt and Mandatory Palestine, Egypt
also championed the rights of the Palestinians. Zayyat, on June 6, called on the Council to:

Resolve that all the rights and aspirations of the Palestinian nation be respected, including their right to live in peace within the secure and recognized boundaries in their homeland of Palestine as it was under the Mandate.

On June 14, before the Council adjourned for one month, Zayyat said that the debate had answered Egypt's two main questions. To the first, dealing with Israel's military occupation of Egyptian, Syrian, and Jordanian lands, he said, "the world's answer is that the occupation is inadmissible and intolerable." The second question concerned the right of the people of Palestine "to live in peace, free and independent, in the homeland of their fathers and grandfathers." Here, too, he said, the world's answer was clear: no peace was possible without respect for the "inalienable rights of the Palestinians."

Zayyat distinguished between "the international frontiers between Egypt and Palestine," which were "clearly recognized" by the League of Nations when it approved the Palestine Mandate and therefore not open to renegotiation, and the armistice agreement of 1949. (The latter set the line between the Egyptian-administered Gaza Strip and Israel-held territory.) The amistice line was not to be construed as a final political or territorial boundary, and according to the agreement, was to be without prejudice as to the parties' position regarding the "ultimate settlement of the Palestine question." The purpose of that saving clause, he contended, was to "avoid any prejudice to the rights of the Arab people of Palestine."

Resolution of July 26

The debate resumed in mid-July, and on July 26 the Council voted on a draft resolution essentially supporting the Egyptian position sponsored by eight nonpermanent members of the Council. While reaffirming Resolution 242, the new resolution was quite partisan in many of its features. For example, it strongly deplored "Israel's continuing occupation of the territories occupied as a result of the 1967 conflict, contrary to the principles of the Charter"; expressed "serious concern at Israel's lack of cooperation" with Dr. Jarring, and supported resumption of his mission based on his controversial memorandum of February 8, 1971 (see AJYB, 1972 [Vol. 73], pp. 166-71); declared that "the rights of the Palestinians have to be
safeguarded,” and that a just and lasting solution could be achieved only if there was respect for “the rights and legitimate aspirations of the Palestinians.”

U.S. VETO

The resolution received 13 favorable votes, but was defeated when the United States vetoed it. China refused to participate in the voting on the ground that the resolution was not forceful enough in demanding immediate Israeli withdrawal or endorsing the just liberation struggle of the Arabs and Palestinians.

The reason for the United States veto, Ambassador Scali said, was that adoption of the “highly partisan and unbalanced” resolution could only have added another obstacle to the start of serious negotiations between the parties. Its adoptions would have fundamentally changed and overturned Resolution 242 of 1967, thereby undermining “the one agreed basis on which a settlement could be constructed.” The new draft spoke of “the” territories, thereby ignoring the significance of the intentional omission of the definite article by the drafters of Resolution 242, he said. Moreover, it disregarded other “fundamental and inseparable elements” of the 1967 resolution, namely: that the ending of occupation must be achieved in the context of peace between the parties; that it must be based on the right of all States in the area to live within secure and recognized boundaries; and that it must be reached through a process of agreement between the parties. Consequently, Scali concluded, the new resolution was contrary to the entire concept of Resolution 242 and its basic principles and provisions.

Egyptian Objectives at UN

The question was asked why Egypt insisted on going through with this apparently futile exercise at the United Nations. One reason was that Egypt wished to capitalize on the erosion since 1967 of Israel’s international position, due partly to the growing dependence of many states on Arab oil, the voting strength of the Arab and Communist blocs in the UN, and the general concern of many newly independent states in Asia and Africa that acquiescence in Israel’s occupation of Arab territory might serve as a precedent for their own irredentist neighbors. When Australia cast its vote for the resolution, Zayyat declared that its provisions now reflected “the will of five continents.”

The erosion of Israel’s position was most marked on the African
continent. Israel had, over the years, developed close ties of technical cooperation and commerce with the newly emergent black African nations. Yet at the end of May 1973, the heads of state and the governments of 41 of these countries unanimously approved a strongly anti-Israel resolution at the behest of Egypt, in the name of African solidarity. The main sections of the resolution were read to the Security Council by Okoi Arikpo, Nigeria's commissioner for external affairs, who contrasted the Egyptian foreign minister's "most moving" reaffirmation of his country's loyalty to the United Nations with Israel's record of "despital and defiance" of UN resolutions. In the name of the Organization of African Unity (OAU), he "appealed to the friendly [sic!] State of Israel to pay more heed to the UN resolutions and to show some consideration for the legitimate concerns of Africa." The OAU resolution called, *inter alia*, for "the immediate and unconditional withdrawal of Israeli forces from all occupied African and Arab territories"; pledged not to recognize any changes likely to jeopardize the territorial integrity of the countries which were "victims of the Israeli aggression"; called upon the big powers to refrain from supplying Israel with arms and military equipment or from granting it moral and political support. The most serious threats in the OAU resolution were contained in paragraphs 6 and 7:

6. Reaffirms in the name of African solidarity its active and total support for the Arab Republic of Egypt in her legitimate struggle to recover entirely by *all means* her territorial integrity. (Emphasis added.)

This in effect gave Egypt in advance OAU legal sanction to use armed force to push the Israelis out of all of Sinai.

7. Draws the attention of Israel to the danger threatening the security and unity of the African continent as a result of its continued aggression and refusal to evacuate the [occupied] territories and declares that the attitude of Israel might lead OAU member States to take political and economic measures against it.

This foreshadowed the successful Egyptian move to get virtually all black African states to break diplomatic ties with Israel, either before or during the October war. The evidence of Israel's international isolation emerging during the Security Council debates in June and July may have helped to embolden the Africans to take this step.

Another likely reason for Egypt's UN initiative was to demonstrate to world public opinion that Egypt's military attack was not undertaken lightly, but only after efforts to have the UN press Israel failed. This was also useful in convincing war-weary elements within
the Egyptian establishment that a new offensive, despite its questionable chances of military success, was necessary to unfreeze the political deadlock.

Another major Egyptian objective was to put pressure on the United States. Had Washington been intimidated into voting for the resolution, or at least into abstaining, Egypt could have formally claimed that the UN legally changed its 1967 position and now endorsed the Egyptian demand for total Israeli withdrawal from all occupied territory. But this was not likely to happen. Indeed, the Egyptians purposely rejected compromise language that might have been acceptable to the Americans. Zayyat clearly anticipated another United States veto on April 20, when he castigated the United States for encouraging Israel’s occupation and noted that “a fearful new development” appeared to be the extension of American support for Israel “beyond the physical to the moral, beyond the region to the United Nations, beyond using Phantoms to using the veto.”

A United States veto was in fact an important ingredient in Sadat’s prewar strategy. It served to demonstrate to the Egyptians and to the rest of the Arab world the extent of American support for Israel, thus justifying Sadat’s turning again to the Russians for massive arms. This was especially important with regard to Saudi Arabia because Sadat was finally able to convince King Faisal to use the oil weapon against his American allies, as well as to underwrite much of the cost of Sadat’s Soviet arms purchases.

**U.S. Joins in Condemnation of Israel**

In reality, however, the United States was not uncritically backing all Israeli actions. On August 15 the United States voted for a Security Council resolution, making unanimous its condemnation of Israel for intercepting a Lebanese commercial airliner and forcing it to land in Israel. The Council warned that the Israeli act constituted “a serious interference with international civil aviation and a violation of the Charter” of the UN, and “solemnly” warned Israel that a repetition of such acts would move it to consider “taking adequate steps or measures to enforce its resolutions.”

U.S. Representative Scali noted that Israel released the plane and its 81 passengers and crew unharmed after two hours of questioning; that Israel had hoped to seize Arab terrorist leaders, including George Habash, leader of the Popular Front for the Liberation of Palestine, who had been scheduled to be on the plane but had changed their flights. Scali observed that the United States has been “second to
none” in its condemnation of terrorism and in the search for new instruments in international law to counter terrorism, but insisted that effective action to control terrorism must “go forward within and not outside the law” and civil air travel “must no longer be a pawn in international conflicts.”

(Israel’s action was criticized as unwise in Israel and the American Jewish community. The Israel Pilots Association declared it could not condone the action “even though it was for the purpose of capturing the world’s Number One criminal against civil aviation.” Ha’aretz, Israel’s leading independent daily, noting that Israel had for years been waging a strenuous political campaign against plane hijacking, warned that this incident would undermine Israel’s public relations efforts because it “had lost its image as a country which respects the freedom of international civil aviation.” Nevertheless, Israel’s Chief of Staff, Lieutenant General David Elazar, warned on August 15 that “more operations” like the Lebanese plane interception “may be expected.” In his view, there was no effective way to get to the terrorist murderers “within international law, but we have the right to existence and the right of self-defense.”)

At the United Nations, China and the Soviet Union expressed regret that the Council’s resolution did not call for specific sanctions against Israel. Arab states, particularly Egypt and Iraq—the Lebanese plane had been chartered by Iraqi Airlines and was headed for Baghdad—had pressed Lebanon to hold out for a resolution calling for economic sanctions against Israel. The compromise text, introduced by Britain and France, was worked out in negotiation between the Lebanese and United States delegates when the United States made it clear it would veto sanctions against Israel. After the vote, Scali publicly declared that United States endorsement of the resolution did not represent a change in its policy on Middle East problems and how to solve them; “nor should it be interpreted as endorsing the principle of sanctions as a means of dealing with this problem.”

UN Assembly Fails to Curb Terrorism

The United Nations made no significant progress in 1973 in dealing with the general problem of international terrorism. When, on December 7, the General Assembly decided to put off until the following year debate on the issue, Israel protested the action as a demonstration of UN helplessness and lack of will to deal with it. At the concluding session of the Assembly on December 18, W. Tapley Bennet Jr., the deputy chief United States delegate, noted the latest
killings by Palestinian hijackers at the Rome and Athens airports the week before. Declaring that "revulsion and disapproval are not enough," he rebuked the inaction of the UN members:

To the shame of us all, we representatives of the world community have failed to find common ground which would enable us to take adequate measures to prevent these offenses against mankind.

The instinct of self-preservation and the common interest within the diplomatic fraternity, however, proved strong enough for them to agree on the text of a treaty that provided for the prosecution or extradition of those guilty of attacking diplomats.

**Reaction to U.S. Veto**

As expected, the United States veto of the pro-Arab Security Council resolution in July aroused Arab animosity and criticism by some European states. In the months following, American officials made several attempts to underscore that their government did not completely identify with the Israeli position. For example, when the Israel Labor party published a provisional election platform proposing the acquisition by the government of more land for development in Jerusalem, the establishment of additional settlements in occupied territories, and the appointment of a cabinet committee to consider approval of sale of land in the occupied territories to individuals and private companies, State Department spokesman Paul J. Hare told reporters, on August 23, that the United States continued to oppose changes in the status of Israeli-occupied Arab territory.

Earlier in August Sisco granted interviews to *Ma'ariv*, the largest circulation Israeli paper, and to Israel television in which he urged that Israel "prime the pump of negotiations" with new ideas. He told the Israelis—and indirectly the Arabs, since they watched Israeli television and monitored its press—that while American interests "in many respects are parallel to the interests of Israel, they are not synonymous with the state of Israel... [They] go beyond any one nation in the area." He emphasized that the United States had important "political, economic and strategic interests in the entire area" including the Persian Gulf and the Arabian Peninsula. Noting the growing American concern over the energy question, he said, "it is foolhardy to believe that this is not a factor in the situation."

Saudi Arabian officials had been declaring publicly that they could not increase oil production unless there was a change in United States
policy. And they reportedly were telling the State Department and oil company executives privately that the oil wells were subject to sabotage by Palestinian terrorists, and that Saudi Arabia could not resist pressure by its Arab neighbors to cut back production, unless the United States adopted a more "even-handed" posture and made progress on a settlement acceptable to the Arabs.

Oil-company Involvement

It was probably no coincidence that on July 26, the day the United States vetoed the pro-Arab Security Council resolution, O.N. Miller, board chairman of Standard Oil Company of California (SOCAL), sent a letter to the company's 262,000 stockholders and 41,000 employees, asking them to urge the government to show greater understanding of "the aspirations of the Arab people," and to "give more positive support" to Arab "efforts toward peace." Miller recalled that in 1933 SOCAL, a partner in ARAMCO, concluded "an historic agreement" with Saudi Arabia to develop its oil resources and for 40 years has maintained a "continuous and cordial relationship with the Arab people." There was a growing feeling in much of the Arab world, he said that "the United States has turned its back on the Arab people." Because of the growing dependence of the United States and other Western industrialized nations on imported oil and the location of almost two-thirds "of the Free World's oil reserves" in the Arab/Persian Gulf area, Miller argued, it was in the best interest of all United States citizens to "urge our government to work towards conditions of peace and stability." To this end, "we must acknowledge the legitimate interests of all the peoples of the Middle East and help them to achieve security and a dependable economic future." Israel was nowhere mentioned by name.

The letter aroused indignation among individual shareholders and customers in the Jewish community, and among members of Congress. Senator Alan Cranston (D., Calif.) wrote he did not share Miller's inference that "what is good for Standard Oil is necessarily good for the United States." Senator John V Tunney (D., Calif.) charged the SOCAL letter was "counterproductive" to peace in the area.

Responding to protests, Miller wrote to Richard M. Kaplan, chairman of the Jewish Community Relations Council of San Francisco, clarifying that his reference in his July 26 letter to the legitimate interests of all the peoples of the Middle East "included the legitimate interests of Israel and its people." He categorically denied he had meant to imply that peace and stability could be established
“without regard to the existence of Israel or its legitimate interests.” He emphasized, however, that United States national interests required a peace agreement “fair and equitable to all states in the area and consistent with their independence and sovereign integrity.” He did not spell out what he meant by “sovereign integrity,” which could be interpreted as endorsement of the Arab demand for total Israeli withdrawal to the June 4, 1967 lines, if not of the Egyptian proposal to revert to the 1947 partition lines.

NIXON REACTION TO OIL PRESSURE

Asked at a press conference, on September 8, whether the Arab threat to limit the supply of oil would lead to a moderation in American support of Israel, President Nixon said it would be “highly inappropriate” to suggest that “we are going to relate our policy toward Israel, which has to do with the independence of that country to which we are dedicated, to what happens on Arab oil.” He then emphasized, however, the need to move toward a settlement:

Israel simply can’t wait for the dust to settle in the Mideast. Both sides are at fault. Both sides need to start negotiating. We’re not pro-Israel; and we’re not pro-Arab. And we’re not any more pro-Arab because they have oil and Israel hasn’t.

The United States was “pro-peace,” the President continued, and would use its influence with both Israel and the Arabs “to get those negotiations off dead center.” He had instructed Dr. Kissinger to give “the highest priority” to making progress on a settlement. Of course, one of the dividends of success in this direction he concluded, would be “to reduce the oil pressure.” Administration officials the following day indicated that Israel was being urged to take some new initiatives, but that no fresh diplomatic moves were being planned until the Israeli elections, then scheduled for October 31.

THE OCTOBER WAR

On the Eve

Neither the prospect of a new United States peace initiative after the Israeli elections, nor the tangible signs of American concern for Arab aspirations—among them State Department acknowledgment that negotiations for the sale of jet fighters to Saudi Arabia and Kuwait
were under way—could convince Cairo of a fundamental change in United States policy. On September 26 Sadat told his parliament:

The United States is still under Zionist pressure and is wearing Zionist spectacles. The U.S. will have to take off those Zionist spectacles before they talk to us. If I want to reopen the canal, I do not have to ask the permission of the United States or of Israel. But the problem is not that of the canal. There is the issue of Palestine, the issue of liberating the occupied lands.

Speaking on the occasion of the anniversary of Nasser's death two days later, Sadat was remarkably reticent about a confrontation with Israel, which he so often threatened as imminent in the last three years. "I have deliberately not broached the subject of the battle because there has been enough talk," he said, but reaffirmed that liberation was Egypt's first and main task and asked his people to have confidence that, inshallah, Egypt would soon achieve its aim.

The Israeli press reported that, on October 2, the Egyptians declared a state of alert in the northern and central sections of the canal "due to Israeli concentrations." Similarly, the Syrians were redeploying their forces, ostensibly to counter an impending Israeli attack from the Golan Heights. But Syrians were said to be naturally jittery after the air clash along the Mediterranean Sea on September 13 in which Israeli jets had shot down 13 Syrian MIG-21s. And, since Egypt, Syria, and Jordan had just concluded their Cairo summit conference, the Israelis tended to dismiss the Arab military moves as the normal sabre-rattling punctuating such events. They were also regarded as a flexing of muscle to serve as backdrop for the new round of talks to begin between the Egyptian foreign minister and Secretary Kissinger on October 5 in New York.

There seemed to be other signals from Egypt to indicate that, despite Sadat's rhetoric, it was seeking a rapprochement with the United States. Thus only days before the war, Cairo announced that the American Bechtel Corporation was awarded the contract to construct a giant $397 million oil pipeline from the Gulf of Suez to the Mediterranean west of Suez, bypassing the Suez Canal.

At a press conference on October 12, Kissinger noted that, in the week before the outbreak of hostilities, the United States was aware of additional concentrations of Syrian forces and of the engagement of the Egyptian forces in "what was interpreted both by our intelligence as well as by Israeli intelligence as their regular fall maneuvers." During that week he asked United States and Israeli Intelligence three separate times for their assessment, and "the unanimous view" was that "hostilities were unlikely to the point of there being no chance of
it happening.” Neither was the possibility of hostilities mentioned in any of the discussions he had at the time with Arab or Israeli officials at the United Nations.

Last-minute U.S. Efforts to Avert War

By Saturday morning, October 6, it was quite clear to the Israelis that the Egyptian and Syrian armies were being massed for imminent attack. Prime Minister Meir called in United States Ambassador Kenneth Keating to ask him to urge his government to use all its influence with Egypt, Syria, and the Soviet Union to call off the attack. She assured Keating that Israel would not launch a preemptive strike as it had done in 1967. Kissinger was awakened at 6 a.m. (New York time) and promptly called President Nixon, who instructed him to call the Egyptian and Israeli foreign ministers in New York and urge “restraint.” He then appealed to Soviet Ambassador Anatole F Dobrynin in Washington to do everything possible to prevent war; the latter promised to do his best. Kissinger also cabled Faisal and Hussein, the two Arab heads of states with closest ties to the United States to use their good offices with their Arab neighbors. Kissinger then alerted Secretary-General Waldheim.

To make sure that Israel was not planning a preemptive strike, Kissinger asked Keating to repeat the American warning that if Israel struck first, the United States would feel no moral obligation to help. But before Keating could do so, Mrs. Meir had rejected the urgent appeal by Chief of Staff David Elazar, who contended that a preemptive strike was vital to disrupt the Arab war plans. The Cabinet members who were with Mrs. Meir at the time agreed to go along with her decision to await the initial Arab attack. The regular army had been alerted, and the call-up of reserves was now accelerated. Kissinger informed Zayyat and Dobrynin of the Israeli decision. The Egyptian-Syrian answer was a massive, coordinated attack at five points across the Suez Canal and against the Golan Heights (pp. 529-31). The onslaught began at 2 p.m. (8 a.m. New York time). The Arab attack had originally been planned to begin later in the day, shortly before sunset. This would have given the Egyptians and Syrians the cover of darkness to consolidate their positions. It also would have meant that they would have caught the Israelis when they were physically weakened by 24 hours of fasting. Once the Arabs realized that the Israelis were aware of the impending attack, the decision to start the war was advanced several hours.

The Syrian delegation to the UN dutifully ground out a complaint
charging that the "aggressive" Israelis had attacked Syria, while Zayyat called Kissinger within minutes of the outbreak of fighting to charge Israel with having provoked the Arab moves by sending her naval forces against the Syrian port of Latakia and an obscure Egyptian point south of the Suez Canal. Kissinger found it hard to believe that Israel would make such seemingly irrelevant naval attacks, rather than use its powerful air force to strike at the major Arab concentrations. The reason for the Arab invention of these particular "attacks" was that these were places not normally patrolled by the UN Truce Supervision Organization (UNTSO) and that, therefore, there would be no independent source to refute the Egyptian allegation.

However, UNTSO observers quickly provided independent confirmation of Israel's charges. Eleven UNTSO posts along the Suez Canal reported that "intense artillery fire by Egyptian forces" began at 2 p.m. and that, ten minutes later, "Egyptian forces crossed the Canal from West to East." At the same time, on the Golan Heights, the Syrians began "intense artillery and tank fire" and, within the next half hour, six UNTSO observation posts reported that "Syrian forces tanks, vehicles and infantry crossed" the cease-fire lines.

Soviet Role and Détente

A question that has aroused intense debate since the war has been whether the Soviet Union actively encouraged the Arab attack, or whether the decision to go to war was Sadat's and Assad's, with the Russians only reluctantly going along. While evidence one way or the other has not yet been conclusive, it has become abundantly clear that the Soviet Union had advance notice of Arab intentions. Moreover, the Soviet Union provided the Arab forces with training and strategy for their attack, as well as with an impressive panoply of war matériel, ranging from bridging equipment to cross the canal, to the most modern offensive weapons in the Soviet arsenal including T-62 tanks and MIG fighters and Sukhoi bombers, Frog and Scud ground-to-ground missiles, as well as vast numbers of mobile SA-6 and SA-7 missiles and Sagger anti-tank weapons, which took a heavy toll of Israeli pilots and tank corpsmen. Some of the equipment the Russians supplied had never before been seen in combat and had not even been supplied to Moscow's Warsaw Pact allies. Western military analysts were to compare the scale of the tank battles in Sinai to the North African desert campaigns and the Nazi invasion of Russia during World War II. They noted that the great number of Soviet tanks, heavy artillery pieces, and missiles on the Golan Heights made this the
heaviest concentration of firepower on a battlefield of this size in the annals of warfare. There is thus no doubt that Russian arms made the October war possible.

But did the Russians know war was imminent? After all, preparations had been going on for years. And, as noted above, the Russians justified their military aid to the Arabs as intended to provide pressure on Israel to withdraw from the occupied territories. It might be argued that the Russians gave their arms to achieve a long-term political objective and did not anticipate that the Arabs would act so soon. There was a cooling in Soviet-Egyptian relations in 1972 and most Soviet advisors were withdrawn. Moreover, Brezhnev pledged at two summit conferences with Nixon to work closely with the United States to prevent the eruption of precisely such local conflicts as the Yom Kippur war. Thus it was possible that the Egyptians did not explicitly tell the Russians precisely when the attack was to be launched.

It has been speculated that Sadat informed the Russians of the date of the attack in a letter to Brezhnev, handed to Soviet Ambassador to Egypt Vladimir Vinogradov on September 22. Some Egyptian officials have indicated that the Russians were informed less than a week before the war. In any case, the hundreds of Soviet advisors in Egypt and approximately 3,000 advisors in Syria clearly knew in advance, because their civilian dependents were hastily evacuated 48 to 72 hours before the war. Moreover, just before the Arab attack, the Soviets launched two spy satellites whose path took them over Israel at noon each day—the ideal time for space photography. It also was reported that massive quantities of ammunition were shipped to Cairo and Damascus in the weeks before the war and that Soviet ships, carrying Scud guided missiles capable of being fitted with nuclear warheads and having a range of 185 miles, entered the Mediterranean bound for Egypt on September 25. The timing of one of these actions might have been a coincidence, but not all three.

When Kissinger was asked on October 12 whether the Russians, who evidently had advance knowledge of the attack, had not been under an obligation to inform the United States, he replied that “in an ideal world, one would expect closer consultation but, given the particular volatility of the Middle East, it would have been a heavy responsibility to make known certain advance information.” He indicated that the Russians obviously did not wish to rupture their longstanding relationship with Egypt and Syria. “Nevertheless,” he stressed, “we would consider it consistent and, indeed, required by the principles that have been signed between the United States and the Soviet Union” that either side having certain knowledge of imminent
military operations wherever an explosive situation existed in the world would give an opportunity "to both sides to calm the situation."

Kissinger was not yet prepared to condemn publicly Soviet actions. However, in his address to the Pacem in Terris conference, on October 8, he stressed that détente meant not only avoidance of nuclear war between the superpowers; it also precluded the use of relaxation of tension "as a cover to exacerbate conflicts in international trouble spots," for "détente cannot survive irresponsibility in any area, including the Middle East." The Soviet Union, he warned, "cannot disregard these principles in any area of the world without imperiling its entire relationship with the United States."

How did Moscow respond to the clearcut United States warning? Far from working with the United States to restore peace, the Soviet Union fanned the conflict. It spurned American efforts in the United Nations on October 8 and 9 for an immediate cease-fire, with a return to the lines before the fighting broke out on October 6. The United States decided not to go through the formal motions of introducing a resolution in the Council, once it became apparent that the Egyptians and Syrians, flushed with their initial successes, refused to consider even a nonaligned draft which would have called for Israel's withdrawal to the June 5, 1967 lines. The Russians and Chinese, while excoriating each other, denounced the Israelis as "gansters" and aggressors. No one was prepared to condemn the Arab attack. The French, who imposed an arms embargo on Israel in 1967 when the Israelis failed to heed General Charles deGaulle's warning not to fire the first shot, now closed their eyes to the UNTSO reports that Egypt and Syria started the latest hostilities. Asked to comment on the Arab attack, French Foreign Minister Michel Jobert said: "Is it necessarily unforeseen aggression to try to go back home?" The United States decided that, under the circumstances, a formal UN vote would only harden the opposing positions.

But the Soviet Union went much beyond merely thwarting United States efforts for a UN cease-fire. It also rejected appeals to limit arms shipments: on October 9 it increased the number of its military supply ships to Syria and Egypt, and on October 10 supplemented them by a large-scale around-the-clock airlift, using the giant Antonov-22 transports to pour in additional missiles and other military equipment. Meanwhile, Soviet diplomats in the area were exhorting other Arab leaders to join in the battle, an activity that was reinforced by appeals from top Soviet leaders, such as Brezhnev's message to Algerian President Houari Boumediene, urging the Algerian people to "use all means at their disposal" to support Egypt and Syria in "the difficult struggle imposed by the Israeli aggressors." (Nine Arab states
provided such support: Iraq, Jordan, Morocco, Kuwait and Saudi Arabia sent contingents to Syria; Sudan and Tunisia sent contingents to Egypt; Algeria, Iraq and Libya made available military aircraft to Cairo.)

At the same time, the Soviet Union stepped up its earlier exhortations to the Arab states to use their oil as a weapon against the United States and other supporters of Israel.

**Kissinger's Public Response**

Kissinger was asked at his October 12 press conference whether the latest Soviet actions constituted the "irresponsibility" which, he had warned, would threaten Soviet-American détente. In the understatement of the year, Kissinger mildly noted that the United States "did not consider helpful" the Soviet statement to Algeria's president and its military airlift. In contrast to Kissinger's public cool, one American diplomat recalled that when the reports of Soviet actions were received by the State Department, "Henry hit the roof." In public, however, Kissinger contended that while the Soviet airlift was "fairly substantial," it was still "moderate"; that the Soviet public media had shown "relative restraint"; that, in comparison to Soviet conduct during the 1967 war, it was "less provocative, less incendiary and less geared to military threats than in the previous crisis."

Kissinger's critics argued he had so staked his reputation on the success of détente that he was prepared to overlook the most glaring Soviet violations. A more charitable explanation was that he concealed his real feelings in public in the hope of exerting a moderating influence on the Russians in private. Indeed, he cautioned his questioners at the beginning of the October 12 press conference that the United States was in the midst of a "delicate phase" of efforts to end the hostilities and to lay the basis for a more permanent peace in the Middle East and that he therefore would have to be "somewhat guarded" in his answers.

Nevertheless, repeating that the United States did not wish to exacerbate relations "to an unbearable point," Kissinger again warned that once the United States made the judgment that Soviet actions had reached the point of irresponsibility, "we will in this crisis, as we have in other crises, not hesitate to take a firm stand." Three days later, at a White House ceremony honoring Vietnam veterans, President Nixon stressed that the United States stood for the "right of every nation in the Mideast to maintain its independence and security." He said the United States role was that of "peacemaker in the area," and hinted
the United States might consider military intervention when he added that its policy was like the one "we followed in 1958 when Lebanon was involved" and in 1970 "when Jordan was involved." (The United States sent marines into Lebanon and threatened military intervention during the 1970 Jordanian-Syrian crisis.)

The President's statement was no doubt intended to give the Russians pause, for both earlier American actions had been within the framework of the Eisenhower Doctrine under which Congress had granted the President authority to provide United States military aid to any Middle East country threatened by international Communism. The law was still on the books. State Department spokesman Robert J. McCloskey emphasized later that the President had merely intended to reaffirm the broad policy objectives of the United States in the Middle East, not to spell out any "specific tactic."

Senate Majority Leader Mike Mansfield (D., Mont.), who shortly after the outbreak of the war cosponsored a resolution calling on the United States to use its good offices "to urge the participants to bring about a cease-fire and a return of the parties" to the lines and positions they held before the October war, told reporters on October 11, before a White House briefing for Senate and House leaders, that the United States should "under no circumstances" intervene directly with United States armed forces on the side of Israel. "When I say no more Vietnams," he emphasized, "I include Israel and Ulster—where my parents came from." This was reminiscent of a similar statement by him opposing unilateral United States action to break the Egyptian blockade on the eve of the 1967 six-day war (AJYB, 1968 [Vol. 69], p. 170).

**U.S. Resupply Airlift to Israel**

The unexpectedly heavy losses Israel suffered in the early days of the war, largely due to Soviet anti-tank and anti-aircraft missiles, moved Israel to make urgent appeals to the United States for the replacement of aircraft, tanks, and electronic jamming equipment. On the afternoon of October 8, Kissinger informed Ambassador Dinitz that the President had given his "approval in principle" to replace Israeli plane losses. An Israeli request to allow Israeli planes to pick up ammunition and spare parts in the United States was reportedly initially rejected by Defense Secretary James Schlesinger, but was approved upon Kissinger's intercession on condition that the Israelis paint over Israeli identifying marks on their planes. It soon became apparent, however, that this makeshift arrangement was inadequate to
cope with Israel's heavy battlefield losses and to counter escalation of Soviet supplies to the Arabs.

In Congress, sentiment favoring American resupply of Israel was growing. Senator George S. McGovern (D., S.D.) praised Israel's "remarkable restraint in entailing the risk of greater casualties in order to continue observing the 1970 cease-fire," and called for the transfer of military supplies to Israel to enable it to deter aggression. Senator Walter F. Mondale (D., Minn.) also noted the great sacrifice Israel had undergone by not launching a preemptive attack. Senator Hugh Scott (R., Pa.) compared the Arab attack on Yom Kippur to the Japanese attack "at Pearl Harbor on a Sunday." Senator Edward M. Kennedy (D., Mass.) and Senator Charles H. Percy (R., Ill.) also condemned the Arabs for attacking Israel on the holiest of Jewish religious holidays.

Senators Hubert H. Humphrey (D., Minn.) and Henry M. Jackson (D., Wash.) introduced a resolution noting that the Soviet Union "heavily armed" the Arab states and "is continuing a massive airlift of sophisticated military equipment to Egypt and Syria," and asking for the implementation of the announced United States policy of maintaining Israel's deterrent strength "by continuing to transfer to Israel, by whatever means necessary, Phantom aircraft and other equipment in the quantities needed by Israel to repel the aggressors." The resolution was cosponsored by 68 senators. A similar measure in the House, sponsored by Majority Leader Thomas P. O'Neill, Jr. (D., Mass.), received 260 signatures.

It was not until October 13, after Nixon assembled his top advisors and demanded full compliance with his order to resupply Israel, that a large-scale American airlift to Israel was initiated. There were conflicting versions as to the reasons for the delay. Initially, the Israelis themselves gave overly optimistic reports on the course of the war. Then, once their need was clear, the United States was desperately eager to maintain a low profile. The oil companies, the career diplomats, and the Pentagon all were aware of the intense pressures on Saudi Arabia and other Arab oil producers to turn the oil weapon against the United States. Any visible sign of American military support for Israel was bound to reinforce the Arab and Soviet charges that the United States was blindly backing Israel. This would torpedo Washington's calculated diplomatic efforts in the preceding months to appear as a friend of the Arabs and as an evenhanded peacemaker.

Once it became obvious that the few available Israeli planes would not be sufficient to transport the needed matériel, attempts were made to charter private cargo planes. This quickly proved impractical; charter companies, because of war-risk insurance and fear of terrorist
attack quoted rates at 95 per cent of the purchase cost of the planes. It was then suggested that American planes fly some equipment to the Azores, where it would be picked up by Israeli planes; again the intention was to avoid the spectacle of American military cargo planes flying Middle Eastern skies. Bureaucratic red tape, interagency complications, and the reluctance of the armed services to part with certain items in short supply also were said to add to the delays.

As the first week of the war ground on, the Israelis became increasingly frantic and irritated at the seemingly unending delays and obstacles in Washington. Dinitz reportedly complained to Kissinger that while the Russians were pouring in new sophisticated weapons to the Arabs, he had to spend his time “painting Jewish stars off Israeli planes.” Kissinger was said to have responded that he was doing all he could, implying that he was fighting a one-man battle against the Pentagon and the oil lobby.

There is good reason to believe that the difficulties Israel encountered in Washington were not all bureaucratic and technical in nature. Nor was the initial reluctance to provide additional arms to Israel solely due to oil company pressures. For one thing, there was the hope, at least initially, that the American efforts to get the Russians to limit their own involvement would be more likely to succeed if the United States demonstrated restraint and moderation in its support of Israel. There was, too, a widespread feeling among foreign affairs analysts, both within the government and outside, that another sweeping Israeli victory, as in the 1967 war, would not be conducive to a negotiated settlement. It would merely intensify Arab bitterness and frustration, on the one hand, and Israel’s confidence that it could indefinitely live with the status quo, on the other. A measure of Arab military success, this argument held, was essential to restore Arab pride and self-confidence. The trick was to achieve sufficient Arab success to enable Arab leaders to go to the conference table with Israel without fear of humiliation or overthrow by their own people, but not to allow the Arabs to win so overwhelming a victory as to reinforce their intransigence by arousing false hopes of an eventual total destruction of Israel in the next round.

It has been suggested by Kissinger’s critics that such calculations played a significant role in his own handling of the crisis. Charges by Marvin and Bernard Kalb in a *New York Times Magazine* article (June 23, 1974) that Schlesinger was the major source of opposition to resupplying Israel were dismissed by him as “poppycock.” He told a Jewish Telegraphic Agency correspondent on June 30 that “there was a cover story during that period [the first week of the war] that the source of resistance was to be the Pentagon,” but that “this story was
basically only to protect the realities of national policy.” Foreign correspondent Tad Szulc, in a critical article on Kissinger in New York magazine (July 1, 1974), elaborated the theme that Kissinger himself drafted the White House policy directive ordering a hold on major resupply operations for Israel, with the Pentagon assuming the official blame. Szulc charged, too, that for two weeks Kissinger refused to launch serious diplomatic efforts at a cease-fire “on the theory, according to insiders that a long-range political settlement would be facilitated if both the Arabs and the Israelis made each other suffer.” Israeli diplomats have prudently refused to comment on the Kissinger-Schlesinger controversy.

According to the Kalbs, the airlift did not begin moving until after President Nixon convened his top advisors at an emergency White House meeting on the morning of October 13. Nixon wanted to know why there had been delay in implementing his orders for supplies to Israel. When Schlesinger mentioned the difficulties in chartering civilian transports, Nixon reportedly exploded: “To hell with the charters! Get the supplies there with American planes! Forget the Azores! Get moving! I want no further delays.” At 3:30 p.m. Dinitz was informed that a fleet of C-5 Galaxies, the largest American transport plane, had left the United States for Israel. In response to the Kalb report, Schlesinger has insisted that once he became convinced on Friday evening that Israel was in danger of running out of munitions, he ordered the start of the airlift around 1 a.m. Saturday morning and that before 3 a.m. the supplies were already on their way.

WHY A U.S. AIRLIFT?

State Department spokesman Robert J. McCloskey explained to reporters the following Monday that the United States had begun resupplying Israel to prevent the Soviet Union’s “massive airlift” to Egypt and Syria from upsetting the military balance in the Middle East. He added that the decision to reequip Israel was in keeping with the “firm stand” Kissinger warned the United States would take if the Russians acted irresponsibly. The United States, McCloskey added, was equally firm in its diplomatic contacts with the Russians, but he refused to be drawn into a public condemnation of Soviet actions.

The decision to go ahead with a dramatic and highly visible airlift of supplies to Israel was apparently based on a variety of factors, which finally outweighed the expected unfavorable reaction from the Arab oil producers. Allowing Israel to be defeated would upset United States-Israel relations, causing domestic problems for the administration and seriously undermining the credibility of American commitments to its
allies. Further, an Arab battlefield victory achieved with modern Soviet weapons would seem to confirm that the Russians had outdistanced the Americans in the conventional arms race, and this would raise Soviet prestige around the world and arouse anxieties among countries allied to the United States and relying on American weapons. Finally, the United States would lose its influence as potential peacemaker and a major factor in the Middle East if the Russians could obtain for the Arabs a settlement on their terms.

Indeed, there were ominous signs that the Russians may have been planning to raise the stakes and push for a major Arab "success." On October 10 Kissinger received intelligence reports that three Soviet airborne divisions in Eastern Europe were placed on alert. Meanwhile, the Soviet fleet in the Mediterranean was increased by 15 ships, to a record number of nearly 70 surface ships. In response, the United States took "precautionary" steps to augment its Sixth Fleet from the normal 40 to 50 ships by dispatching a third attack carrier and a second helicopter carrier.

Kissinger and the President were convinced that the Soviets' duplicity in the first week and their military moves made a massive American resupply of Israel crucial not only to save Israel, but to obviate the danger of a Soviet-American confrontation in the event the Russians underrated the seriousness of the American commitment to prevent them from upsetting the balance of power in the Middle East. Consequently, if the Russians were unwilling to reduce their arms supplies to the Arabs and seemed intent on waging a war by proxy, Kissinger later explained, then the United States would start "pouring in equipment" to the Israelis "until we create a new reality."

CONGRESS SUPPORTS AID TO ISRAEL

The United States decision to send arms to Israel, including new jet fighters, won strong Senate support; but this was qualified by virtually unanimous opposition to sending in American military personnel. While Senator Mansfield backed the resupply "in order to keep a semblance of an arms balance in the area," he repeated his view that "one Vietnam is one Vietnam too many" and emphasized that United States forces should only be used where "our national interests and security are at stake." He expected no need for direct United States intervention; but if the President should wish to intervene "he should come to Congress first." Senator Jacob K. Javits (R., N.Y.), a strong supporter of Israel, also believed direct American armed intervention to be unnecessary; he too "would advise the President to come to Congress first for a special resolution" if he ever found that United
States forces must be moved into the Middle East. Javits was among the sponsors of a war powers bill, which would forbid the President to wage undeclared war for more than 60 days without congressional consent. Other statements expressing this view were issued by Senator Frank Church (D., Idaho), Senate Democratic Whip Robert C. Byrd (D., W. Va.), Senate GOP Whip Robert P. Griffin (R., Mich.), Senator James Eastland (D., Miss.), and Senator Robert T. Stafford (R., Vt.).

U.S. MILITARY AID GRANT

On October 19 President Nixon asked Congress to authorize $2.2 billion in emergency military aid to Israel "to prevent the emergence of a substantial imbalance" as a result of Soviet arms to Egypt and Syria. The magnitude of the conflict and the scale of Soviet supplies, he said, "created needs which exceed Israel's capacity to continue with cash and credit purchases." Defense Department sources indicated that Israel already owed the United States $1.7 billion for earlier American arms sales. Consequently, the President said, the only practical alternative was for the United States "to provide Israel with grant military assistance."

This marked a significant change in United States aid policy to Israel. In a speech urging prompt congressional approval of the aid bill, Representative Robert F. Drinan (D., Mass.), a Roman Catholic priest, noted that "it is astonishing that between 1946 and 1972, according to the Agency for International Development, the United States provided to foreign countries grants and military assistance totaling approximately $55 billion," yet "none of this grant military assistance ever went to Israel." Under the Emergency Security Assistance Act of 1973 the President asked for congressional authorization to appropriate a sum "not to exceed $2,200,000,000 for emergency military assistance or foreign military sales credits, or for both as the President may determine, for Israel," and $200 million emergency military assistance for Cambodia. This was an obvious administration attempt to secure approval of the controversial Southeast Asian appropriation on the coattails of the popular aid to Israel.

It was also charged by some that the unusual discretion requested by the President to determine how much of the aid to Israel was to be an outright grant and how much a loan indicated that the administration wished to use the aid as political leverage to assure Israeli flexibility in the forthcoming negotiations. Administration spokesmen denied this allegation, pointing out that the bill was drafted in the midst of the war, when it was not possible to determine exactly Israel's needs and that therefore the discretionary phrasing was included. Nevertheless, as
one Pentagon official pointed out, "the bill was not designed for leverage purposes, but the American hold on Israel is implicit in the whole diplomatic and aid situation."

The House version of the bill specified a ceiling of $1 billion in grant aid to Israel; but on the initiative of Senator Humphrey the Senate raised the ceiling to $1.5 billion and Congress adopted the higher figure. The President initially authorized only $1 billion, and the additional $500 million was not granted until June 1974, after the conclusion of the disengagement agreements with Egypt and Syria. However, before the end of 1973 Congress had approved under its Foreign Assistance Appropriation Act, and independently of the $2.2 billion emergency aid, $300 million in military credit sales to Israel, $50 million in general supporting assistance, and $36.5 million for the resettlement of Soviet Jewish refugees, the bulk of the money to be spent in Israel. On the motion of Senator James Abourezk (D., S.D.), the Senate agreed to raise its appropriation for Arab refugees to an equivalent $36.5 million.

CONGRESSIONAL DEBATE ON AID

The Emergency Security Assistance Act was approved in the House by a decisive 364 to 52 vote and in the Senate by an even larger majority of 66 to 9. While the legislation was strongly endorsed by 31 major American Jewish organizations and by the American public generally, there was articulate and increasingly well-organized opposition by Arab-American and pro-Arab American groups. On October 25, members of Congress received a telegram from 18 Arab-American and pro-Arab groups claiming to represent "millions of American citizens from all over the United States," urging them to "vote absolutely no arms and advisors to Israel." (The pending legislation made no mention of advisors, since Israel had made it clear it neither needed nor wanted them. The reason for including them in the telegram presumably was to play upon public fears of a repetition in the Middle East of the gradual escalation of American involvement in Vietnam.) The telegram asked the legislators to "prevent the diversion of massive funds from American needs to a foreign state's military expansionism," and to vote against "further harm to the U.S. economy and the American people." an allusion to the announced Arab oil embargo against the United States in response to its resupply to Israel. Exploiting the growing unpopularity of foreign aid in general, the telegram asked Congress to "turn your attention to the needs of the millions of Americans who need our dollars here at home." The Middle East, it concluded, "needs peace with justice, not Phantoms. The U.S. Congress, not Israel, repeat not Israel, should decide how American tax dollars should be spent."
The last point echoed the allegation made on television on October 7 by Senator J. William Fulbright (D., Ark.), chairman of the Senate Committee on Foreign Relations, that "Israelis control the policy in the Congress. The emotional and political ties are too strong. On every test on anything the Israelis are interested in the Israelis have 75 to 80 votes in the Senate." Needless to say, numerous senators declared that they voted only for what they considered to be in the American national interest; that if Fulbright found himself consistently in a minority on various issues, it was highly improper for him to question the loyalty of those who disagreed with him.

The various themes raised in the pro-Arab telegram and in testimony by pro-Arab groups before congressional committees also figured in the congressional debates preceding the approval of the military aid to Israel. Thus, for example, Representative Robert Kastenmeier (D., Wis.), a long-time opponent of American involvement in Vietnam, said he would vote against the military aid because the "United States ought not to encourage the perpetuation of war . by sending arms and other military assistance to foreign countries, whether it be Israel, the Arab nations, or Southeast Asia." In response, Representative Michael Harrington (D., Mass.), who was elected to Congress as an anti-war activist, argued that approval of the emergency aid to Israel would further the objective of a durable peace. "No peace will be achieved if either side in the conflict has the perception that the other side is negotiating from a position of weakness," he declared.

Citing the tight domestic economic situation, Representative H.R. Gross (R., Iowa) said he opposed the aid which, he calculated, would provide "a $900 windfall for every man, woman and child in Israel," while "our people are standing on line waiting for the funds the White House has impounded." Representative Clarence Long (D., Md.) responded that the Israeli worker was not getting any windfall, that he already was the most heavily taxed in the world and, as a result of the war, "is suffering the greatest reduction in his standard of living" suffered by any other person in a comparable situation. Contrasting the demands on the United States by Southeast Asia and Israel, he continued:

We have given billions and billions of dollars and sent men to fight in country after country for people who would not fight for themselves. Israelis are willing to fight. This itself is something new in our foreign aid experience. . Can we deny Israel the means to defend itself?

Senator Harry F. Byrd, Jr. (Ind., Va.) said he supported the bill despite its cost: "As deeply concerned as I am about our nation's
financial situation, I am even more concerned about a possible explosion in the Middle East." Noting that "the Russians have heavily armed the Arabs," he concluded that "a balance can only be maintained if the United States provides some assistance to Israel."

Fulbright did not change his long-standing position. He charged that the "Senate has taken leave of its senses," and the emergency-aid package for Israel, he said, was "the ultimate in irrationality."

**Kissinger-Brezhnev Cease-Fire Talks**

Although Israel managed on its own to halt the Arab advances, the American resupply airlift provided the Israel Defense Forces with sufficient munitions to press a successful counteroffensive on both fronts. In the Golan Heights they reached Sassa, within artillery range of Damascus. Most spectacular, however, was the Israeli success in establishing a bridgehead on the African side of the Suez Canal. Within three days the Israelis penetrated to within 50 miles of Cairo and widened their beachhead to the point of threatening to cut off two Egyptian armies.

The dramatic shift in Egyptian military fortunes brought intensive Soviet diplomatic activity. On October 16 Premier Aleksei N. Kosygin secretly flew to Cairo in an attempt to convince Sadat to accept a cease-fire. After three days of talks, according to Egyptian sources, Sadat extracted a pledge from Kosygin that the Soviet Union would help enforce the cease-fire, unilaterally if necessary, if Egypt agreed to a cease-fire in place and Israel refused to comply. To make the terms more palatable, the Russians included in its proposal support for the Arab political objectives. The Soviet draft of a UN cease-fire was presented by Ambassador Dobrynin to Kissinger on the night of October 18. It called for total Israeli withdrawal in stages from "all" occupied territory, including the Old City of Jerusalem. Kissinger rejected it as unacceptable.

Meanwhile, the day after Kosygin returned to the Kremlin with reports of the rapidly deteriorating Egyptian military position, Brezhnev invited Kissinger to Moscow for "urgent consultations on the Middle East." Kissinger arrived in Moscow on October 20 and began intensive talks with the Russian leaders less than two hours after landing.

Kissinger's critics have asked why he was in such haste to go to the Soviet Union precisely when the Israelis were beginning to achieve a substantial military victory. After all, the Russians had turned a deaf ear to American cease-fire efforts at the beginning of the war when it
seemed their Arab protégés were winning. Could Kissinger not have delayed his departure a bit and then pleaded jet lag and fatigue when he arrived in Moscow? Kissinger’s response was that had he not gone to Moscow, the Russians would have sent Gromyko to Washington. There was also the likelihood that the Russians would immediately have taken their case to the UN Security Council, where the cease-fire proposal would have been unanimously approved. This, of course, was technically not correct, since the United States could have vetoed formal adoption of the resolution. However, Kissinger reportedly believed that the Russians were getting very anxious and upset, and might have considered “unilateral military action to stop the fighting.” A virtually unanimous UN resolution, despite an American veto, might have been used by them as moral, if not technically legal, justification for intervention. Despite his public disclaimers of confrontation, Kissinger was privately reported to have regarded the situation as “murderously dangerous.” By going to Moscow he could personally control the negotiations with the Soviet leaders and bring his diplomatic skills to bear. Moreover, he later contended in conversations with Israeli and American Jewish leaders that his trip, in effect, gave the Israelis an additional 72 hours to improve their military position.

According to Mohammed Hassanein Heykal, then editor of the Cairo al-Ahram, Dr. Kissinger told him that the first American call for a cease-fire on the day after hostilities broke out was a pro-Egyptian act. In the article, published in L’Express on December 2, 1973, Heykal quoted Kissinger as telling him:

I did not take Israel’s side as you believed. On the contrary, all our experts thought that you would be exposing yourselves to a decisive blow by the Israeli armed forces if you renewed the war. That is why I proposed a cease-fire and a return to the lines before this new outbreak. I thought that this measure would favor you more than Israel.

Kissinger’s major fear, according to Heykal, was that Egypt, faced with a new defeat, would turn to the Soviet Union for intervention, and this would pose “a frightening” dilemma for the United States and have unpleasant consequences for Egypt in either case. While there may be some question as to the accuracy of Heykal’s reporting, other sources, including Kissinger’s own public comments (press conference of October 25) tend to support the view that he was opposed to another smashing Israeli military victory on the grounds that this would merely perpetuate the conditions that were “clearly intolerable to the Arab nations” and produced the latest war. He told the reporters that,
throughout the crisis, "the President was convinced we had two major problems: first, to end hostilities as quickly as possible, but secondly, to end hostilities in a manner that would enable us to make a major contribution to removing the conditions that have produced four wars" in the past 25 years and to make "a contribution to permanent peace in the Middle East."

In the process of negotiations, he added, "it will be necessary for all sides to make substantial concessions." Negotiations were essential to tackling the basic problem of relating the Arab concern for "sovereignty over the territories—to the Israeli concern for secure boundaries."

**UN Resolution 338**

At the Moscow meeting Kissinger won Soviet agreement to introduce jointly a resolution in the Security Council, which the Council approved on October 22 as Resolution 338. Its text was as follows:

The Security Council

1. **Calls upon** all parties to the present fighting to cease all firing and terminate all military activity immediately, no later than 12 hours after the moment of the adoption of this decision, in the positions they now occupy;

2. **Calls upon** the parties concerned to start immediately after the cease-fire the implementation of Security Council resolution 242 (1967) in all of its parts;

3. **Decides** that, immediately and concurrently with the cease-fire, negotiations start between the parties concerned under appropriate auspices aimed at establishing a just and durable peace in the Middle East.

The resolution met certain basic Soviet and Arab requirements in its call for an almost immediate cease-fire, a ban on further Israeli advances, and the direct start of implementation of all parts of Resolution 242. However, compared to the Egyptian demands in the Security Council the preceding summer and the Dobrynin note to Kissinger of a few days earlier, Resolution 338 was significantly more favorable to the Israeli position. There was no explicit call for Israeli withdrawal as a precondition to, or separate from, implementation of the other elements of the 1967 resolution. The third operative paragraph, inserted at Kissinger's insistence, marked an important
step forward, since it represented, in Kissinger's words, "the first international commitment to negotiations between the parties in the Middle East conflict." The Arabs had previously interpreted Resolution 242 as either self-implementing or as something to be imposed upon Israel by the United Nations. Acceptance of the October 22 cease-fire resolution constituted a formal Arab commitment to negotiations with Israel "under appropriate auspices."

The resolution was approved by a vote of 14 to 0; China refused to participate on the grounds that the resolution failed to condemn Israel and was being imposed upon the Council by the two superpowers. However, since the Arabs obviously wanted the cease-fire resolution, China would not obstruct them by vetoing it. (Syria's formal acceptance was contained in a cable to Waldheim sent only on October 24 and stating that the Syrians understood the resolution to require "complete withdrawal of Israeli forces from all territories occupied" in 1967 and 1973.)

Israel formally accepted the cease-fire resolution on October 22. Mrs. Meir, explaining her government's decision, cited three basic reasons: 1) the State of Israel, "by its nature, has no wish for war, does not desire loss of life"; 2) the cease-fire proposal came at a time when Israel's position "is firm on both fronts" and Israel had achieved gains of great value "despite the enemy's achievement east of the Suez Canal," and 3) Israel "responded to the call by the United States and its President out of appreciation and esteem for its positive policy in the Middle East at this time." Kissinger had in fact sent an urgent appeal in President Nixon's name to Mrs. Meir to accept the cease-fire.

CEASE-FIRE VIOLATIONS

Israel's military commanders were unhappy at being denied the chance to demolish the Egyptian armed forces, which, they felt, was within their grasp. Consequently, when the Egyptian Third Army sought to fight its way out of the Israeli encirclement after the cease-fire deadline, the Israelis took advantage of the initial Egyptian violation to enlarge their positions on the western bank of the Canal. The major objective was the city of Suez on the southern end of the Canal; for control of the city and the roads leading to it would enable the Israelis to cut off supplies to the Third Army and force its eventual surrender. Kissinger reportedly was furious at the extent of the Israeli violations. He had been assured by Mrs. Meir, on his stopover in Israel on the way back from Moscow, that Israel would observe the cease-fire, and he had relayed that information to the Russians and Egyptians. He sent word to Mrs. Meir through Dinitz that the United
States expected Israel to observe the cease-fire "scrupulously." Some Israeli sources said their impression during Kissinger's visit was that he did not mind if they improved their position a bit. He reportedly did not expect instant total compliance, but indicated that he anticipated a repetition of the pattern in the Vietnam cease-fire, with some violations continuing after the deadline as fighting gradually diminished.

SECURITY COUNCIL ACTION

The Soviet Union and the United States jointly sponsored a second Security Council resolution (339) on October 23, reaffirming its earlier cease-fire decision and urging that "the forces of the two sides be returned to the positions they occupied at the moment the cease-fire became effective." The Council also asked the UN secretary-general immediately to dispatch UN observers to supervise compliance with the cease-fire. Moments before the second cease-fire went into effect, on the morning of October 24, Israel announced that its forces had reached the outskirts of Suez and that the Third Army was effectively surrounded.

Soviet-American Confrontation

Israel won a military victory, but, as in previous rounds in the Arab-Israel conflict, battlefield successes were to be counterbalanced and outweighed by international political pressures. Sadat radioed an urgent appeal to Brezhnev and Nixon to send a joint Soviet-American peace-keeping force to the Middle East. The Egyptian proposal was supported by some of the so-called nonaligned nations in the UN and by Soviet UN Ambassador Malik. Both Kissinger and President Nixon flatly rejected the idea. As Kissinger explained in his October 25 press conference, it was "inconceivable" that the forces of the great powers should be introduced in sufficient numbers to overpower both of the belligerents. It was equally "inconceivable" to transplant great-power rivalry into the Middle East or, alternatively, that "we should impose a military condominium by the United States and the Soviet Union." He warned it would be "a disaster if the Middle East, already so torn by local fighting, would now become, as the result of a UN decision, a legitimized theater for the competition of the military forces of the great nuclear powers."

Meanwhile, evidence was mounting of Soviet intention to undertake a unilateral intervention, if necessary. On October 23 the Soviet government charged that Israel's acceptance of the cease-fire was
“pure falsehood” and threatened Israel with the “most serious consequences” if it did not immediately withdraw to the lines of October 22. One problem was the absence of an impartial source that could determine precisely where those lines were, since the first cease-fire resolution had not provided for UN observers.

More ominous than the Soviet Union’s public diplomatic support for the Egyptians were the secret Soviet military moves. By October 24 Kissinger learned from American intelligence that the Russians had alerted four more divisions, bringing the total to some 50,000 men; that the Soviet fleet in the Mediterranean had been increased to 85 ships, and that about a dozen Antonov-22 planes had been sighted flying toward Cairo, raising the possibility that they were carrying Russian troops rather than additional supplies to Egypt. Two further pieces of information caused the gravest concern in Washington. One was the interception of Soviet military orders which suggested the Russians might be preparing to intervene in the Middle East. The other was the evidence that a Soviet ship carrying tactical nuclear missiles had entered the Mediterranean and stopped at an Egyptian port. This, together with the fact that the Soviet Union had provided Egypt with several batteries of Scud ground-to-ground missiles which could be fitted with these nuclear warheads, escalated the crisis into a potential superpower confrontation. While there was no evidence that the Russians had turned over the nuclear weapons to the Egyptians, the mere presence of the weapons in Egypt raised the somber prospect that the Soviet Union intended to hold them in reserve either to protect the Soviet troops against Israeli or American attack, or to intimidate the Israelis into withdrawal.

Had the Russians succeeded in landing their troops in Egypt, they would have achieved a fait accompli that would have changed the balance of power in the region and severely limited American options of response. As former Under-Secretary of State for Political Affairs Eugene V Rostow told this author, there was a tacit understanding in the Soviet-American nuclear balance of terror that “we don’t shoot at the Russians and they don’t shoot at us.” Consequently, one lesson to be learned from the various cold-war crises was that it had become crucially important “who got there first.”

The need to deter unilateral Soviet intervention became more imminent on Wednesday evening, October 24, when Dobrynin relayed a “very urgent” message from Brezhnev to Nixon. The message, which was never officially released, was described as “brutal” by Senator Jackson and as “unmistakenly tough” by the Kalb brothers. After denouncing Israel for “brazenly challenging both the Soviet Union and the United States” by “drastically” violating the cease-fire
agreement, Brezhnev proposed: "Let us together . urgently dispatch Soviet and American contingents to Egypt." Then came the warning: "I will say it straight," he said, "if you find it impossible to act together with us in this matter, we should be faced with the necessity urgently to consider the question of taking appropriate steps unilaterally." He concluded that "Israel cannot be allowed to get away with the violations" and that the cease-fire had to be restored "without delay." Implicit in the statement was the Kremlin's judgment that it could not afford another humiliating defeat of its Egyptian allies, with devastating consequences for the Soviet position in the Middle East. Coupled with this essentially defensive objective there was also the suspicion that the Russians were prepared to exploit Egyptian vulnerability as a means of reestablishing a predominant position in Cairo.

**American Alert**

Kissinger, Schlesinger, and other members of the National Security Council considered it highly probable that Soviet airborne troops would soon be on their way to the Middle East, if they had not already begun to move. They therefore recommended, with the President's approval, an immediate full-scale alert of American military forces —ground, sea, and air, both conventional and nuclear-armed, including the global Strategic Air Command, the Sixth Fleet and the fleet of Polaris submarines, equipped with nuclear missiles. This alert was an unequivocal message to Moscow that the United States would resist Soviet efforts to shift the military balance against Israel.

At the same time Kissinger operated on the diplomatic level to defuse the crisis. He drafted a presidential response to Brezhnev reaffirming United States readiness to cooperate with the Soviet Union in working toward peace in the Middle East, but warning that unilateral Soviet intervention could jeopardize Soviet-American détente. The communication denied that the Israelis had "brazenly" violated the cease-fire and said that most fighting had already stopped. On a constructive note, the Nixon message suggested American-Soviet cooperation in establishing UN observer and peace-keeping forces to be composed of the nonpermanent members of the Security Council, i.e., excluding the great powers. At the same time, Kissinger exerted pressure on the Israelis to agree to allow food, medicine, and water to be supplied by UN convoys to the beleaguered Egyptian Third Army.
Establishment of UNEF II

What helped defuse the impending Soviet-American confrontation was the use of alternative means to achieve the Egyptian objective of effectively enforcing the cease-fire. Thus the Security Council on October 25 adopted a resolution (340), sponsored by eight of its nonpermanent members, which asked UN Secretary-General Waldheim to increase the number of UN military (UNTSO) observers on both sides; and also contained a provision to “set up immediately” under the Security Council’s own authority a United Nations Emergency Force to be composed of personnel drawn from UN members “except the permanent members of the Security Council.”

The French, who had long sought to reestablish France’s role as a major Mediterranean and Middle East power, were unhappy over this wording. The French delegate argued that exclusion of the permanent members might weaken the impact of the Council’s decision, while their participation would represent a “formal commitment by the permanent members and thus an effective guarantee of the cease-fire.” The other Council members, however, were persuaded by the American warnings of the dangers of injecting superpower military rivalry into the Middle East. The French proposal to drop the exclusionary clause failed to receive any support, and the resolution was adopted by a vote of 13 to 0, with France abstaining and China not participating.

Two days later the Council approved by 14 to 0, with China not participating, the secretary-general’s report on the establishment of UNEF II. It further specified (Resolution 341) that the force shall be established “for an initial period of six months, and that it shall continue in operation thereafter, if required, provided the Security Council so decides.” (Members had in mind the unhappy fate of the first UNEF, established by the UN General Assembly in 1956, whose personnel were withdrawn when Egypt summarily ousted them in 1967 (AJYB, 1968 [Vol. 69], pp. 160-63). At the time, Egypt contended the Assembly had no legal power to compel compliance and the force could only be maintained as long as it enjoyed the consent of the host country.) Scali, the U.S. delegate, noted with approval the provision in the secretary-general’s report establishing UNEF II that “all matters which may affect the nature of the continued effective functioning of the Force will be referred to the Council for its decision.” That, he
said, assured an orderly agreed withdrawal of UNEF, "but only when the Council so decided."

While Resolution 341 prevented Egypt or Israel from summarily dismissing UNEF, its continuation was not invulnerable to future great-power disagreement. In theory, the Force's legal authority could come to an end if one of the permanent Security Council members chose to veto a resolution extending its mandate. For the moment, however, it enjoyed the support of both the Soviet Union and the United States. To gain Soviet approval, the United States reluctantly consented to the inclusion of a Polish contingent upon Soviet insistence that the principle of "equitable geographic representation" required the inclusion of a Warsaw Pact member. Since Canada, a member of NATO, had long experience in serving on various UN peace-keeping operations, a compromise was reached whereby such functions as supply, maintenance, communications, sanitation and medical assistance, would be divided between the Canadian and Polish contingents. Neither was to man front-line military observation posts.

Since the Soviet Union was barred from participation in UNEF, it announced its intention to send about a hundred civilian observers to augment UNTSO. The United States offered to do likewise. The Russian move was seen largely as a face-saving gesture in compliance with the initial Egyptian request for a joint Soviet-American force. The crucial point was that Russia backed down from its consideration of unilateral military intervention. Ambassador Malik, of course, denied any such Soviet intention and on October 27 read to the Council a statement issued by Tass earlier in the day denying that Soviet military moves had justified the American alert. Tass was "authorized to declare that these are absurd statements since the actions of the Soviet Union are directed strictly towards helping the implementation of the Security Council decision" on the cease-fire and the restoration of peace in the Middle East. It charged that the American alert was "obviously undertaken in an attempt to intimidate the Soviet Union."

General Ensio Siilasvuo was appointed UNEF commander, and under his chairmanship Egyptian and Israeli officers signed a new cease-fire agreement on November 11 at Kilometer 101 of the Cairo-Suez road. This agreement sidestepped the issue of determining the precise location of the October 22 cease-fire line. The question itself was superseded and resolved by the Disengagement of Forces Agreement concluded on January 18, 1974. By the end of the 1973, UNEF had received contingents from 11 countries and its numbers exceeded 5,500. It was expected to reach its authorized strength of 7,000 by February 1974.
AMERICAN PUBLIC OPINION

The Yom Kippur war confirmed the extent of Israel's international isolation. Even the United States' NATO allies were so concerned over unfavorable Arab reaction that they refused American resupply planes the use of their facilities. Portugal alone made available its bases, but only after strong American diplomatic pressure and promises of increased United States assistance. In an effort to placate the Arabs and assure continued oil supplies, the European Economic Community issued a basically pro-Arab declaration. Of the Western European nations, the Netherlands was conspicuously alone in its public refusal to retreat from its support of Israel.

The war thus revealed how crucially dependent Israel had become on one country—the United States—for military supplies, economic aid, and the political support necessary to deter Soviet intervention on behalf of the Arabs. While there was continuing dispute among social scientists as to the extent to which government policy options were influenced and limited by public opinion, the fact remained that in a political democracy like the United States, public sentiment was a factor both in shaping American policy and in projecting abroad the measure of American commitment to particular foreign policy issues.

The overwhelming bipartisan Congressional support of the American arms resupply effort, and of economic aid grants to enable Israel to pay for these supplies, has already been discussed. An examination of the public response indicated that the legislators' action was buttressed by the support of their constituencies. Naturally, the Jewish community was overwhelmingly for aid to Israel, and individual manifestations of concern, ranging from public rallies to emergency fund raising, donations of blood, and volunteering for civilian service in Israel, surpassed the high level of involvement reached in the six-day war of 1967. Whatever reservations American Jews may have had as to the wisdom of some of Israel's policies, they outspokenly rallied to Israel's side during the Yom Kippur war.

Indicative of the position of the well integrated American Jew was an editorial in the October 12 issue of the Scottsdale, Ariz., Progress, written by Jonathan Marshall, the paper's publisher and scion of an illustrious American Jewish family. This was, he noted, only the second time in his 11 years as publisher that he used the editorial page for a personal statement, which reflected his views "as an Arizonan, an American, and a Jew." He had never been a Zionist, he said, and had supported the proposal for a binational state in Palestine before
Israel was created. More recently, he has defended Israel's right to exist, but felt "it had to make some compromises," and suggested it relinquish the Sinai Desert. However, the Arab Yom Kippur attack, "an act of infamy comparable to the Japanese attack on Pearl Harbor," convinced him he was wrong. He was shocked at the hypocrisy and callousness reflected in the United Nations debates, in which totalitarian states branded democratic Israel as the aggressor, while Western nations remained silent.

"What chiefly horrifies me," wrote Marshall, "is that most nations of the world are so afraid of oil blackmail, so callous of the aspirations of a people to be free, and so oblivious to Arab threats of genocide that they have turned their backs," leaving Israel's three million people "virtually alone to fight for survival against more than 100 million Arabs." He concluded:

If the world is willing to sacrifice Israel, it seems to me that mankind has not come far from the days of the cave men or the dark ages. Perhaps as never before the human conscience is being tested. But I am proud to be an American, for only our country has had the courage and integrity to support Israel against this overwhelming and immoral attack.

Solid Labor Support

The group of Americans most outspokenly and virtually unanimously for Israel was organized labor. The labor press viewed the Middle East crisis as "a test of the world's conscience." In contrast to some of the foreign-policy analysts, career diplomats, and Pentagon officials who saw the Arab attack as no more than a tactical move with a limited objective, labor leaders supported Israel's view that its very existence was being threatened.

AFL-CIO

Thus, on October 8 AFL-CIO president George Meany wired Secretary Kissinger that the "ignominious Egyptian and Syrian aggression launched on the holiest Jewish holiday has but one purpose—the destruction of Israel and, with it, of democracy in the Middle East." At so critical a moment, he warned, no nation must be allowed to doubt "even for one second, where the United States stands." Referring to the role of the Soviet Union, Meany declared that "failure of our government to act upon its commitment to insure the survival of Israel will not advance the détente you and the President seek." On the contrary, it would raise "in the minds of
millions this question: Is anything worth having that bears such a bitter fruit?" In a message of support to Histadrut, Israel’s General Federation of Labor, Meany reiterated the AFL-CIO’s “strong belief that the only way for achieving a settlement of the conflict, with the establishment of secure and defensible borders, is through direct negotiations.”

Vice President Edward V Donahue of the Graphic Arts Union emphasized that Israel “is the only democracy in the Middle East and if there is anything worth preserving in this world” and worth a “continued commitment” by the United States and its labor movement it was that “little democracy, a trade union democracy.” He urged that the cause of Israel was “strong enough and worthy enough” not to be confused with such questionable situations as Vietnam and Cambodia. Representing the view of an ethnic minority, Cesar Chavez, president of the United Farm Workers of America, reaffirmed “our wholehearted support for Israel in its struggle to be free,” and urged the support of “all people who believe in an end to racial persecution, and a democratic and free labor movement, as represented by the Histadrut.”

However, the labor movement did not base its support for Israel only on moral arguments, nor did it limit its support to rhetoric. On October 11 Meany contacted the Secretary of Defense to push for urgent military assistance to Israel. Again, on October 18, Meany told the AFL-CIO convention that “it is in our national interest” to see that Israel got American military equipment “as rapidly as is humanly possible.” He criticized President Nixon’s “relaxed new détente policy” toward Russia, which he scornfully described as manifesting itself in “Russian-made tanks relaxing on the Golan Heights; Russian missiles relaxing into Israeli planes; and Russian shells relaxing in Israeli kibbutzim.”

On October 20, as Russia stepped up its military supplies to the Arabs and was contemplating direct intervention, the AFL-CIO maritime unions warned the Nixon administration they would halt all United States shipments to Russia. Thomas W. Gleason, president of the International Longshoremen’s Association, speaking for his union and six other maritime unions, noted that the Soviet Union “provoked and supported” Arab aggression against Israel, “the only democracy in the Middle East.” He threatened: “Should the Soviet Union either directly or indirectly through its satellites persist in aiding and abetting aggression in the Middle East, we will take appropriate steps necessary to halt the use of our labor in handling of cargoes and vessels involved in trade with the Soviet Union.” This announcement no doubt strengthened Kissinger’s bargaining position while he was then
negotiating the cease-fire in Moscow. The State Department prevailed on Gleason to hold off implementation of his threat to give Kissinger's delicate diplomatic efforts a chance.

AFL-CIO Resolution

On October 23 the AFL-CIO convention unanimously adopted a strongly worded resolution supporting Israel and condemning the Soviet Union. Soviet behavior in the Middle East crisis, it declared, dealt "a fatal blow to the course of détente which Moscow has pretended to champion in order to secure the huge American and other western economic and technological assistance it so badly needs." It has also "jeopardized the balance of power, so vital to the maintenance of peace, in the Middle East." This threat, in so "highly strategic an area," the resolution continued, "seriously menaces world peace and the most vital national interests of our own country."

The AFL-CIO therefore urged the United States government to "carry out a massive airlift and maritime shipments" of military supplies to Israel; offer Israel and any other Middle East country ready to end hostilities and enter into direct peace negotiations "a guarantee of its national independence and sovereignty," and cease all economic, technological, and military assistance to any Middle East country "that persists in military aggression, or resorts to any economic measures against our economy." It also called for NATO cooperation, as well as UN help in setting up an Arab-Israeli peace conference. AFL-CIO was not oblivious to Arab concerns as witness the recommendation that a peace conference consider not only the 1967 UN resolution "but also the refugee problem, as well as a plan for utilizing the vast material and human resources of the embattled nations for the benefit of their people."

The AFL-CIO resolution called on all free trade unions to support Israel and appealed to all its affiliates and to "all the working people of the United States," and Americans generally, to give it generous financial support, particularly contributions to the American affiliate of Histadrut for the care of the wounded and other vital services, as well as "increased investment in State of Israel bonds," to show "our continued support of Israel and our confidence in her future." Even before the convention adopted the resolution, many labor unions had begun emergency fundraising campaigns for Israel, spearheaded by the International Ladies Garment Workers Union, whose officers on October 12 pledged a week's salary to Histadrut.
The labor movement also generally refused to be swayed by the Arab oil embargo and the potential economic dislocations it might cause. Arnold Miller, president of the United Mine Workers of America, spoke out forthrightly in a letter to President Nixon: "We must not permit oil producing nations to blackmail us into changing our foreign policy. Stand firm in support of Israel." While the mine workers had a vested interest in increasing domestic coal production as an alternative to Middle East oil, even such groups as the independent truckers, who were upset at the shortages of fuel, directed their wrath not at Israel but at the oil companies, the service stations, and the government for failing to provide adequate supplies and an equitable system of distribution.

Reaction of Blacks

The threat to Israel's survival and the moral issue involved was stressed in a message of full moral and material support for Israel, sponsored by the A. Philip Randolph Institute and signed by its executive director Bayard Rustin and 72 other black trade-union leaders. Mankind, it declared, must never forget the Nazi genocide of the Jews, and "as Black Americans we have a special responsibility to recall this crime, for we have a special intimacy with the scourge of racism." The signers had "no doubt whatsoever that the defeat of Israel in battle would mean the destruction of Israel as a state and the annihilation of its population." And this, they concluded, "must not happen."

The democratic character of Israel was also a recurring theme. Velma Hill, vice president of the American Federation of Teachers, said that black workers could especially identify with Israel because it was a "truly democratic nation and trade unions cannot survive without democracy." The enemies of Israel, she said, were also "the enemies of labor and the enemies of Blacks." While many black newspapers, among them the Chicago Defender, voiced similar arguments, some radical black leaders, such as Imamu Baraka (LeRoi Jones) echoed Third World rhetoric and the Arab charges that Israel was expansionist and an ally of racism and imperialism. More widespread, however, was the view of William Lucy, secretary-treasurer of the State, County and Municipal Employees, who expressed "wholehearted" support for Israel "as a Black, as a trade
unionist, as a man.” Thirteen of the 15 black members of Congress had cosponsored the resolution urging the United States to resupply Israel.

**Ethnic Leaders Support Israel**

According to a survey released by the American Jewish Committee on October 17, statements of support for Israel’s right to live within defensible borders were issued by various ethnic groups, including Polish, Italian, Irish, Greek, Ukranian, Puerto Rican, Lithuanian, and Japanese Americans. Typical was the statement sent to Secretary Kissinger by Barbara A. Mikulski, a Polish-American leader who chaired the Commission on Delegate Selection and Party Structure of the Democratic National Committee. She expressed her “strong, unequivocal, and heartfelt support for the Israeli position” and her firm belief that “Israel needs to have defensible borders” to survive as a homeland for immigrants fleeing religious persecution. “I say this as a woman whose family origins are from Poland,” she explained, “another country that had no defensible borders, has been surrounded by overpowering enemies for over 1,000 years. Because the world did not care that Poland had no borders that it could defend, Poland is now a captive nation.” She pledged her support so that Israel should not suffer Poland’s fate.

Similarly, Andrew T. Kopan, president of the Hellenic Council on Education, regretted the renewal of hostilities, called for a solution of the “vexing problem confronting Arabs and Jews” in the Middle East, but insisted that the solution “must be premised upon the right of Israel to survival with defensible borders.”

**The Christian Community**

In a comprehensive 122-page study of “Christian Responses to the Yom Kippur War,” Judith H. Banki of the American Jewish Committee found “a substantial outpouring” of comments by Catholic and Protestant spokesmen for national and local groups throughout the United States, which in its “overwhelming majority” was “supportive of Israel on issues critical to her defense and survival.” Many of the statements addressed themselves to the longstanding Christian concern over the plight of the displaced Palestinians; some expressed fears of a superpower confrontation. But these concerns did not preclude a clear position on Israel’s right to exist within secure borders and on current issues. Mrs. Banki summed up that position:
Syria and Egypt had deliberately started the war; their act of aggression was identified as such and denounced. For a number of Christians the fact that the war was initiated on the highest of Jewish holy days made it all the more abhorrent. The Arab nations had been armed to the teeth by the Soviet Union; Israel was underequipped by comparison and should be resupplied with arms to defend herself.

The study indicated, however, that national or denominational structures were either more reticent or more ambivalent in their comments than the popular groundswell for Israel in the local communities. While clergymen were naturally reluctant to advocate the shipment of weapons of destruction, the contrast between some local and national groups was significant. A group of Seattle, Wash., Christian leaders put it poignantly:

It is with agony and moral pain that we support the policy of the United States Government to maintain Israel’s deterrent strength by continuing to transfer to Israel such military equipment and other aid as needed by Israel to repel her aggressors.

NATIONAL COUNCIL OF CHURCHES STATEMENT

The governing board of the National Council of Churches passed a seemingly balanced and evenhanded resolution on October 15. It deplored the outbreak of renewed hostilities and the casualties on both sides, but gave no indication of how they started and assessed no blame. It urged the United States to use its influence to achieve a cease-fire under United Nations auspices, and called for a peace that affirmed the “acceptance” of the State of Israel by “the entire international community”; at the same time it called for the “recognition of the right of Palestinian Arabs to a home acceptable to them that must now be a matter of negotiation.”

On the crucial question of arms shipments, the NCC resolution said, “the great powers, particularly the U.S. and the U.S.S.R. have contributed to the present conflict, especially through arms supplies to the belligerents.” Disturbed over the reports of continuing arms supplies, NCC called on the United States government “to use the spirit of détente existing with the U.S.S.R. to effect an immediate mutual cessation of arms shipments and other military assistance, either directly or indirectly, to the belligerents.” The statement was immediately denounced by two American Jewish Committee observers at the session. Criticizing NCC’s “total inability to morally condemn” the Arab attack, Rabbi James Rudin and Gerald Strober, a Presbyterian consultant, assailed the church group for its failure to
deal with the "realities" of the war, since the Arab belligerents had already been fully supplied by the Soviet Union, and to impose a halt just as the American resupply was beginning would, in effect, have favored the Arabs. Rabbi Rudin charged NCC with being a "forum for militant, pro-Arab opinion."

Mrs. Banki noted that both the World and National Council of Churches had among their constituencies Christian Arab groups, "whose spokesmen, overwhelmingly committed to the Arab cause, sit on their boards." Moreover, some of NCC's professional staff members and several mainstream Protestant denominations "are hostile to Israel" either because of missionary experience in the Arab world, commitment to a "third world ideology," or "Christian theological presuppositions about the mission of Judaism." One consequence, she said, was that Israel was judged against a standard of absolute perfection, while Arab deficiencies were overlooked. This was typified by Father Daniel Berrigan's scathing attack on Israel's society in a speech before the Association of American Arab University Graduates.

The study suggested that another reason for the relatively more restrained tone of statements by national organizations and their greater hesitance and delay in issuing them might be due to the bureaucratic difficulties of clearing, and agreeing on, a text, whereas individuals and some local groups had simpler procedures.

REACTIONS IN 1967 AND 1973

The American Jewish Committee survey found that the response in 1973 was much greater than in 1967, and that "most of it came from local, regional, and community groups in every part of the country." Rabbi Henry Siegman, executive vice president of the Synagogue Council of America, commented that in general Christian reaction to the latest conflict was "more generous and spontaneous" than in 1967. Rabbi Marc Tanenbaum, interreligious affairs director of the American Jewish Committee, termed the development of Christian support "most encouraging, since it reflects a growing sensitivity by the Christian world to the importance of Israel's survival to all Jews." Mrs. Banki attributed this groundswell of support for Israel in local communities in part to the fact that over the years, since the six-day war, Christian-Jewish dialogue expanded into almost every corner of the United States, opening channels of communication. "Whatever the differences and disagreements that still exist," she concluded, "it seems that Jews have communicated to Christians their passionate concern for the survival and security of the State of Israel, and have struck a responsive chord."
Public Opinion Polls

Public opinion polls taken during and after the October war produced five major findings: 1) sympathy for Israel was still widespread among the American public, and the ratio of support for Israel as against the Arabs reached a high of 8 to 1 during the war; 2) although about half of the American people declared they were sympathetic to Israel, some 40 per cent either remained uncommitted or had no opinion; 3) despite their sympathy for Israel and their recognition that Israel had a right to defend itself, the overwhelming majority of non-Jewish Americans were strongly opposed to any direct United States military involvement in the conflict, even if Israel's survival was threatened by the Russians (the majority of Jewish Americans favored intervention if essential to save Israel); 4) the American public generally approved of the actions by President Nixon and Secretary Kissinger to resupply Israel and to work with the Russians to arrange the cease-fire; and 5) the American public did not hold Israel responsible for the energy crisis, with popular support for Israel in fact increasing after imposition of the Arab oil embargo.

In the years since 1967 there had been some erosion of American support for Israel from the high of 55 per cent, registered in a Gallup poll during the six-day war of June 1967, to 50 per cent in February 1969, and 44 per cent in March 1970. However, as the Yom Kippur war progressed and public awareness of the hostile Arab and Soviet actions became widespread, sympathy for Israel again rose. In a Gallup poll conducted on October 6–8, some 47 per cent of the public sympathized with Israel and only 6 per cent with the Arabs. In the period October 19–22, support for Israel increased to 48 per cent, while support for the Arabs remained at 6 per cent. On December 7–10, after the imposition of the total Arab oil embargo against the United States, 54 per cent of the American people expressed sympathy for Israel, while support for the Arabs increased only to 8 per cent. This latter poll also revealed a greater crystallization of American sentiment, for the percentage expressing no opinion went down from 25 per cent in each of the October polls to 14 per cent in the December poll.

When asked by the Harris poll to assess blame for the energy crisis, the Americans tended to blame, in decreasing order of importance, the oil companies, the federal government (President and Congress), wasteful consumption practices, and foreign governments. More persons blamed the Arabs than the Israelis, especially as the oil shortages began to be felt. In a poll conducted for the Boston Globe by Decision Research Corporation in the last week of November 1973, a
cross-section of 999 Massachusetts adults were asked which of five alternatives was "most responsible for our present fuel and energy situation." Thirty-seven per cent blamed "the major oil companies"; 37 per cent blamed the Nixon administration; 19 per cent, Congress; 16 per cent, "the public itself, by using and demanding too much oil and electricity," and only 9 per cent blamed "our support for Israel against the Arab countries." Outright blame of the Arabs was not listed as an alternative reply.

By a margin of nearly two to one, Americans said they were unwilling to sell out Israel to get more oil. A Newsday (Long Island) poll on the question, "Do you favor reducing aid to Israel in order to increase the supply of oil?" elicited 51 per cent "no" against 26 per cent "yes" answers. Similarly, a nationwide Harris poll, conducted at the end of October, found that the public disagreed by a ratio of 50 to 26 per cent with the statement that "we need Arab oil for our gasoline shortage here at home, so we had better find ways to get along with the Arabs, even if that means supporting Israel less." Louis Harris concluded that a major reason for this stand was a realistic awareness by the American public of the national interest, as evidenced in the decisive 58 to 20 per cent majority agreement that "if we yield to Arab restrictions over oil now, we will soon find the Arabs dictating much of U.S. foreign policy, and that is wrong."

An overwhelming 68 to 10 per cent majority agreed with the statement that "the Arabs still want to destroy Israel, so the Israelis have no choice but to stay militarily strong to defeat any Arab invasion." Nevertheless, the respondents to the Harris poll opposed, 68 to 14 per cent, sending United States troops to the Middle East, even if Israel were threatened by Russian armed force, which seemed a possibility in the tense days of alert and near confrontation preceding this poll. Similarly, by 67 to 19 per cent, respondents agreed that "we should not become overcommitted to Israel, or we could find ourselves involved in another Vietnam, and that would be wrong."

The message conveyed by the American public at the end of 1973 was clear: Israel might continue to enjoy American sympathy, but this sympathy would not save Israel unless Israel maintained the ability to defend itself. The practical value of American popular sympathy was that it made it easier for Israel to obtain congressional support for the economic and military aid increasingly needed to buttress its struggle for survival against great odds.

George E. Gruen
The Struggle Over Jackson-Mills-Vanik

The focus of the American Jewish community's efforts on behalf of Soviet Jewry shifted in 1973 from a broad, multifaceted public-relations and social-action campaign to emphasis on legislative action. The critical issue of Jewish emigration from the USSR to Israel came to center in the House of Representatives on the Jackson-Mills-Vanik amendment,1 which linked trade benefits to the USSR with the question of the right to emigrate. The legislation, perceived by the Nixon administration as a direct challenge and threat to its policy of détente, inevitably produced an extraordinarily intense and complex year-long battle. Complicated by events affecting Israel's survival during the October war, that battle was to test the commitment and unity of the American Jewish community to a degree rarely experienced in recent years. The climax of the contest was the House vote of 319 to 80 in favor of the amendment, on December 11, 1973.

Principle of Right to Leave

When Senator Henry M. Jackson (D., Wash.) formally introduced his amendment on the Senate floor on March 15, 1973, he specifically referred to Article 13/2 of the Universal Declaration of Human Rights, which holds that "everyone has the right to leave any country, including his own, and to return to his country," as the principal source of inspiration for the proposed legislation. The crucial importance ascribed to this right was evident from the conclusion of a three-year study by the UN Subcommission on Prevention of Discrimination and Protection of Minorities (published in 1963) that it is "a constituent element of personal liberty" which should be subject to "no other limitations" than the requirements of morality, public order, and general welfare. The study's author, Judge José Inglés, considered the right to leave a precedent for the exercise of other human rights. Denying it to the persecuted, he noted, "may be

1At times more simply referred to as the Jackson amendment. Officially, it was called the Mills-Vanik bill in the House and the Jackson amendment in the Senate.
tantamount to the total deprivation of liberty, if not life itself.” Indeed, the principle this right upholds has been the cornerstone of international law since the beginning of history.

During the debate on Article 13 of the draft Universal Declaration in the Third Committee of the General Assembly in the fall of 1948, there was overwhelming support for rejecting any meaningful limitation on the right to leave. An amendment to the article, proposed by the Soviet delegate, which would have made the exercise of the right to leave in any country dependent on “the procedure laid down in the laws of that country,” was regarded by the majority as too restrictive. This despite the delegate’s insistence that his amendment “in no way modified the basic text of the article.” Only Poland and Saudi Arabia spoke in support of the Soviet proposal, which was defeated by a vote of 24 to 7. The Committee then adopted Article 13 by a vote of 37 to 0. Even the Soviet delegate voted in favor.

On December 10, 1948, the General Assembly unanimously voted approval of the entire Universal Declaration (with the USSR and several others abstaining in the final balloting). Today, the Universal Declaration of Human Rights is regarded by international legal specialists as an authoritative interpretation and extension of the UN Charter and, therefore, as part of customary international law. The extremely important UN Declaration on Colonialism, which was vigorously championed by the USSR and adopted by a unanimous vote of the General Assembly in 1960, required all states to observe “faithfully and strictly” the provisions of the Universal Declaration of Human Rights. The General Assembly unanimously reaffirmed this obligation in 1961 and 1962. Another significant United Nations document, the 1963 Declaration on Racial Discrimination, again adopted with strong Soviet endorsement, specifically called upon “every state” to observe “fully and faithfully” the articles of the Universal Declaration.

Relevance of the Universal Declaration of Human Rights to the Jackson-Mills-Vanik amendment was critical. Andrei D. Sakharov, the great Soviet physicist and humanist, who headed the dissident Committee on Human Rights in the USSR, was to underscore it in an “open letter” to the U.S. Congress (p. 217). In it he spoke of the appropriateness for legislative action that would attach a “minimal condition” for the consummation of détente agreements involving trade. The U.S. Congress, after all, reflected “the traditional love of freedom of the American people.” And it is this “love of freedom,” which obligates the Congress to assume “its historical responsibility before mankind.”

Senator Jackson went beyond this general point to a specific
attribute of American tradition, the country's basic character as "a nation of immigrants," which justified the introduction of the amendment. For it is precisely because of this character, he insisted, that freedom of emigration is "an American issue." Jackson reminded his colleagues in a major speech on the floor of the Senate that "I would not be in this Chamber today if Norway, the country of my parents' birth, had practiced the sort of emigration policy that the Soviet Union has today."

**Precedents for Intervention**

There was yet a second attribute of the American tradition that provided the Jackson-Mills-Vanik amendment with a powerful inspirational source. Concern over the plight of Russian Jewry was by no means a recent phenomenon. As early as 1869, President Ulysses S. Grant, upon learning from American Jewish petitioners of a contemplated expulsion of 20,000 Jews from an area of southwestern Russia, intervened with the czarist authorities. That expulsion was halted, one chronicler of the episode noted, as a consequence of American concern.

In the last 100 years, at least ten American presidents, from Grant to Richard M. Nixon, have intervened directly or indirectly on behalf of Russian Jewry. A prominent secretary of state, James G. Blaine, formally justified diplomatic intervention in the internal concerns of a foreign country on grounds that "the domestic policy of a State toward its own subjects may be at variance with the large principles of humanity." Humanitarian intervention on behalf of persecuted Irish and Armenians, as well as Jews, remained a distinctive feature of the American diplomatic landscape.

Frequently, the Congress acted to spur administration action. In 1879, for example, the House adopted a resolution criticizing a czarist policy that denied Jews the right to own real estate. In 1883 a House resolution called upon the administration to use its influence with Russia to stop anti-Jewish discrimination and persecution. A decade later, in 1892, the House refused to allocate funds for food transports to Russia because, as Tennessee Congressman Josiah Patterson put it, the czarist regime's treatment of Jews has shocked the moral sensibilities of the Christian world.

Especially significant was the legislative effort in 1911 to abrogate an

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80-year-old Russian-American commercial treaty—virtually a dress rehearsal for the Jackson-Mills-Vanik congressional drive. Behind the move, sparked by a proclamation by President William Howard Taft, extending to Russia minimum tariff rates despite opposition by the U.S. Tariff Board, was a determination to relieve the desperate plight of Russian Jews. Technically, the battle was fought over the more narrow issue of passport discrimination against American Jews seeking to visit Russia. Then, as now, the secretary of state argued that "quiet and persistent endeavor" (quiet diplomacy, in modern parlance) would be more effective than treaty abrogation in changing czarist policy. And a series of State Department memoranda buttressed this view with arguments that found a remarkable echo in 1973: America’s commercial and industrial interests would be harmed; antisemitism in Russia would increase; America had no right to intervene in the internal affairs of foreign countries; intervention would bring an eruption of antisemitism in the United States.

Much of the American public saw the issue differently. Congress was bombarded with massive numbers of petitions and resolutions; mass meetings were held, and innumerable speeches condemning Russian barbarism were made in Congress. When Congress overwhelmingly voted to abrogate the trade treaty, Russian officials reacted with astonishment, for they failed to comprehend, as a historian observed, "how a moralistic crusade could dictate diplomatic action." The same feeling no doubt pervaded the Kremlin leadership at the end of 1973.

"Diploma Tax"

The "moralistic crusade" of 1973 was sparked by an extraordinary decision of the Soviet government: the enactment, on August 3, 1972, of a decree (No. 572) requiring would-be emigrants who had acquired a higher education to pay a "diploma tax" (AJYB, 1973 [Vol. 74], pp. 487–88). On August 14 the decree was reaffirmed by an "order" of the USSR Council of Ministers, directing appropriate Soviet agencies to establish a scale of fees. These were so exorbitantly high that payment by those holding advanced degrees was virtually impossible. Soviet Jewish activists, at an August 15 press conference, warned that the effect of the decree would be the creation of "a new category of human

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beings—the slaves of the twentieth century.” Significantly, neither the decree nor the “order” was at the time published in the Soviet Union.

The diploma tax was but the latest of a massive series of devices created by the Kremlin to stop the drain of talent. Even as the barrier to emigration was lifted in March 1971, and the flow of 13,000 Jews to Israel in that year was increased to 32,000 in 1972, the highly educated and technically trained were compelled to run an obstacle course of prolonged torment. But neither repeated refusals, nor various brutally arbitrary techniques and endless harassments imposed to intimidate, could stymie the determination of the Soviet Jewish intellectuals to leave.

The Kremlin, too, had not reckoned with the revulsion the tax would generate in the United States, as elsewhere in the West. Especially shocked were the scientific and academic communities. Twenty-one Nobel laureates issued a public statement in the fall of 1972 expressing “dismay” at the “massive violation of human rights” by the imposition of “exorbitant head taxes.” They were joined by 6,000 professors of the Academic Committee on Soviet Jewry, which, in a two-page advertisement in the New York Times, demanded the withdrawal of “this benighted decree” and the removal of “all arbitrary bars to the free movement of people.”

The American Jewish community’s response to the harassments and arbitrary refusal was a change in tactics. At an emergency meeting of the leadership of national Jewish organizations, called for September 26 in Washington by the National Conference on Soviet Jewry, it was decided to move from a largely public-relations campaign to a predominantly political one focusing on a particular piece of legislation. Senator Jackson, who had asked to be invited to the gathering, outlined to the 120 participants a legislative proposal tying trade benefits to removal of curbs on emigration. With emotions running high, the Jewish leaders endorsed the proposal in principle, though they yet had to agree to its language.

**JACKSON-VANIK AMENDMENT**

In part, the Jackson proposal was a response to negotiations for a comprehensive trade agreement that had been carried on between American and Soviet officials since the beginning of August. The provisions of the agreement, as finally signed by the two powers in October, were: the United States was to receive from the USSR a fixed portion—$722 million—of the enormous lend-lease debt owed the United States since World War II, to be paid in several installments; in
return, the administration pledged to seek congressional authorization for extending to the Soviet Union most-favored-nation (MFN) treatment, which would allow it access to the American market at the lowest possible tariff rates.

The first public reference to the idea of linking trade benefits to the specific problem of Soviet Jews seeking exit visas, and particularly to the newly-imposed head tax, was made by Senator Jacob K. Javits (R., N.Y.) at a rally in New York. Once out in the open, the idea began to take on substance. In September, staff members of Jackson and Javits, and of two other key senators who had consistently supported Jewish causes—Abraham A. Ribicoff (D., Conn.) and Hubert H. Humphrey (D. Minn.)—together with the aides of several congressmen—began to formulate an over-all strategy. Of particular importance were Ribicoff's aide, Morris J. Amitay, and Jackson's aide, Richard Perle, who maintained direct contact with the Jewish leadership.

By early October, Senators Jackson and Ribicoff had gathered 32 sponsors for their proposal, which they offered as an amendment to an East-West trade bill. Senator Javits, who had been reluctant to support the initial Jackson-Ribicoff draft because he thought it "unnecessarily irritating" to the Nixon administration, joined when it was somewhat modified, bringing with him 30 more senators. Shortly thereafter, when the number of sponsors had grown to 76, or more than three-quarters of the Senate, Jackson formally introduced his amendment.

The amendment would refuse a "nonmarket economy country" most-favored-nation treatment, as well as credits, credit guarantees, and investment guarantees, if that country denied its citizens the right to emigrate, or imposed more than a nominal tax on emigration or exit visas. Responsibility for determining a country's eligibility for MFN would rest with the President of the United States, who would be required to make a report of compliance to Congress at the time MFN was granted, and semiannually thereafter. This periodic reevaluation was considered the key element of the amendment.

At the time, a number of informed observers viewed the Senate action as a show of strength and a warning to the Russians, rather than a serious legislative move. Their reasoning was based on the fact that time was too short for the East-West trade bill to reach the floor of the Senate before the end of its session. Besides, there was no intensive activity in the House of Representatives to gather support for a similar amendment.

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4A country which, as of October 15, 1972, had not been granted MFN status. Some 100 countries, including Poland and Yugoslavia (but not Rumania and China, among others), had been accorded such status.
The Nixon administration, perhaps believing that the Soviet concession would reduce the drive behind the Jackson amendment, took only limited steps early in 1973 to prevent its introduction in the Senate. Peter M. Flanigan, the President's assistant for international economic affairs, privately talked with only a few key senators. The same tactic was followed by Henry A. Kissinger, then the President's national security adviser. Both argued that the Soviet Jewish emigration problem could be solved more readily by "quiet diplomacy" than by legislation. Their limited efforts at face-to-face persuasion were accompanied by State Department pronouncements, such as Charles Bray's that "I simply must repeat on our behalf that this matter can most efficaciously be pursued through diplomatic channels." Significantly, no effort was made to talk with Jackson or Ribicoff, and no attempt was made to persuade rank-and-file legislators. The administration apparently assumed that these tactics, together with the Soviet concessions, would deter the reintroduction of the Jackson amendment.

The miscalculation with regard to the country's mood was enormous. Early in January Congressman Charles A. Vanik (D., O.) had assembled a list of 144 representatives who agreed to sponsor in the House legislation similar to Jackson's amendment. A massive letter-writing campaign by the Jewish community, begun shortly thereafter, was to evoke a powerful response. Support for the amendment also came from various other sources, including the trade-union movement, several religious groups, and conservative elements. By early February 238 representatives—more than a majority of the House—had decided to become cosponsors of the proposed legislation.
The immediate reaction to the formal disclosure by the Kremlin of the modified version of the decree was strongly negative. Jackson, on January 23, called it "totally unacceptable as a response." Soviet emigration policy, he insisted, "remains one of great and capricious cruelty," and "so long as emigration is prevented by ransom taxes and other measures, we will use the votes we have to amend the appropriate trade bill." Vanik responded in the same vein, reminding his colleagues that the "unsavory" Soviet policy "is not new in our relations with Russia"; that the action of the House of Representatives in 1911 had demonstrated "our abhorrence of that officially condoned policy of terror." He emphasized that the United States "as a nation cannot overlook denigration of human rights for the sake of commercial gain"; that, therefore, the House would not grant most-favored-nation treatment until the USSR "ceases its discriminatory emigration policies."

Far more important than Jackson’s and Vanik’s responses was the comment of Congressman Wilbur D. Mills (D., Ark.), chairman of the powerful House Ways and Means Committee. He announced, on February 7, that he had become a principal sponsor of the Vanik amendment and proceeded to introduce formally the legislation that linked trade concessions to the USSR with free emigration. At a news conference in the Capitol, Mills read the following statement on behalf of himself, Jackson, and Vanik:

We hope our action today will be understood by responsible Soviet authorities as our answer to the official publication in Moscow last month of the so-called "education tax" schedule—an outrageous price list on human beings that reduces trained and educated men and women to chattel. The promulgation of that decree is, in our view, a profoundly disappointing response to the world-wide concern with which an oppressive and capricious Soviet emigration policy has been followed.

The signal sent out to the administration could not have been clearer.

**Soviet Reaction**

The Soviet authorities initially sought to meet congressional resistance head-on. The major target was to be big business in the United States, which was thought to be most susceptible to Soviet blandishment. A high-level 15-member Soviet delegation arrived to participate in an American-Soviet trade conference sponsored by the National Association of Manufacturers (NAM). At the opening session in Washington on February 27, which was attended by 800
businessmen, no less than three powerful Soviet delegates served as panel members: Deputy Minister of Foreign Trade V.S. Alkhimov; G.A. Arbatov, director of the Institute for U.S. Studies of the Soviet Academy of Sciences, and N.N. Inozemstev, director of the Institute of World Economics and International Relations of the Academy.

The Soviet panelists quickly learned where Congress stood. Senator Edmund S. Muskie (D., Me.) told them that Soviet emigration policy constituted a “major road block” to expanded East-West trade, and warned that “Soviet leaders would be profoundly mistaken if they underestimated American feelings on the exit visa question. Americans properly perceive the exorbitant tax on Jewish emigrants as being in violation of fundamental human rights and freedoms.”

An official Soviet response came the very next day. Arbatov, reportedly the Politburo's principal adviser on American questions, said at a briefing session for both press and trade conferees that if “normalization of trade relations between the U.S. and the USSR is frustrated by the Congress,” it would prove “a harmful thing for Soviet-American relations as a whole,” leading to “serious political repercussions.” Should the Jackson-Mills-Vanik legislation be adopted, Arbatov warned, it would, among other things, “revive antisemitism in the Soviet Union” because it would give “Soviet Jews a special status and treatment.” Citing undocumented estimates, he added: “We have to think not only of that part of the Jewish population that wishes to go to Israel—three or four per cent—but also of the more than 90 per cent who want to stay. They would not feel good if they were put in an unfavorable light.” Why the alleged 90 per cent would be put in an “unfavorable light” was not made clear. But this was not necessary; the overt threat was deliberate and calculated.

Arbatov went beyond this threat to warn of the possibility of a growth of antisemitism in the United States itself, should the Soviet-Jewish emigration question “become really insurmountable.”

Arbatov’s threats evoked an outraged response from Senator Ribicoff, who received word of them while holding hearings of the Senate Subcommittee on International Trade (of which he is chairman). “I am using this platform to tell Mr. Arbatov to mind his own damned business,” he said. Another member of the Subcommittee, Senator Clifford P. Hansen (R., Wyo.), immediately endorsed the Ribicoff retort: “I join with you on that, Mr. Chairman.” Ribicoff, his anger rising, continued: “To have Mr. Arbatov come to the United States of America and before an audience of American businessmen, then tell them to use their influence and pressure on the Congress of the United States against a legislative proposal, the Jackson Amendment, which is a very alive proposition, and threaten the Jews
of the United States will be subjected to anti-Semitic actions by the people of the United States, is presuming upon the good will of the United States." Ribicoff demanded that Arbatov leave the country, for it is he who "is causing harm to détente, not the Congress of the United States."

Ribicoff took the occasion to tell Secretary of Commerce Frederick Dent who then happened to testify before the committee that, "I recognize the importance of East-West trade for developing relations between nations. But I am also concerned with the basic moral issue presented when exorbitant ransom fees are now being levied against Soviet citizens, and particularly a segment suffering from discrimination, as a condition for permitting them to emigrate from the Soviet Union." Ribicoff knew that his own credentials were impeccable; he had just filed a special report advocating increased East-West trade and most-favored-nation status for Communist countries. The report was prepared after a visit to Rumania and Hungary, where he had addressed a major conference on East-West trade.

The Russians by no means relied exclusively on the Arbatov-type threats. They also focused the softer line of economic inducements on congressmen, with NAM providing the required link to the Hill. On March 12 Deputy Minister Alkhimov and two Soviet embassy economic officials, K.G. Tretiakov and E.V Bugrov, met with 15 congressmen, among them key Republicans, at a luncheon requested by the Soviet embassy and arranged by NAM officials to explain the advantages of increased United States-Soviet trade. NAM president E.D. Kenna was host; other NAM officials were William Pollert, vice president for international affairs; Eugene Hardy, vice president for government relations, and Nicholas Hollis, director of the international affairs staff. Among congressmen present was Gerald R. Ford, Jr., then House Minority leader and Representative Peter H.B. Frelinghuysen (R., N.J.) chairman of the Republican party's Congressional Task Force on International Economic Policy. Frelinghuysen, reportedly told the Russians "of the close connection between the most favored national treatment for the Soviet Union and the Soviet Government's emigration tax"; that "Mr. Alkhimov's trip and the meetings he has had should have given him solid evidence that members of Congress are much concerned with Soviet emigration policies and that we tend to link them with the granting of most favored nation status."

A critical part of the "solid evidence" was to come to Alkhimov directly from Congressman Mills, who said in a private meeting that 350 House members would vote to block the trade measure if the exit tax was still in force. Alkhimov admitted to Mills that he saw no
chance of getting most-favored-nation out of this Congress, and that he
would so inform Moscow. On March 15 Senator Jackson bolstered the
Mills warning by formally reintroducing his amendment on the Senate
floor. Initially, Jackson had intended to wait until the administration
presented its trade bill to Congress. He apparently changed his mind in
light of the strenuous efforts of the USSR, particularly the trade
dlegation, to mobilize opposition to the amendment, especially in the
business community. Referring to Arbatov’s threat, Jackson noted:

The Soviets have gone to some lengths to convey the impression that the
question of free emigration is essentially a Jewish issue. Their representa-
tives, even as guests in this country, have resorted to the cruel incitement of
antisemitic sentiments, in an effort to scare off support for our amendment.
Their broadcast out of Moscow, their English language publications
intended for publication here and their diplomatic representatives have
been pressed into service for this odious purpose.

American Response

Introducing his amendment, Jackson said its “heart” was the
provision making MFN status and credits contingent on periodic
presidential reports to Congress on compliance with the free
emigration requirements by the country in question. The Soviet Union,
he added, can meet those requirements “without altering its laws or
statutes.” The amendment does not prevent the American business-
man from buying or selling to the USSR, Jackson pointed out; at issue
are United States trade concessions to Moscow. Senator Javits then
appealed to the Soviet Union, as “a great power,” to help advance
détente on “a sound moral basis.” The amendment, he said, was not
drafted “in a spirit of defiance, confrontation or heedlessness.” It is
predicated on “deep moral convictions” and is “advisedly accepted”
by its sponsors “with no illusions as to its consequences” on
Soviet-American relations. He pressed hope that the moral aspects
“will appeal to a great power like the Soviet Union.”

At this point, Senator Ribicoff put the issue sharply and clearly,
warning that Congress was not “bluffing” and that “the next move is
up to the Soviet Union.” At the same time he advised the Nixon
administration of its responsibility to explain to the Soviet leaders the
unshakeability of congressional determination. “We hope,” he said,
“that our diplomats—at the highest levels—are conveying this
message to Moscow.”

Moscow no doubt got the “message,” when large majorities in both
houses of Congress—75 senators and 272 congressmen—agreed to cosponsor the amendment. Clearly rejected was an appeal by Secretary of State William P. Rogers on the March 11 television program “Face the Nation” that no “conditions” be attached to the trade legislation to be introduced by the administration. This, he said, would be the “wrong way” to deal with the situation; the right way was the use of “quiet diplomacy,” which “has accomplished a good deal” in greatly increasing emigration of Soviet Jews. The USSR, Rogers added, considers exit fees “an internal matter” and “we have to deal with the situation as it exists.”

Administration officials explained the implications of the congressional action in direct talks with Soviet leaders. As early as February, top White House aide Charles W. Colson, while on a visit to the USSR, reportedly advised Soviet Deputy Foreign Minister Vasily V. Kuznetsov of the difficulty the trade agreement would encounter if Soviet emigration procedures were not eased. Secretary of the Treasury George P. Shultz was sent to Moscow in mid-March to vigorously underscore this point. On the very day Mills was meeting in Washington with Alkhimov, Shultz met with Deputy Premier V.N. Novikov, Deputy Minister of Trade Mikhail R. Kuzmin, and Chairman of the Soviet State Bank M.N. Sveshnikov. (He later met with Party General Secretary Leonid I. Brezhnev.) Although the talks dealt chiefly with how to augment three-fold American-Soviet trade, Shultz used the occasion for an elementary course in the American constitutional system of separation of powers. The President of the United States, he explained to the Soviet leaders, cannot simply issue edicts on trade, as Brezhnev could. And Soviet trade was not so important to the American economy that Congress was likely to be swayed by businessmen wanting to profit from increased trade. At a press conference following the Kremlin meetings, Shultz stated: “I tried to explain the nature of the problem as we see it and to be sure that people were generally informed about that aspect. I also tried to explain the character of the American political process involving interaction between the President and the Congress.”

Washington must have received assurances that the USSR would alter, at least in some degree, its emigration procedures. The New York Times correspondent in Moscow was told that, at the March 14 meeting with Brezhnev, Shultz gave assurances of President Nixon’s determination to overcome congressional opposition to the trade agreement—a commitment that hardly could have been made unless a quid pro quo on Jewish emigration had been extracted. Shultz described his talk with Brezhnev as “very warm and forthcoming.”
Soviet leaders, he said, had shown "willingness to tackle [the emigration problem] in very real terms."

**Diploma Tax Waived**

Indeed, only four days after the Shultz visit, Moscow signalled a clearly positive, if limited, response to the pressure of Congress. On March 19–20 the USSR allowed 44 Soviet Jews who had obtained a higher education to leave without paying the diploma tax. The publicity given to the waivers was unusual: an American television company was permitted to film a meeting at which two of the prospective emigrants were told by the director of the Soviet visa office that they would not be required to pay the tax. On March 21 the Tel Aviv evening paper *Yediot Aharanot* published an article by Victor Louis—a Soviet journalist with close KGB (secret police) connections, who has often been used to give public expression to official Kremlin leaks—which said the diploma tax "will no longer be enforced." Acknowledging that the Soviet decision was the result of congressional pressure in the United States, he observed: "It seems that the Soviet citizens who have decided to emigrate from the Soviet Union have won a victory in the six-month war against the education tax." Louis noted, however, that the tax "will not be cancelled, nor will any changes be made in the law." The decree had simply ceased to be operative.

That an impressive result was achieved by American public opinion, expressed by means of congressional pressure and partly interpreted by United States diplomacy, could not be denied. While Soviet officials, in their public posture, would continue to insist that (as one put it during the Shultz visit) "a great country like the Soviet Union is not going to let the United States dictate what our internal policies should be," unofficially they were prepared to make certain accommodating changes.

Anxious to deepen the détente to which it was committed, Washington reacted quickly. At the very moment the exit-visa tax waivers were disclosed, the U.S. Export-Import Bank extended to Moscow the first grant of sizeable credits—$200 million—for the purchase of industrial equipment. And on the day Louis's article appeared, the United States and the Soviet Union signed a protocol establishing a series of joint scientific and technological projects.

The Soviet concession did not elicit as enthusiastic a response from Senator Jackson. Speaking at the National Press Club in Washington on March 22, he welcomed the Moscow developments as "encourag-
ing signs," but also made it clear that he would continue to press for his amendment to insure that Moscow did not "relapse into the old patterns" of harassment and taxation to limit emigration. Referring to the Victor Louis article, he said:

I have heard it said that the Soviets are going to keep the ransom tax on the statute book but they won't apply it in practice.

I say that we are going to put the Jackson amendment on the statute books, but in the hope that it won't apply to the Soviet Union because they will be in compliance with the free emigration provision.

For Jackson, the issue was not a mere matter of trade. He emphasized that "we ought to use our vast economic power to help bring freedom and dignity to thousands of individuals who have been willing to stand up and fight for their right to leave Russia." The issue, it was clear, remained the right to leave a country. So long as harassment and intimidation of would-be emigrants continued in the USSR, the fundamental problem was by no means resolved, even though, for the time being, the exit tax was not enforced. And there was much evidence that the harassment, especially of Soviet Jewish intellectuals, had not been ended; indeed, in some respects, it had been stepped up. As Richard Maass, chairman of the National Conference on Soviet Jewry, pointed out, the Victor Louis story had failed to deal precisely with "the more fundamental problem of the denial of the basic human right to emigrate without arbitrary restrictions or procedures."

Push for Trade Act Support

The Nixon administration now shifted to the political offensive at home. It felt it had won a sufficiently substantial Soviet concession to convince Jackson, Mills, and Vanik to either drop or modify their proposed amendment. As part of this offensive, it also sought to neutralize or weaken the Jewish community's support for the amendment, thereby isolating congressional opposition should persuasion fail.

The offensive was launched on March 29 by Deputy Secretary of State Kenneth D. Rush (Secretary Rogers was ill) in an address to 600 leaders of the American mass media attending a State Department foreign policy conference for editors and broadcasters. He indicated the Kremlin had displayed "commendable flexibility" on the issue of
emigration, thus clearly implying that progress was achieved by “quiet diplomacy.” Admittedly, unhindered emigration had not been realized, and it remained an American objective, he declared, “to do whatever we can to create free emigration of Jews—educated or poor or uneducated.” But this, he insisted, could not be done by imposing conditions on trade legislation; on the contrary, conditions like those of the Jackson-Mills-Vanik amendment would constitute a “grave danger” by “bringing about a counterproductive reaction in Russia, producing antisemitism.” Rush formally announced that the administration would now “go forward with the proposed MFN treatment for Russia”; at the same time it would continue to seek free emigration by diplomacy.

On April 10 President Nixon sent Congress a comprehensive Trade Reform Act with the stated goal of “creating a new international economic order” by “building a fair and open trading world.” The 124-page omnibus trade bill authorizing the President to lower and raise tariffs to facilitate expansion of trade would have enabled him to grant MFN treatment to the USSR and other nonmarket countries, provided neither the House nor the Senate vetoed such a move within 90 days. While the bill contained no provisions dealing with the Soviet emigration problem, the presidential message sent with the proposed legislation recognized “the deep concern which many of the Congress have expressed” over the Soviet diploma tax. He added, however, that he did not believe “a policy of denying most-favored-nation treatment to Soviet export is a proper or even an effective way of dealing with this problem.”

On the heels of the submission of the trade bill, prominent segments of big business moved to complete deals which had been in negotiation for some time. On April 12, for example, Occidental Petroleum Corporation signed the most extensive agreement in the history of Soviet-American trade—a multibillion-dollar chemical and fertilizer barter arrangement. Next day it was announced that the Soviet government had agreed to grant American businessmen multiple visas permitting them free movement. “This is mighty handy to have,” said the representative of the Chase Manhattan Bank in Moscow.

However, Congress continued to be the obstacle. On April 18 Nixon called in six key senators: Jackson, Ribicoff, Javits, Majority Leader Mike Mansfield (D., Mont.), Minority Leader Hugh Scott (R., Pa.), and George D. Aiken (Vt.), ranking Republican of the Senate Foreign Relations Committee. According to reports drawn from interviews with participants, the President and Dr. Kissinger attempted to persuade them not to impose restrictions on Soviet trade, arguing that the administration’s “quiet diplomacy” was proving productive. To
indicate the effectiveness of the Nixon approach, Kissinger read from two unsigned Soviet “communications,” dated March 30 and April 10, which indicated that the exit taxes had been waived and that there was no time limit on the waivers. (Apparently, the “communications” were messages sent by Moscow to the Soviet embassy in Washington, and then relayed to the White House.)

The reaction of the senators varied. Mansfield and Aiken, who had consistently opposed aid to Soviet refugees, reportedly told the President that he had their full support. But Ribicoff, a prime mover of the Jackson amendment, was said to have shocked the President by telling him bluntly: “Mr. President, there’s nothing new in this. We have known about the suspensions for several weeks. But that in no way diminishes the need for passage of the Jackson amendment.” Jackson later told the press that the reports about the waivers were “old hat and not the heart of the emigration issue.” Javits firmly held to support of the amendment. Only Scott, a cosponsor of the amendment but apparently weakening, hoped that compromise language would be worked out by enabling Congress to express concern about Soviet Jews without “endangering” the administration’s efforts for better relations with the USSR. One of Scott’s aides later said the senator had not changed his view that “the Jackson Amendment is still necessary to keep the pressure on the Soviet Union.”

The Jackson forces could count on the solid support of the labor movement. Shortly after the White House meeting with the senators, George Meany, chief of AFL-CIO, issued a statement urging the Senate not to weaken “in the face of the White House campaign.” Referring to the Soviet “communications,” he warned that the USSR “has an unbroken record of breaking her word every time she gives it.”

While the prime movers of the amendment in the Senate could not be budged, a key figure in the House was won over. On the day the President met with the senators, one of his assistants showed Congressman Mills the two Soviet “communications,” which persuaded Mills that “any number [of Soviet Jews] will now be able to leave the Soviet Union except for national security reasons.” Mills had been under the impression that the major obstacle to free emigration was the diploma tax—and not the arbitrariness of Soviet decision-making that used “national security” as the principal justification for the rejection of exit visas, even if this was without foundation or irrelevant. Therefore, since the head taxes were suspended, Mills saw no valid reason for not granting the USSR most-favored-nation tariff treatment. (Later, he realized that he had received the wrong impression.) Recalling his conversation with Alkhimov. Mills commented: “He’s
delivered on his end of the understanding and I intend to deliver on mine.' The "understanding," he explained, was that if the Kremlin suspended the tax, he would support MFN for the Soviet Union.

Administration Woos Jewish Leadership

The loss, at that time, of Mill's support was a serious, though not decisive, blow to the Jackson-Vanik coalition. The administration now followed up with an approach to the Jewish community. At Nixon's invitation, 15 prominent Jewish leaders met with him on April 19. The event was extraordinary and aptly described by the participants as "historic." For American Jewish leaders had long sought a meeting with the President of the United States to discuss the totality of the Soviet Jewish problem, but, with one exception, had been unsuccessful. The exception was a meeting in late December 1970, when a worldwide effort was being made to halt the execution of two Soviet Jews found guilty of the attempted airplane hijacking in Leningrad. That conference was brief and limited to the issue of commutation for the convicted Jews.

Now it was the President who sought the meeting, which lasted 70 minutes and ranged over central aspects of the Soviet Jewish problem. Inevitably, the impact on the Jewish participants was powerful, especially since Nixon showed sympathetic understanding of the problem. He asked Kissinger to share with the leaders the contents of the "communications" that had been brought to the attention of the senators and Congressman Mills the day before. Most important, he explained to them the profound moral dilemma in which he found himself. On the one hand, he had made a commitment to the Kremlin to obtain for it most-favored-nation treatment, which was perceived as integral to his search for détente. On the other hand, there was the Jackson amendment which, he forecast, would negate that commitment. Were it to be voted on at this point, the President was reported to have said with a snap of his fingers, "I know the amendment would go through like this."

Delivered in an indirect and delicate manner, the message was clear. The White House hoped the Jewish community would reconsider its adamant support of the Jackson amendment. A keen awareness of Nixon's problem, together with a warm appreciation of how committed he had been to helping Soviet Jews, could not but encourage the Jewish leaders to place their trust in him, which seemingly diminished the firmness of their commitment to the amendment.

The strategy appeared to have temporarily succeeded. After the
meeting, Jacob Stein, chairman of the Conference of Presidents of Major American Jewish Organizations; Charlotte Jacobson, vice-chairman of the National Conference on Soviet Jewry, and Max Fisher, former president of the Council of Jewish Federations and Welfare Funds, issued a statement on behalf of all participants, which was as revealing for what it did not say as for what it said. It noted the contents of the Soviet documents read by Kissinger, reported that the leaders "asked the help of the President" for the 100,000 Soviet Jews who had been refused exit visas, and concluded with the following paragraph:

We reaffirmed the commitment to Soviet Jews and our determination to continue maximum efforts in their behalf. We expressed our sincere appreciation to the President for the meeting which we regarded as a historic event. The President reaffirmed his concern for the plight of Soviet Jews and pledged his continuing personal efforts on their behalf.

The statement's failure to include any direct or indirect reference to the Jackson amendment raised doubts on Capitol Hill and among the press about the firmness of the Jewish community's position. It gave rise to the question of whether the Jewish organizations had abandoned or softened their support of the amendment. And, given the highly political atmosphere in Washington, it was not surprising that this type of question was actually encouraged for partisan reasons. Merely raising it was certain to weaken and possibly erode the commitment of numerous senators to the amendment. Moreover, the very ambiguity of the statement itself stirred a grass-roots backlash whose effect was not foreseen by White House policy advisers. Pressure for clarification rapidly mounted among the organizations comprising the National Conference on Soviet Jewry. Parallel and interlocked with this pressure were demands by the amendment's leading sponsors for a strong statement of support, without which their ability to hold the supporters in line was open to question.

Jewish leaders were now faced with a dilemma that they had sought to avoid. Until their meeting at the White House, they had made every effort to present publicly their support of the Jackson amendment as in no way directed against the President and his policy. On the contrary, they had argued, support of the amendment aided the President's "quiet diplomacy" by strengthening his hand in negotiating with the Russians. If concessions, such as the suspension of the diploma tax, were obtained from the Kremlin by diplomatic means, it was only because the administration could demonstrate to the Soviets the sheathed legislative weapon.
Now, the leaders felt, they were being pressured into making a choice between support of the White House and support of the Jackson amendment. They were keenly aware that Nixon had been a warm friend of Israel, and continued aid to the Jewish state, whether diplomatic, military, or economic, was of most vital concern to the American Jewish community. They also recognized that the executive, not the legislative, branch of the government conducted negotiations with the Russians and that, therefore, only the President could extract the desired Soviet concessions. Moreover, a number of Jewish leaders who were strongly committed to détente took seriously the White House warning that the Jackson amendment threatened the achievement of a détente.

On the other hand, the Jewish leaders understood that the Jackson amendment was a unique weapon which perhaps could be forged only once. Its coming into existence, and the powerful coalition of support it managed to create, constituted an exceptional circumstance in American history, with only the 1911 episode providing a genuine precedent. It had already had a strong impact on the Kremlin, and its potential for obtaining a fundamental change in Soviet emigration policy was still to be tested. To dissipate support for it before this potential could be fully realized and exploited was to expose oneself to a historical judgment of premature capitulation, if not overt cowardice. Such fears weighed heavily upon a generation that had experienced the Holocaust and the terrible pangs of guilt associated with survival.

**Soviet Jews Speak Out**

A decisive consideration in resolving the dilemma was the attitude of Soviet Jewry. Just as Soviet Jews played the key role in sparking the extraordinary American Jewish mass movement in late 1970 on behalf of their immigration rights, and just as their courage and inspiration was largely responsible for sustaining that mass movement, so, too, was their opinion of critical importance at this juncture. A preliminary expression of their opinion was provided on April 12, a week before the White House meeting. It took the form of an “open letter” to Congress, signed by 105 leading Jewish activists in Moscow. Warning against being misled by the Kremlin’s suspension of the diploma tax, the communication asserted that “nothing like free emigration” existed in the USSR; that “everyone’s fate is determined by unknown people acting on unknown considerations in a totally arbitrary way.” The implication was clear: the need for the Jackson amendment was by no means gone; indeed, its value was greater than before.
When rumors about an apparent ambiguity concerning Jewish support for the Jackson amendment reached Moscow, Soviet Jewish activists decided to intervene directly. On April 23 they sent an appeal bearing more than 100 signatures to American Jewish leaders, urging them to continue backing the amendment. Their language was impressively strong and obviously designed to remind American Jewry of the Holocaust. They urged that Soviet Jews who are refused exit visas under the pretext of “national security,” or for any other reason, “must not be sacrificed”; that acceptance in principle of the USSR’s right to select arbitrarily who can or cannot leave “would have a tragic, irreparable effect and would mean a complete collapse of all hope of repatriation for many thousands of Soviet Jews.” The closing paragraph was particularly poignant:

Remember—the history of our people has known many terrible mistakes. Do not give in to soothing deceit. Remember—your smallest hesitation may cause irreparable tragic results. Remember—your firmness and steadfastness are our only hope. Now, as never before, our fate depends on you. Can you retreat at such a moment?

Jewish Community Reaffirms Amendment Support

Clarification of the Jewish community’s position was pressed at an enlarged executive committee meeting of the National Conference on Soviet Jewry on April 26. It reached the decision that a prompt public statement of support for the amendment was essential, but implementation had to wait for endorsement by the President’s Conference, scheduled to meet the following week. (The understanding between the two organizations was that major policy questions required approval by both.)

The Conference meeting was marked by much tension. Jacob Stein resisted a renewed endorsement of the Jackson amendment lest the links of the President’s Conference with the White House be compromised. He was supported by a small minority which, from the very beginning, had raised a principled objection to the wording of the amendment. For one thing, it was argued, the legislation was couched in general rather than in specifically Jewish terms. By demanding that the USSR open its doors for any and all of its nationalities to leave, the argument went, the amendment tended to revive the “cold war” and was thus antithetical to détente. Secondly, the requirement that the President must report, both initially and subsequently, on the status of Soviet emigration before MFN can be granted burdened the executive
with a totally unacceptable responsibility, if the policy of détente was to be pursued. Finally, it was argued privately, the liberals in Congress would ultimately desert the struggle, since they were more interested in free trade than in the problem of Soviet Jews. Therefore, from a tactical point of view, it was safer to ride with a friendly administration than with the uncertain support of the liberals in Congress. By alienating the administration over the Jackson amendment, the Jewish community jeopardized its relationship with the one instrumentality capable of producing effective pressures on the USSR.

None of these objections were supported by the overwhelming majority of the representatives of Jewish organizations. The minority which, accepting the discipline of the Jewish community in the interest of unity and maximum effectiveness, had thus far refrained from public expression of its dissenting position, now supported Stein in resisting a public reaffirmation of the Jewish community’s position on the amendment. A clash bordering almost on insurrection developed between the opposing factions, after one organizational leader announced his intention to keep the meeting in continuous session unless a statement responsive to grass-roots demands, nurtured by the powerful reaction of the Soviet activists, was accepted. The chair finally capitulated, and a statement of reaffirmation, hammered out after the meeting, declared the Jackson amendment had “contributed” to the “effort to alleviate the plight of Soviet Jewry and we continue our support for this legislation.” It also expressed “appreciation” for the “initiatives of President Nixon.” The text was released to the press only on May 2 because it was thought appropriate to advise Kissinger, with whom Jewish leaders were to meet on May 1, of the planned release.

At the meeting, Stein, Maass, and Fisher frankly told Kissinger, who was about to leave for Moscow, that the organized Jewish community stood solidly behind the amendment; but that, at the same time, they welcomed the maintenance of “the channel of communication” between the White House and the Jewish community. They then spoke of the Kremlin’s cruel harassments and intimidations of Soviet Jewish activists and asked Kissinger to intercede on behalf of some 800 hard-core cases whose applications for exit visas had repeatedly been refused. While Kissinger was “sympathetic,” he also made it clear that granting MFN status to the USSR was essential for détente. The next day, the White House released its annual report on foreign policy, in which it emphasized that “extension of MFN was a logical and natural step in the emerging relationship” with the Soviet Union.

A further indication of the Jewish community’s strengthened commitment to the amendment was the May 1 statement by Jerry
Goodman, the National Conference executive director, at the Subcommittee on Europe of the House Foreign Affairs Committee's hearings on the status of Soviet Jewry, that the "arbitrariness" of Soviet emigration policy made essential the enactment of Jackson-Mills-Vanik. Professor Hans J. Morgenthau, chairman of the Academic Committee on Soviet Jewry, equally emphatically stated that the "basic policy of the Soviet Union was not changed at all by the assurances President Nixon received" from the Kremlin.

Thus, the President's effort to win over the Jewish community had collapsed. Indeed, the solidarity between the Jackson forces and the Jewish community was strengthened by the successful grass-roots insistence on a more determined and militant stance. The first consequence was the return of Congressman Mills to a leadership role in sponsoring the amendment in the House. He now realized that, contrary to the White House view, enactment of the amendment was required to deal with the pressing problem of Soviet Jews. A strong statement to this effect was promptly dictated and released to the press.

The administration continued to sharpen the focus of its conflict with the Jackson coalition, and the Jewish leadership tried to avoid being caught in the crossfire. Its leadership scrupulously eschewed overt acts which might alienate the President. The heads of the President's Conference and of the National Conference on Soviet Jewry publicly insisted that there was "no contradiction" in the simultaneous support of President Nixon and Senator Jackson. Jacob Stein, at a press conference in Israel on May 6, went out of his way to deny the existence of a paradoxical situation, and his statement was followed almost immediately by pronouncements of a number of major Jewish organizations praising both the President and the Jackson forces.

Moscow Pressure

While the administration was unable to sway Congress, an alternative means of persuasion became available in the person of Leonid I. Brezhnev. His scheduled trip to the United States in mid-June was expected to be decisive in the developing American-Soviet relationship. The advancement of détente agreements in areas of arms control, scientific cooperation, and trade were at the center of Washington concern, especially in view of the unfolding Watergate scandals. Conceivably, the prestige of the administration might be partially, or even fully, restored if there was significant progress in détente. To avoid embarrassing incidents during the Brezhnev visit,
the administration urged the Jewish leadership to organize no hostile public demonstrations. Therefore, instead of a mass demonstration, regional assemblies were held, including a Washington “freedom assembly” on June 18 that attracted some 12,000 persons.

When Brezhnev arrived, he used his not inconsiderable charm and diplomatic tact to soften resistance to trade in Congress. He had tried to do so, with some success, on April 23, in Moscow, when he granted a surprise and rare audience of three and a half hours to seven members of the Senate Commerce Committee, then visiting the Soviet Union. On that occasion, he “confirmed” the information, given to President Nixon earlier, that the diploma tax had been suspended, and left the senators with the strong impression that Moscow intended to do what was necessary to eliminate the Jewish emigration issue as an obstacle to trade. A vision of 30 to 40 years of rapid and substantial increase in trade with the United States was enticingly held out. As Senator Vance Hartke of Indiana reported, Brezhnev was “prepared to go a practically unlimited route.”

Four of the senators who had met with Brezhnev were cosponsors of the Jackson amendment. Two of them, J. Glenn Beall, Jr. (R., Md.) and Howard H. Baker, Jr. (R., Tenn.), appeared to be convinced of Brezhnev’s good faith. Senator Frank E. Moss (D., Utah) later told reporters that the Jackson amendment “is going to have a tougher time” in view of Brezhnev’s assurances. And Senator Robert P. Griffin (D., Mich.), the minority whip, expressed the hope that “in the light of these developments, the Jackson amendment will not be offered on the floor.” It was not made clear whether tough questions were asked about the likelihood that the USSR would lift arbitrary measures used to refuse the granting of visas. Furthermore, only one of the senators, Howard W. Cannon (D., Nev.), who was sympathetic to restrictions on emigration if they served legitimate national security, made the effort to meet with Jewish activists in Moscow. They advised him that the national-security label was used arbitrarily to stifle the emigration drive.

One reason for Brezhnev’s June visit to the United States was his intention to duplicate the magic spell he had cast on the Senate Commerce Committee members. This time, the audience would be a broad segment of congressional leaders as well as the American people. However, two days before his arrival on June 14, he damaged the image of candor which had so impressed the seven senators in a more than three-hour-long interview with American Moscow correspondents, the very first he had ever granted them. He spoke eloquently about his talks with President Nixon, which could set in motion “a new impulse” toward “large-scale trade worthy of the scale
of our two big countries," but responded to the newsmen's pointed questions on Jewish emigration with disturbing disingenuousness.

When asked what steps the USSR was taking "that might satisfy" Senator Jackson, Brezhnev questioned the validity and integrity of the senator's amendment. Then, after asserting that no Soviet law prohibits the emigration of a citizen, "if that departure is justified" (!), he argued that all nations had laws preventing "certain categories of people connected with what is called national security from leaving their country." He was certain, he said, that even Israel and the United States had such laws on their statute books. But, as everyone knew, it was precisely the definition of "national security" that was at issue. In what way did national security apply to the case of Kirov ballet star Valery Panov, which, at that point was fully known in the West? Or how did the case of Vitaly Rubin, a specialist on ancient China, fit the category? Or how could it apply to the cases of many scientists who had never been connected with security matters, or had severed such connections years ago?

Brezhnev stated that "countless documentary materials," prepared by Deputy Minister of the Interior Boris Shumilin and to be forwarded to President Nixon, proved that Soviet Jews could emigrate freely. He proceeded to compound this distortion by insisting that, in most cases, Jews chose to leave because they wished to be reunited with their families, "not [because of] the existence of the so-called Jewish problem in the Soviet Union." With a rising voice, Brezhnev boasted that Jews were well integrated in the USSR, "working in very good faith together with all the other peoples in the Soviet Union." He cited the usual set of statistics about Jews in science and the arts that have been paraded by Kremlin apologists.

Two days after Brezhnev arrived in Washington, he met with 17 members of the Senate Foreign Relations Committee and eight members of the House. Here, as at the Moscow meeting with the senators, he assumed a demeanor of modesty and openness; his presentation was soft-spoken. Once again he outlined the prospects for vast Soviet-American trade, but this time he emphasized rather vigorously that the condition for such trade was MFN status for the Soviet Union. Expecting questions on emigration, he came fully prepared. He pulled from his pocket a red notebook and ran through emigration data which, he said, showed that 97 per cent of all exit visa applicants were allowed to leave. David M. Blumberg, president of B'nai B'rith, called the figure "statistical make-believe," for reports had it that some 110,000 applications "are buried somewhere in the files of the Soviet bureaucracy."

But it was not only the accuracy of Brezhnev's data that was central
to the issue. There was the prolonged torment would-be emigrants knew they would have to face: ostracism, discrimination, job dismissal. Such harassments and intimidations were as much, if not more, of an obstacle to emigration than open refusal. Senator Javits raised this point rather sharply, noting that "figures don't tell the whole story." If the ensuing discussion became "grim and serious," Brezhnev offered no new information other than more data on the number of permissions and refusals, and these turned out to be incomplete.

Brezhnev received a far more enthusiastic reception from 40 of America’s top industrial and banking executives, invited by Secretary Shultz "in behalf of Mr. Brezhnev" to a meeting at Blair House on the morning of June 22. They were enormously impressed by the broad picture Brezhnev painted of the potential of trade relations between the two countries. He was, according to one of the participants, "one of the world's great supersalesmen." Later, at a luncheon sponsored by the National Association of Manufacturers, Soviet Minister of Foreign Trade Nikolai Patolichev, who came to the United States with Brezhnev, summed up the Kremlin’s message to American capitalism: "I am a devout supporter of more contacts, contacts, contacts which would bring more contracts, contracts, contracts."

America’s corporate executives were excited over the trade prospects. Their reaction, as one of them described it, was: "We got a look at the future, and the future holds considerably more trade with Russia." Patolichev’s challenge to them was: "We on our part will do anything and everything to help you develop your trade with us and we hope you will do the same" (emphasis added). NAM promptly picked up the challenge, announcing the very same day that it would work with other United States trade associations to gain congressional approval of most-favored-nation status for the Soviet Union.

Yet, for all his lobbying, Brezhnev failed to achieve his primary objective of winning over Congress for the administration’s trade bill. The large majority in both Senate and House had not retreated from its support of the Jackson amendment. Significantly, Brezhnev chose to lobby mainly with the Senate Foreign Relations Committee, which had virtually nothing to do with the trade measure. Its fate initially depended on the House Ways and Means Committee and the Senate Finance Committee. Their members, and particularly their respective chairmen, Wilbur Mills and Senator Russell B. Long (D., La.), who had become a cosponsor of the Jackson amendment in May, were in no way involved in discussions with the Soviet leader. Whether this was due to an error on the part of the Soviet embassy in Washington, or whether the Brezhnev party hoped to bypass them, is not known. In
any case, the Kremlin delegation returned to Moscow with no genuine commitments on the key trade issue before Congress.

New Factors Emerge

Thus, at the beginning of summer, the Jackson-Mills-Vanik forces had withstood a variety of maneuvers and a host of pressures from different directions. The amendment had 77 sponsors in the Senate and 285 in the House.

The legislative session, which resumed in September, was marked by a strong intensification of the struggle between the White House and Congress over the trade bill. The locus of the conflict was the House Ways and Means Committee, from where it shifted to the floor of the House. Two new factors now emerged, which were to have a major impact on the character of the struggle by shaping and defining the central issues. The first was Henry Kissinger's appointment as secretary of state. The formulator of the policy of détente with the USSR now was responsible for its implementation, and would have to deal directly with the Jackson-Mills-Vanik forces.

Dr. Kissinger necessarily had a vital stake in steering the administration's Trade Reform Bill through Congress without any restrictions on trade with the Russians. The 1972 negotiations with the Kremlin had been his primary responsibility, and the Soviets were given a firm commitment that they would be granted most-favored-nation status. More importantly, détente with the USSR was an essential ingredient of the structure of peace he had projected; and he saw the agreements with Moscow as an indispensable element in détente policy. To compromise them was to challenge the very structure of peace, of which he was the architect.

Over and over again, Kissinger made it clear that détente transcended human-rights issues; that the most pressing danger to mankind was nuclear confrontation; that, therefore, all energies must be used to eliminate the possibility of confrontation. And by forging various links in a chain of commitments to one another through détente agreements, the United States and the USSR created vested interests in avoiding confrontation and in jointly working for peace. He insisted that any one human-rights issue, no matter how sympathetic or concerned he or the United States government might be with it, must not be allowed to jeopardize the striving for détente. The fact that Dr. Kissinger was of Jewish origin and a refugee from Nazi Germany lent greater force to his ideological perspective, since the assumption was that he certainly would be sensitive to persecution and oppression. If,
therefore, he considered human rights as less paramount a concern than détente, this view was bound to carry certain weight in liberal and humanitarian circles.

Finally, the fact that Kissinger, as secretary of state, would now articulate the administration’s position could not but strengthen opposition to the Jackson-Mills-Vanik amendment. Aside from his renowned talents as an analyst and advocate, he was among the few in the inner circle of the administration who remained unscarred by the Watergate scandals. Indeed, his authority was enhanced, even as the power of the administration to affect Congress was diminishing. He therefore could be expected to exert considerable influence on congressional action.

The second new factor of equal importance for the fate of the amendment was Andrei Sakharov’s decision to enter directly into the controversy. Like the Soviet Jewish activists earlier, his “open letter” to the Congress, dated September 14, appealed for support of the Jackson amendment. Its passage, he said, was an indispensable first step to assuring détente. Noting decades-long development of the USSR “under conditions of an intolerable isolation bringing with it the ugliest consequences,” Sakharov argued that détente could have meaning only if Moscow’s isolation was ended by its acceptance of basic international principles of conduct. Without adherence to international law, he emphasized, “there can be no mutual trust” and, he clearly implied, no assurance that the Kremlin would not break the agreements reached.

Therefore, from the very “outset” of negotiations for “new and friendlier relations,” it was essential to establish “the proper direction,” which would include the “minimal right” of emigration. That “minimal right,” a key provision of the Universal Declaration of Human Rights, constituted a “policy of principle,” whose abandonment would be nothing short of “a betrayal of the thousands of Jews and non-Jews who want to emigrate, of the hundreds in camps and mental hospitals, of the victims of the Berlin Wall. Should the Jackson amendment fail, he warned, the USSR would feel free to engage in “stronger repressions on ideological grounds.”

The amendment, Sakharov’s comment suggested, provided a powerful lever to oblige the Soviet Union and other nonmarket countries to observe norms of conduct in matters of human rights, extending far beyond the right to emigrate. He was later to spell out this point, namely that an open door policy could lead to unlimited emigration and, therefore, depopulation, unless other human rights were granted simultaneously. For, it was precisely the absence of such rights that spurred the desire to emigrate. The denial of the “policy of
principle" would therefore be "tantamount to total capitulation of democratic principles in face of blackmail." Failure to enact the Jackson amendment, he predicted would have serious consequences "for international confidence, détente and the entire future of mankind."

Sakharov rejected the Kissinger thesis that passage of the amendment would harm Soviet-American relations and détente. He brushed aside the argument that it represented interference in the internal affairs of the USSR. Especially contemptuous was he of the threat that the legislation would result in outbursts of antisemitism in the USSR:

Here you have total confusion, either deliberate or based on ignorance about the USSR. It is as if the emigration issue affected only Jews. As if the situation of those Jews who have vainly sought to emigrate to Israel was not already tragic enough. As if the technique of "quiet diplomacy" could help anyone, beyond a few individuals in Moscow and some other cities.

The appeal had especially powerful overtones in view of the extraordinarily vicious and threatening propaganda campaign the Kremlin had unleashed against Sakharov in late August and early September. That campaign coincided with a general KGB crackdown on Soviet dissenters, nonconformists, and critics. The response of the American scientific and intellectual community was pointed. The National Academy of Sciences warned that continued harassment of Sakharov would bring an end to its participation in joint American-Soviet scientific ventures. The 6,000-member Federation of American Scientists, known for its vigorous liberalism, asked all scientists to review their long-held position favoring détente with Russia. The result was an unexpected broadening of the Jackson coalition. Many militant doves, who had been suspicious of Senator Jackson's hawkish record, now urged support of his amendment. The coalition took on an increasingly humanitarian edge; no longer could it be challenged as merely hardnosed and antidétente.

Congress Acts

The impressive range of political support brought about by the Soviet Union's campaign of repression was reflected in the Senate. A resolution was introduced by Senator Walter F. Mondale (D., Minn.), a strong liberal, with the support of two other liberals, Edward M. Kennedy (D., Mass.) and Birch Bayh (D., Ind.), denouncing the Soviet
campaign against dissenters as a matter that "profoundly offends the conscience of a free people." It also urged the USSR to permit the free expression of ideas and free emigration in accordance with the Universal Declaration of Human Rights. The Senate, on September 17, adopted the resolution by a unanimous vote—an indication of what Senate reaction to the Jackson amendment would be.

The immediate test of strength between the administration and the Jackson coalition was in the House Ways and Means Committee. The 25-member panel, under Acting Chairman Al Ullman (D., Ore.)—Mills was recuperating from back surgery—had of late been under pressure from business circles, including Donald M. Kendall, chairman of the newly-formed Emergency Committee on American Trade. He asked leaders of the business community to remind the House Committee members of the commercial and political importance of MFN. But the heavily charged moral-political atmosphere flowing from the Sakharov issue all but neutralized these arguments.

A so-called "compromise" formula, then proposed by two sponsors of the Mills-Vanik bill—Representatives James C. Corman (D., Cal.) and Jerry L. Pettis (R., Cal.)—would have permitted the President to grant MFN status to a country, provided he found "that such nation is evidencing reasonable progress in the observance of internationally agreed upon principles of human rights." If the administration welcomed the "compromise," it was severely criticized by Vanik for failing to deal with the vital question of withholding credits and credit guarantees, as well as with how "reasonable progress" was to be measured. How incongruous, he caustically commented, to speak of "reasonable progress" at a time when harassment of dissidents was at its peak in the USSR. "At what point is the Soviet Union not demonstrating 'reasonable progress'?'" Vanik asked. The proposal made no inroads among the principal supporters of the Jackson amendment: Jewish organizations rejected it. AFL-CIO chief George Meany sent a telegram to Committee members on September 17, which said that granting MFN status to Soviet Russia would mark the abandonment of America's principles.

The key vote on MFN was scheduled for September 19. Dr. Kissinger was to have appeared before the House Ways and Means Committee a day earlier to outline the administration case. His scheduled testimony, he had said in a press interview on September 15, would explain that the granting of MFN was "a very important aspect of our over-all foreign policy." MFN, he elaborated, was essential for maintaining a momentum in relations with the USSR and should not be conditioned on the Kremlin's emigration policies. It was well that he took the occasion to outline his views publicly, for he never did appear
before the Committee. Acting Chairman Ullman, anxious to avoid an outburst of emotional tempers and aware that the Senate was considering the Mondale resolution, decided to discourage action on the Jackson amendment until the following week, “on the chance,” he said, “that we can get more reason interjected into the discussion.”

The Committee voted on MFN status on September 26. The fundamental attitude of its members, 18 of whom were sponsors of the Mills-Vanik bill, had not changed. Indeed, it probably had been reinforced by the events surrounding the Sakharov case. By a voice vote, the Committee agreed to deny MFN status to nonmarket countries restricting emigration. However, the administration succeeded in seriously weakening the bill through an unexpected parliamentary maneuver. Before the vote was taken, ranking Republican member of the Committee Congressman Herman T. Schneebeli of Pennsylvania suddenly, on a point of order, asked that the provision barring credits and credit guarantees be eliminated. He contended that this section fell under the jurisdiction of the House Banking and Currency Committee and was inappropriate for action by the Ways and Means Committee. Ullman upheld the point of order. Vanik appealed from the chairman’s ruling, but his motion lost by a 12 to 12 tie vote.

The Committee decision on the bill, while not completely to the liking of the Jackson coalition, was an important setback to the administration. Two days before the Committee vote, Kissinger reportedly advised Soviet Foreign Minister Andrei A. Gromyko that trade efforts were endangered by the outcry over the Sakharov case, as well as by continuing Soviet restraints on Jewish emigration. Despite the forewarning, Gromyko reacted to the Committee vote by lashing out at the supporters of the Jackson amendment as “blind instruments operated by the forces opposed to international détente.”

Even before the House Committee action, the administration indicated that it was determined to reverse it. Dr. Kissinger deliberately chose the hour before the vote to hold his very first press conference as secretary of state. (He had been sworn in five days earlier.) The expected Committee vote, Kissinger said, would raise “the most serious questions” not only by Soviet Russia, but by other countries as well, about the ability of the United States to fulfill its pledges. (The reference was to the October 1972 United States pledge to grant the Russians MFN status in return for payment of $722 million in lend-lease debts.) Kissinger further observed that, at the time of the agreement, “there was no reason” for the administration to suppose that it could be the subject of conditions in Congress, since conditions had never been introduced in previous instances of MFN requests from a Communist country. Once again Kissinger stated the
administration's basic policy position, namely that, while it had "deeply held" views about human-rights problems in the USSR, over the long run it could accomplish much more to ease the plight of Soviet Jews and others by "quiet diplomacy" than by "overt acts." He warned that the détente thus far achieved was so delicate and fragile that it could easily be impaired by "overt acts" of external pressure.

Another, equally powerful, cabinet member, Secretary Shultz, who then was attending the annual meeting of the International Monetary Fund in Nairobi, Kenya, issued a statement sharply critical of the Committee's vote. The issue of Soviet dissidents, he declared, was "essentially a matter of the internal affairs of the Soviet Union" and should have "no direct connection with arrangements to buy or sell something." Denying Soviet Russia MFN status, he warned, would deleteriously affect trade.

Administration Seeks Reversal

The day after the House Ways and Means Committee voted on the amendment, the administration openly launched its campaign to overturn the decision. President Nixon, with Kissinger at his side, met at the White House with the Republican leaders of Congress and urged a determined effort to eliminate or modify the restrictions now placed on granting to the USSR most-favored-nation status, a crucial ingredient in American-Soviet relations.

The very next day, the President and Kissinger met for two hours with Gromyko. According to a White House spokesman, the discussion was devoted entirely to MFN: "the current status of the Administration effort to get most-favored-nation treatment . . . and . . . the Congressional situation," as well as a reiteration of the administration's "commitment to seek MFN for the Russians." The President said he would make a "diligent" effort to overcome congressional opposition.

Credit Restrictions

The Jackson coalition was equally determined to restore the provision on credits and credit guarantees. In a speech on the Senate floor on September 27, Jackson called the House Committee vote "a most welcome affirmation of the commitment of this country to the cause of human rights," but expressed regret that "a vital part of the Jackson Amendment," had been dropped on grounds of "a
jurisdictional question." Like the President, he made a public promise: "I am certain it [the full House] will move to include the full Jackson amendment in the Trade Bill by adding the credit restrictions to those on MFN."

The fact is that the MFN issue was largely one of prestige. It would affect only Soviet manufactured goods, which, in the immediate future, were most unlikely to find a market in the United States for a variety of economic reasons. Most Soviet exports to this country are raw materials, and not subject to tariffs. The USSR has been seeking MFN status since the Khrushchev period because it looked upon the mere statutory provision imposing higher tariffs on Soviet manufactured goods as discriminatory. The Kremlin sought equal treatment with all other trading partners of the United States. Still, prestige was a matter of considerable, sometimes critical, importance to governments, especially to the big powers.

Credits, on the other hand, involved the very hard reality of trade. Since the Soviets were anxious to import, and were already importing, quantities of American products, including advanced technological equipment, even entire factories, and since the Soviet Union had little that the United States was interested in purchasing from her, large-scale transactions could be completed only with the use of credits, private or government (through the U.S. Export-Import Bank or Eximbank). By October Eximbank had already extended to the USSR several hundred millions of dollars in credits. Estimates of credits to be extended were in the billions. To put restrictions on credits, therefore, was to strike at the aspiration of the Kremlin for the virtually unlimited purchase of American technology.

Jackson and his backers pointed out that Eximbank credits were a kind of government subsidy, since they were extended at a 6 per cent interest rate, while normal bank interest rates to American borrowers were between 9 to 10 per cent. In his speech on the Senate floor, Jackson therefore contended that "it would be financially foolish as well as morally mistaken" to extend 6 per cent credits to "countries that close in their people behind barbed wire."

Congressman Vanik indicated that he would offer an amendment to Title IV (the former Mills-Vanik bill) of the Trade Reform Act when it came up for a vote in the House of Representatives, which would restore the excised section of the original bill. To do so, however, Vanik needed approval from the House Rules Committee, which sets the conditions under which legislation is considered by the House. Normally, trade bills are considered in the House under a closed rule that does not permit amendments. Vanik therefore was required to obtain an exception from the Rules Committee, and this needed the approval of the Ways and Means Committee, especially of its acting
chairman, Ullman. Thus Ullman’s support became a major hurdle. The Nixon administration, on its part, was intent on denying Vanik the parliamentary opportunity to amend Title IV.

Impact of Yom Kippur War

Before the bill came up for final vote in the House (scheduled for October 17 or 18), fighting had broken out in the Middle East. The war significantly affected the character of the debate and the strategic maneuvering behind the scenes. For one, the Jewish community, the principal public backer of the Jackson amendment, was now chiefly concerned with Israel’s survival.

At the same time, a major objective of American foreign policy was to bring about a cease-fire in the Middle East, which, in turn, required the cooperation of the Soviet Union. Kissinger felt that the time was not opportune for a House vote on the Trade Reform Act; that passage of the Jackson amendment would jeopardize Soviet cooperation in ending hostilities. On October 11 he urged the House leadership to postpone the vote in the “best interests of the country.” The administration request for a delay in the vote was approved by House Speaker Carl Albert and other House leaders. Consideration of the trade bill was now rescheduled for October 24 or 25. But as the time for the vote approached, Middle East tensions had not been resolved; the two cease-fires reached on October 22 and 24 appeared threatened, and the possibility of a superpower confrontation became more serious. Kissinger again sought delay.

At this point, a curious episode took place. On October 23 Kissinger, who had just that day returned from his whirlwind trip to Moscow, Tel Aviv, and London, met at the White House with Jacob Stein, Richard Maass, and Max Fisher. Toward the end of the meeting, which mainly focused on Middle East matters, Kissinger raised the issue of the Jackson amendment. He reiterated that the President favored the elimination of Title IV from the Trade Reform Act, and then surprised his listeners by asking whether, in the event Jackson and Vanik agreed to the elimination of Title IV, the Jewish leadership would condemn them. Since the Jewish leaders did not know whether Jackson or Vanik had been approached by the White House, their answer was evasive. If indeed Jackson and Vanik agreed with Kissinger, they said, they would have to go to their constituency for instructions on how to proceed.5

5As they understood the situation, Kissinger would speak to Jackson and Vanik about the proposed deletion, and if the latter agreed, the Jewish leaders would then respond to inquiries from the legislators about the Jewish community position.
The time element was the administration's key problem. The intensity of the Middle East crisis had abated by the end of October, and House leaders were becoming increasingly irritated with the continuing administration delaying tactics. An angry Carl Albert commented on October 30: "I'm still waiting for the Administration to say what they want." The White House then decided to try a new tactic. Peter Flanigan, chief adviser on international economic policy, appeared before the Senate Banking Committee on October 29 to say that the administration was temporarily withdrawing its proposal for MFN for the USSR. He asked that Title IV be dropped from the Trade Reform Act. However, sending up this trial balloon in a Senate committee compounded the administration's difficulty; it could not but call forth criticism by House members jealous of their prerogatives.

With pressure on the administration from the House leadership mounting, the focus shifted to the Jewish community. Would it accept the proposal that Title IV be dropped? Flanigan sought to persuade Jewish leaders to convey to Senator Jackson their awareness of the importance of the trade bill and the delicacy of the Middle East situation. Several Jewish leaders, meeting privately on November 2, felt that support of the administration's new tactic was essential in the interest of Israel. It was proposed that the leadership meet with Vanik and Jackson to request that Title IV be eliminated for the time being.

Before that meeting took place Jewish leaders had been scheduled to see Jackson on November 5. During the preceding weekend, word of the November 2 proposal leaked out and quickly generated a chorus of criticism among the rank and file and officials of Jewish organizations. Demands for resignations accompanied denunciation of conduct that appeared to violate the Jewish community's basic position. The executive committee of the National Conference on Soviet Jewry, meeting in emergency session, rejected the proposal for Jewish leadership support of eliminating Title IV. Maass was instructed to report to Jackson on the White House position, and to seek his counsel.

The November 5 session with Jackson was the turning point in the year-long campaign. The senator chose to invite to it, in addition to Maass, Stein, and Charlotte Jacobson, his principal legislative partner, Senator Ribicoff, and B'nai B'rith president David M. Blumberg. After Maass reported on the conversations with administration officials, Jackson and Ribicoff addressed themselves to the source of the Jewish community's anxiety: that continued support of the amendment might undermine or weaken United States support of Israel. In their view, the linkage was spurious; indeed, enactment of Title IV in the House would not only serve to ameliorate the condition of Soviet Jewry, but,
contrary to Kissinger's prediction would also provide the United States with an effective lever in negotiations with the Soviet Union on the Middle East.

After the meeting, Stein and Maass immediately went to the White House to advise Flanigan that the organized Jewish community would continue to back the Jackson amendment. The following week, Maass issued a public statement to this effect. It made clear that backing the amendment did not mean the Jewish leadership had cut its ties with the Nixon administration, or did not appreciate its "quiet diplomacy" on behalf of Soviet Jewry and its massive aid to Israel. What the leadership rejected, Maass emphasized, was the attempt to use it to weaken or remove the Jackson amendment. "The Jewish community," he said "cannot be put in the middle again," which was "a very awkward position." A resolution of the conflict between the administration and the Jackson coalition would have to be accomplished by the opposing principals themselves in direct negotiations.

Since the proposal to drop Title IV had not won the necessary support, Kissinger at this point sought to postpone action on the over-all trade reform bill. But three other top administration policymakers who were especially concerned with economic matters, Shultz, Flanigan, and William D. Eberle, the President's special representative for trade negotiations, feared that any further delay would kill the trade bill. In their view, it was an indispensable tool for economic negotiations with Europe and Japan, aimed at reducing frictions that had arisen in recent years, and for maximizing trade. Their anxiety was especially aroused by the lobbying of AFL-CIO which advocated defeat of the entire measure. The President's chief economic advisers, now with the backing of House Ways and Means Committee Chairman Wilbur Mills, warned Nixon that support for the bill might very well crumble.

At first, Nixon was inclined to seek further postponement. At a November 7 meeting with House leaders, he passed to Speaker Albert a note asking him to delay the bill indefinitely. In the course of the succeeding weeks, however, his economic advisers, especially Flanigan, persuaded him that there was just as much foreign policy "risk" in delaying the trade bill as in approving it with the Jackson amendment. On December 4 Nixon gave his approval to call for the vote, but with the important caveat—which he noted in a communication to Speaker Albert—that he would consider the bill "unacceptable" if it ultimately reached him with the provisions of the original Jackson amendment. This clearly was a threat of a presidential veto.

On December 10 the trade reform bill was finally called up for action. The key vote came a day later on a motion by Charles Vanik to
refuse credits, credit guarantees, and investment guarantees to nonmarket countries denying their citizens emigration rights. The overwhelming 4 to 1 ratio in the voting (319 to 80) testified to the massive support enjoyed by the Jackson coalition in the House. Then, by a ratio almost as large—298 to 106—the House defeated an administration-sponsored motion to delete Title IV from the bill. Finally, the entire Trade Reform Act was approved 272 to 140, the lower vote here testifying to the support labor enjoyed in its opposition to the administration's liberalized trade objectives.

Congressman Vanik immediately commented that "the tremendous vote" for Title IV was a "clear mandate on the part of the Congress in the United States in support both for human rights and decency." Senator Jackson issued a statement that ended the historic year-long struggle:

I hope the loud and clear message of the House will be heard in Moscow and that the Soviet Government will come to realize that the American people, above all, are committed to a human détente—to the free movement of men and ideas on which a more stable and lasting peace must be based.

It was a sentiment with which the organized American Jewish community agreed.

William Korey