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THE 'ZIONIST HOOLIGANS': THE JEWISH DEFENSE LEAGUE

City University of New York PH.D. 1981

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THE 'ZIONIST HOOLIGANS': THE JEWISH DEFENSE LEAGUE

by

SHLOMO M. RUSS

A dissertation submitted to the Graduate Faculty in Sociology in partial fulfillment of the requirements for the degree of Doctor of Philosophy, The City University of New York.

1981

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This manuscript has been read and accepted for the Graduate Faculty in Sociology in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy.

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Abstract

THE 'ZIONIST HOOLIGANS': THE JEWISH DEFENSE LEAGUE

by

Shlomo M. Russ

Adviser: Professor Stephen Steinberg

The major purpose of this work, was to record and document the evolution of the Jewish Defense League from its origin in the Spring of 1968, until its virtual decline eight years later.

The League was originally formed by Meir Kahane and Bertram Zweibon to protect local Jewish neighborhoods in New York City. Their activity, at first, revolved around the legal process, fighting for Jewish interests through the court system. Occasionally, they mounted patrols: guarding a cemetary at Halloween from black vandalism; standing vigil outside polling booths in Crown Heights during a community anti-poverty board election; and of course, guarding Temple Emanu-El against a black takeover.

By the second year of its existence, League members began focusing on Jewish issues in foreign affairs: American support for Israel, Arab terrorism, Soviet

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Jewry, and the welfare of Jewish communities in radical Arab states.

The League went through a number of changes once they went beyond the confines of neighborhood safety. The most publicized change was JDL's shift in tactics. Abandoning the legal process, JDLers were arrested for gun smuggling and bombing. Concomitant with this, JDL's membership shifted from adults to youths. Jews in other cities began organizing local chapters, with the most active chapters in Boston, Los Angeles, and Washington, D.C.

This dissertation describes the activities of the JDLers as the League went from local affairs to international politics. Material for this work was obtained from a number of sources. Aside from newspaper reports, I interviewed close to a hundred JDLers, and their oral histories provide a rich source of information. In addition to the JDLers, the lawyers involved in the various JDL trials provided me with much material. These include: assistant United States Attorneys in the Eastern and Southern Districts of New York; and such defense attorneys as Nathan Lewin, a former State Department official and Assistant Solicitor General in the Johnson Administration; Alan Dershowitz, a professor at Harvard Law School; and Barry Slotnick, a noted criminal lawyer.

The reports from the secret undercover police agents who infiltrated JDL were also obtained. Trial transcripts

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also yielded valuable information, including former Attorney General John Mitchell's testimony about his conversations on JDL with Henry Kissinger and J. Edgar Hoover. Confidential State Department cablegrams between Moscow and Washington -- which refer to JDL's harassment and bombings, and their effects on United States-Soviet relations -- have become available, and these cablegrams have been incorporated in this work.

Using this information, the dissertation starts with JDL's confrontation with blacks, and goes on to show how these tactics were used to harass Soviet installations in New York and Washington. It traces the JDL bombings of Soviet buildings, and deals with who the bombers were; the way the New York City Police Department, the Federal Bureau of Investigation and the Secret Service tried to apprehend the bombers; the illegal wiretaps and secret police informers within JDL; how the police learned of JDL's plan to use a drone airplane to bomb the Soviet Mission to the United Nations, and the way government authorities thwarted the plot; the 1972 Hurok firebombing which caused the death of Iris Kones, a Hurok secretary; the police investigation of the bombing and the subsequent trial.

Also included is a review of the Washington JDL chapter, led by Dr. William Perl, a former Lieutenant Colonel in the United States Army, and a professor of

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psychology. This work also describes the JDL chapters in Boston and Israel. The relationship between the League, and other Jewish communal organizations is analyzed.

The dissertation concludes with an analysis of the ideology of the League, and provides a chronology of its activities for the first nine (1968-1976) years.

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Preface

The Jewish Defense League is often a study in paradox: their tactics (before they invented their own) were avowedly those of the left, while their ideology seemingly was of the right; the New York Times condemned the League as an "American nightmare," (25 June 1969) and labelled Meir Kahane, its leader, a "political demagogue," (15 May 1971) yet a few months later, it featured Kahane (thrice) on its prestigious Op-Ed page; JDLers bitterly opposed radio station WBAI after it aired an anti-Semitic poem, but two years later, their own fifteen minute program, "JDL on the Air," was broadcast weekly over the same radio station; the League urged its members to emigrate to Israel, yet the Israeli Minister of Police wanted them to go back to Brooklyn, where they came from; JDL received national attention after its members prevented James Forman, a black militant, from taking over Temple Emanu-El, but six years later, (9 February 1975) JDLers themselves went in and took over the building; while on the one hand, the League opposed Forman for demanding reparations from Jews, JDLers on the other hand, entered the office of the World Council of Churches (New York Times, 23 February 1973), and presented officials with their own "non-negotiable" demand for a grant of at least $25,000; JDL ridiculed other Jewish groups for devoting their

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energies to non-Jewish causes, yet Kahane joined forces with Joseph Colombo and the Italian-American Civil Rights League to oppose governmental harassment of the Italians; Kahane fought for Soviet Jewish emigration, but once these very same emigres arrived in Israel, they refused to vote for him when he ran for government office (something Kahane promised never to do in the first place); the League has repeatedly been charged with anti-black bias, yet blacks supported the patrols in Boston, and at times even took part in them; the Nixon administration sought to prosecute the JDLers at the same time that Mrs. Pat Nixon was giving JDL Boston an award for its activities; JDLers were preoccupied with their ability to counter anti-Semites who threatened their lives, but the only death JDL caused, was the unintended asphyxiation of a Jewish woman.

The more one studies the League, the greater the complexities that arise. This work then, is an attempt at grappling with some of these complexities.

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Acknowledgments

Without the extensive newspaper clippings of the Anti-Defamation League cf B'nai Brith, this work would have been infinitely more difficult. Allowing me access to their research files considerably eased the tedious process of collecting newspaper information, and I would like to thank Mrs. May Zucker who was most helpful througout this process.

Although at the time, I -- incorrectly -- thought I had enough material to write a dissertation, only after Professor Stephen Steinberg urged me to "go out and speak to a number of JDL people" did I collect the bulk of the information. I am grateful for that inspiration, for the wealth and richness of this work are a direct result of his advice.

If not for Professor Mervin Verbit, this dissertation probably would have been impossible to write. His interest, more than that, his enthusiasm with my research, kept alive my motivation to write this work. And although I take sole responsibility for its faults, I must give him credit for the accomplishments of this dissertation. It was his realization of the significance of my findings, that enabled me to write this manuscript. His help, encouragement, enthusiasm, and sensitivity, all made this work possible. This dissertation stands testimony

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to what I owe him.

I am grateful to the JDLers who spoke to me and their names are mentioned throughout this work. The defense lawyers in various JDL trials provided me with much material. The contributions of Jeanne Baker and Robert Persky are far greater than their mention in this dissertation. The chapters on the Hurok 'affair' would have been far more skimpy, had it not been for all the information that Jeanne Baker gave me. There is little to indicate the hours of conversations that I had with Robert Persky, but he too provided me with much information. And to Professor Dershowitz, my great appreciation for trusting me with his only copy of all the documents of the Hurok trial, and for giving me the galleys to the article on the JDL that he was writing. Likewise, the time that Nathan Lewin gave me, the documents he had, (and his xerox facilities) are all greatly appreciated.

Throughout the long years of writing this dissertation -- eight years to be exact -- my friendship with Andrea and Ted Scharf has been a great source of strength. My first paper on the Jewish Defense League (a mere 171 pages) was typed under their supervision, and parts of this dissertation were written during 'working vacations' with them in Canada and Israel. I have always been deeply appreciative of their extraordinary hospitality.

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The contributions of Professor Feliks Gross were also invaluable. Although given less than two weeks, Professor Chaim Waxman undertook the almost impossible task of reading this dissertation, all during the hectic period of grading his students' final examinations. I am very thankful for his help and for his useful comments. Likewise, my appreciation to Professor Egon Mayer who read sections of my manuscript.

Finally, to Helene Russ, my appreciation for helping me edit parts of this dissertation. It is to her credit, if the many (emotionally charged) conversations we had over style and choice of words, led to a significant improvement in this work.

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CHAPTER I

INTRODUCTION

I. Social Movements As Social Pathology

The Jewish Defense League (JDL) is a case of a social movement originating in a multi-ethnic pluralistic society during a moment of internal political crises. Prior to JDL, Jewish organizations worked within established political channels. Why, then, did the Jewish community give birth to a militant group spurning these established channels?

JDL was certainly an aberration to most members in existing Jewish organizations. It was to them a group which held no real link to anything in the Jewish community's past. "Ku Klux Klanners," "goons," "unJewish in spirit," "fascists," were some of the reactions to JDLers; in short, they had nothing to do with the Jewish community, nor were they typical of it. Certainly, their view was consistent with the work of Gustave LeBon (1897) on crowds. LeBon's basic thesis was that men undergo a radical transformation within a crowd. Once in their midst, "primitive, irrational, elements emerge. Immersed in the crowd, a man loses self-control and may act in a bestial fashion. He can be cruel, savage, irrational -- a Jeckyl

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turned Hyde with the crowd as elixir." (Milgram & Toch, 1969). Brinton (1965:93) wrote that for most Americans "a revolutionist appears as a seedy, wild eyed, unshaven, loud-mouthed beatnik, given to soapbox oratory." Even at a more sophisticated level, one feels that revolutionists "are pronouncedly queer people, failures under prerevolutionary conditions, sufferers from inferiority complexes, envious of their betters, or just downright ornery disturbers on principle and by disposition."

Among the early studies, Park and Burgess's (1924) work, An Introduction to the Science of Sociology, provided great impetus for the analysis of social movements and of collective behavior. Collective behavior dealt with "phenomena which exhibit in the most obvious and elementary way the process by which societies are disintegrated into their consituent elements and the process by which these elements are brought together again into new relations to form new organizations and new societies." (Park and Burgess, 1924:924-925)

Herbert Blumer continued the interest of sociologists linking social movements to the study of social change, saying, "sociology in general is interested in studying the social order and its constituents (customs, rules, institutions, etc.) as they are; collective behavior is concerned in studying the way by which the social order comes into existence in the sense of emergence and solidification of new forms of collective behavior." (Blumer, 1951:169) In

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other words, "While most of the collective behavior of human beings exists in the form of regulated group activity, there is a great deal which is not under the influence of rules or understandings." As examples, Blumer cites such things as a highly excited mob, a business panic, war hysteria or social unrest. "In these instances," Blumer says, "the collective behavior arises spontaneously and is not due to pre-established understandings or traditions." Blumer's great contribution was in linking collective behavior -- and he included social movements within the field of collective behavior -- to the mainstream of sociology and its study of social change. An excited mob in Blumer's terminology was within the category of "elementary forms of collective behavior," and he was interested in "tracing the way in which the elementary and spontaneous forms develop into organized forms. Customs, conventions, institutions, and the social organization have a career, represented by the passage from a fluid and unorganized condition to a set and organized status." Stated in the most general way, Blumer was seeking "to understand the way in which a new social order arises, for the appearance of such a new social order is equivalent to the emergence of new forms of collective behavior."

Social movements for Blumer, were "collective enterprises to establish a new order of life." (Blumer, 1951:199)

> The career of a social movement depicts the emergence of a new order of life. In its beginning a social movement is amorphous, poorly organized,

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> and without form; the collective behavior is on the primitive level . . . and the mechanisms of interaction are the elementary, spontaneous mechanisms of which we have spoken. As a social movement develops, it takes on the character of a society.
>
> It acquires organization and form, a body of customs and traditions, established leadership, an enduring division of labor, social rules and social values -- in short, a culture, a social organization and a new scheme of life.

Blumer differentiates between three types of social movements: general social movements, specific social movements and expressive social movements. By general social movements, Blumer meant such movements as the labor, youth, women's or the peace movement. Their background is formed by "gradual and pervasive changes in the values of people. . . . Over a period of time many people may develop a new view of what they believe they are entitled to -- a view largely made up of desires and hopes."

General social movements are constituted by their groping and uncoordinated form. "They have only a general direction, toward which they move in a slow, halting, yet persistent fashion." This type of movement is usually characterized by its pervasive literature, "but the literature is as varied and ill-defined as is the movement itself. It is likely to be an expression of protest, with a general depiction of a kind of utopian existence. As such it vaguely outlines a philosophy based on new values and self-conceptions."

A specific social movement on the other hand, "has a

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well defined objective or goal which it seeks to reach, as for example are reform movements and revolutionary movements." This type of movement most clearly resembles a society, having an organization and structure: recognized leadership, definite membership, a body of traditions, a philosophy, values and rules. Of course, the movement did not originate with such a structure, but it developed one during the course of its career. "In the beginning a social movement is loosely organized and characterized by impulsive behavior. It has no clear objective; its behavior and thinking are largely under the dominance of restlessness and collective excitment." As the movement develops, it becomes more organized with Blumer identifying five mechanisms by which a movement is able to develop: 1) agitation, 2) development of espirit de corps, 3) development of morale, 4) the formation of an ideology, and 5) the development of operating tactics.

Expressive movements on the other hand, do not seek to change the social order but "the tension and unrest out of which they emerge" is released in some type of expressive behavior. A religious movement in Blummer's typology is an expressive movement.

Gusfield (1968) somewhat similar to Blumer, makes a distinction between "directed" and "undirected" movements but for Gusfield both phases may be represented within the same movement. "The directed segment of a movement

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is characterized by organized and structured groups with specific programs, a formal leadership structure, definitive ideology and stated objectives," while the "undirected phase . . . is characterized by the reshaping of perspectives, norms, and values which occurs in the interaction of persons apart from a specific associational context." For example, the directed segment of JDL might have consisted of patrolling neighborhoods, while in its undirected phase JDL consisted of a redefinition of Jewish behavior.

For a long while, collective behavior was viewed as discontinuous with the rest of sociology. There were those processes which sociologists studied and then there was the "aberrant" field of collective behavior. Since collective behavior was deviant, the assumption was that there must be different explanations and processes for episodes of collective behavior. Eruptions of this behavior need different theories. By contrast the thesis here is that collective behavior and social movements can be explained by using the same theories as those of the "normal" areas of sociology.

The dilemma confronting LeBon continued to plague students of collective behavior. Milgram and Toch (1969) wrote that "[s]tarting with LeBon, there were two main questions. The first was how we are to explain the homogeneity of crowds; the second, how we explain the

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emergence of uncivilized behavior among crowd participants." LeBon's theory relied heavily on the mechanism of contagion, a mood or a certain behavior spreading from one person to another. This is facilitated by anonymity with the participant losing his sense of responsibility. The third and most important mechanism was "suggestibility," whereupon a person uncritically adopts behavior from those around him, even if it is totally inconsistent with his own character.

Turner (1964) distinguishes between contagion theory, best exemplified in LeBon's work, and that of convergence theory "which accounts for crowd behavior on the basis of the convergence of a number of persons who share the same predispositions."

Dollard, Doob, Miller, Mowrer, and Sears (1939) found support for this in their frustration-aggression hypothesis. Frustration generates aggression, and if the source of frustration is blocked, the frustration will be redirected against a more available object.

Both contagion and convergence theory emphasize the individual and the psychological transformations that occur when the person joins a crowd. With the advent of student activism in the 1960's, researchers again returned to this tradition seeking that which distinguished activists from the others in the student population. (Horn and Knott, 1971; Toch, 1965).

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A different approach is that of emegent norm theory, taken by Turner and Killian (1957) and Turner (1964). In sharp contrast to the psychological approach, emergent norm theory draws its inspiration from the study of small groups and proposes that when a group of people freely interact, standards of behavior evolve which then restrict the range of behavior exhibited. (Sherif,1936; Asch 1951; Lewin,1947)

As Oberscall (1973:15) points out, the great advantage of Turner, "the foremost American theorist of collective behavior" is that he "stresses the continuities between normal, institutionalized process and collective behavior." It is in this vein that Turner (1964:384) writes, "It is altogether possible that the search will ultimately undermine all of the traditional dynamic distinctions between collective behavior and organizational behavior and suggest that no special set of principles is required to deal with this subject matter."

Along similar lines, Merton (1957:357-368) too distinguishes between deviant behavior with that of nonconforming behavior. Thus there is a conceptual distinction between crime and theft which Merton would label deviant behavior and that of political protest which would be nonconformist behavior. According to Merton, nonconformist behavior is tied to social change, for unlike the deviant, who defies norms for personal advantage but does not

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challenge their legitimacy, "the nonconformist aims to challenge the norms of the group, to supplant what he takes to be morally illegitimate norms and values with norms having an alternative moral basis." (Merton, 1957:361)

More than other theorists, Smelser (1963) emphasizes a sociological perspective in dealing with collective behavior. Collective behavior occurs when people are desirous of changing a certain aspect of society, but are thwarted from doing so through the normal institutions of society. An economist as well as a sociologist, Smelser took his determinants of collective behavior from economics, from the idea of "value added." Using the example of iron ore, Brown (1965) illustrates that as with the process of converting ore into the final product of an automobile, each step adds "value to the final cost of the product." "Outbursts of collective behavior seem to Smelser to be like automobiles in that they are produced by an elaborate sequence of determinants." (Brown, 1965:729)

Smelser's scheme is based upon six determinants: 1) structural conduciveness, 2) structural strain, 3) growth and spread of belief, 4) precipitating factors, 5) mobilization for action and 6) social control. Smelser's "value added" approach means that each of the six constructs is necessary for the construct which follows it. Each of these six determinants is said to be a necessary condition for the one following it, and all six together are sufficient

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for the emergence of collective behavior.

Unfortunately, Smelser's approach is discontinuous with those seeking to establish the similarity between routine everyday behavior and that of collective behavior. Just when other theorists have begun focusing on everyday behavior to explain processes of social change, Smelser's approach is that of the differences and the nonrational. Milgram and Toch (1969:588) point out the fallibility of this approach and write that "beyond the fact that the distinction between 'normal' and 'crackpot' or between 'rational' and 'irrational' is conceptually blurred, there is also evidence that the psychological processes to be detected in different types of movements must be similar in kind."

On the other hand, there is great value to Smelser's theory for he helped standardize the terminology of earlier theorists and put them into some sort of systematic orientation: strain, conduciveness, generalized belief, mobilization, precipitating incidents and social control.

II. Individual Rewards: An Alternative to Social Pathology

Unlike Smelser, the argument to be taken in this discussion rests strongly on the recent reexamination of social movements unemcumbered by the collective behavior paradigm. "The classical perspective," Gamson (1975:130) wrote, "is one in which organized groups seek goals, mobilize

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resources, and employ strategies, but social movements merely express reactions by the victims of social pathology. Their cries and emotional expressions are viewed as signals of the stresses and strains of society." In this view, social movements are the result of social pathology as are suicide and criminal behavior. Even Smelser falls into this category with his concept of the "generalized belief." The generalized belief is an omnipotent fiction to mobilize people. "The proposed reform," Smelser writes, (1963:117) "will render opponents helpless, and will be effective immediately. . . . Because of this exaggerated potency, adherents often see unlimited bliss in the future if only the reforms are adopted. For if they are adopted, they argue, the basis for threat, frustration, and discomfort will disappear." Smelser then, despite his elaborate and sophisticated pardigm, maintains a sharp distinction between rational and routine politics and that of mass movements with its "unlimited bliss" of generalized beliefs.

The collective behavior paradigm, Gamson points out, may be very useful as an "intellectual weapon to discredit mass movements of which one is critical. It has great versatility." Conservative critics of mass movements can therefore write as Lebon did: "By the mere fact that he forms part of an organized crowd, a man descends several rungs in the ladder of civilization." Such arguments

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whether by LeBon or in Smelser's more sophisticated form provide a convenient intellectual apparatus for demonstrating pathology. Applied to JDL, these theories take on an ideological argument that colors all further explanations of JDL.

In place of the old duality between regulat politics on the one hand and extremist groups on the other, "there are now an increasing number of scholars," Gamson (1975:136) wrote, who have come forward and stated that there is just politics. "The American Medical Association and Students for a Democratic Society are not different species but members of the same species faced with different political environments."

Oberschall (1973:28) has contributed greatly to providing an alternative to the collective behavior approach.

> In ordinary everyday activity, at work, in family life, and in politics, people manage their resources in complex ways: they exchange some resources for other resources; they make up resource deficits by borrowing resources; they recall their earlier investments. Resources are constantly being created, consumed, transferred, assembled and reallocated, exchanged and even lost. At any given time, some resources are earmarked for group ends and group use, not just individual use. All of these processes can be referred to as "resource management."
>
> Group conflict in its dynamic aspects can be conceptualized from the point of view of resource management. Mobilization refers to the processes by which a discontented group assembles and invests resources for the pursuit of group goals. Social control refers to the same processes, but from the point of view of the incumbents or the group that is being challenged.

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> Groups locked in conflict are in competition for some of the same resources as each seeks to squeeze more resources from initially uncommited third parties.

Those among the discontented are in no way dissimilar to members of other political groups.

> The individuals who are faced with resource management decisions make rational choices based on the pursuit of their selfish interests in an enlightened manner. They weigh the rewards and sanctions, costs and benefits, that alternative courses of action represent for them. In conflict situations, as in all other choice situations, their own prior preferences and history, their predispositions, as well as the group structures and influence processes they are caught up in, determine their choices. Indeed, many are bullied and coerced into choices that are contrary to their predispositions. The resource management approach can account for these processes in a routine way.

To explain why the Jewish Defense League arose when it did, one must borrow from the work of another economist, Mancur Olson (1965) who has taken on importance far outside his own field of specialization. Olson's (1979:30) controversial writings have strongly influenced the present field of sociology and has given him wide publicity. Homans (1974) has richly used of Olson's work to explain group behavior. Thus Homans (1974:104) credits Olson with postulating that "in order to ensure the effective collaboration of members of a group in attaining a collective reward, the collective reward itself will not be a sufficient inducement and must be supplemented by individual rewards." In other words, few members of a group will work for a

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collective good unless they are rewarded also with non-collective goods, such as rewards or the threat of punishment.

Oberschall (1973:102) based on an extension of Mancur Olson's theory of groups, presents an excellent framework for understanding the "mobilization of people with grievances into a social movement or some other conflict group." Members of a large group, Olson and Oberschall maintain, do not voluntarily work towards a collective good, unless they are provided with individual incentives for their work apart from the collective good itself, or are the subject of sanctions if they do not work. In a very small group however, "where each member gets a substantial proportion of the total gain simply because there are few others in the group, a collective good can often be provided by the voluntary self interested action of the members of the group." (Olson, 1965:34) Olson also takes into account individual, or noncollective, rewards such as friendship, prestige, and other social or psychological satisfactions that arise from participation. These are some of the rewards used when mobilizing individuals for collective action.

Olson's theory indicates that a mass of people deprived of political or civil rights will not mobilize into an opposition movement seeking these collective goods because members of the collectivity will continue to pursue their narrow self interests. Each person will let the others

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take the risks of pursuing the collective good and if everyone followed this course, no social movement would ever arise.

How then do people mobilize for collective action? As Oberschall (1973:116) explains:

> Olson's theory in no way implies that individual goods and selective incentives are not also present in group formation, and it is precisely individual goods and selective incentives that can account for the emergence of leaders and activists in a high risk situation. Olson writes that (p. 51) "selective incentives will stimulate a rational individual in a latent group to act in a group oriented way" and that "potential [or latent] capacity for action can be realized or mobilized [in large size groups] only with the aid of selective incentives." Although ordinary members in a negatively privileged collectivity only get the same benefits as all other members when civil liberties . . . are obtained, the leaders and activists in a successful movement obtain in addition high individual rewards such as political office, prestige, and leadership positions. . . . Thus, in order to explain inside opposition mobilization in high risk situations, one needs only to assume that individual rewards and selective incentives motivate the leaders and activists in conflict groups, and that, given the same objective circumstances, some members of a collectivity will respond to these individual incentives in addition to being driven by the prospects of obtaining the collective good itself.

The process leading up to the formation of the Jewish Defense League reinforces the veracity of Oberschall's approach. Although surprising to many, the change within the Jewish community and the sympathy for the League's establishment, had been long in coming. Before JDL's rise, the only voice speaking for the Jews, was that of the liberal.

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The Anti-Defamation League, the American Jewish Congress and the American Jewish Committee all supposedly representing Jewish interest, had long ceased preoccupying themselves with that which was troubling urban Jews, especially those in the Eastern seaboard.

Many of the Jews who arrived after World War II were different from those of previous migrations. Many were committed observant Jews who had no intention of every coming to America, a traife or impure land. Had they a choice they would have remained in Eastern Europe, living their traditional and conservative way. But the destruction of European Jewry in the Nazi Holocaust radically changed everything. For lack of any alternative, these remnants of European Jewry made their way to America's shores. (Singer, 1974)

The Hungarian revolution of 1956, further swelled the numbers of observant Jews coming to the States. After the rebellion was quashed, many Hungarian Jews who had remained behind after World War II decided to leave the country. Marshall Sklare (1971:24) writes of their impact.

> Appearing on the streets and subways of New York, they provided highly ambivalent reactions among East European Jews whose immediate forebearers had been of similar appearance. In sum, the sectarians refused to abide by the social contract. Frequently they considered themselves to be brands plucked from the fire, miraculously saved so that the way of life hallowed by tradition might be preserved. They were loath to expose their children to any substantial amount of secular education, much less to enroll them in

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> public institutions. They proceeded to establish a network of yeshivot, they stimulated lay school education, and they profoundly influenced the Orthodoxy of the older East European group. (cf. Lieberman, 1965)

It was these Jews who were poorly represented, if at all, in any of the national Jewish communal organizations. Their needs were different, clustered as they were in clearly delineated neighborhoods, and within a short walk from a local synagogue. Other communal services tended to arise within close proximity of the synagogue: mikvaot (ritual baths), schools, bakeries, meat stores and other kosher establishments. Clearly the neighborhood was essential for the maintenance of the Jewish community.

Unfortunately, no organization existed which articulated and effectively advocated their needs. First, in terms of numbers, these Jews were but a small minority within American Jewry, and secondly, these Jews were inconspicuous in relation to other segments of the American scene. They received little publicity and few paid attention to them. The result was a void, unfilled by any of the Jewish groups.

If anything, some of the organizations were taking positions that went directly against the interests of ethnic Jewry. For example, while orthodox Jews were struggling to raise hundreds of dollars for the tuition necessary for their children's day school, the American

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Jewish Congress, in an effort to separate church from state, opposed any government aid to parochial schools. The most significant break in post World War II American Jewry came therefore over the issue of government aid to parochial education.

This took place in the early 1960's, at the end of the civil rights movement, and a time when many noted Jews participated in the southern civil rights freedom marches. In the mid-Atlantic states, particularly in New York, neighborhood Jews had little in common with those officials of Congress and ADL. "What relationship can there be," asked one rabbi, "with a typical national Jewish leader, living in a guilded white ghetto, whose personal life is void of Jewish religious and cultural content, and a Hasid in Williamsburg whose 'social activities' are in the Beth Ha-Medrash [synagogue study]?" (Wolpin, 1971)

Interestingly, those who joined the civil rights movement were least interested in joining JDL. Those Jews in the civil rights movement were very different from those who later joined JDL. For the most part secular, and greatly integrated into the mainstream of American life, the civil rights Jews came from an entirely different social background: suburban or from the more exclusive city neighborhoods, upper middle class, and with very tenuous

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ties to traditional Judaism. "Jewish organizations take public pride in the hyperactivism of many young Jews in movements for peace, civil rights, and social justice," wrote Charles Liebman (1973:27).

> They are disturbed only because such young people have very tenuous ties to Judaism. They maintain that the youths' social activism is an outcome of traditional Jewish values, even when the activists deny any relationship between what they are doing and Jewish values. Jewish spokesmen argue that if such Jews only knew what real Jewish values were, their identity would be strengthened. But the spokesmen themselves never articulate what they mean by Jewish values -- it is very clear they don't know.

Those who joined the League were much more parochial in their approach to the American scene. They identified more with their own neighborhood than with American society in its entirety. And when they looked beyond their neighborhood, it was towards the fate of their fellow Jews rather than towards members of other ethnic groups.

III. Tactics and Strategy

Although JDL did at times look beyond the Jewish situation it was more a question of tactics than of strategy to use Karl von Clausewitz's famous distinction. Heberle (1951, 1968) and Gross (1948) use a similar typology as Clausewitz in studying social movements. Tactics according to Clausewitz (1968) are the use of battles to win and attain the object of the war. Thus Gross (1948) writes:

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> . . . political tactics denote the use of political forces in a current, actual, historical, concrete situation for cooperation with or struggle against, other political forces; political strategy is the use of tactical moves to approach the great ideological objectives, determined by the whole ideology. Political strategy and tactics correspond to 'policy making' and practical politics. Programs and tactics change more frequently than ideology and great political strategy. The former are constantly being adjusted to the ever-changing social and political situation; tactics especially must be speedily revised and arranged to fit the current change and distribution of political power. Political ideology, on the other hand, evolves more slowly; it constitutes the constant element, unlike the program, which constitutes the changing and adjustable portion of the policy. Political strategy, similarly, is relatively constant because of its long-range aims, while tactics are altered continuously. Strategical moves, even in an aggressive policy, may employ tactical retreats which do not necessarily denote a change in ideology or strategy.

Using this distinction between strategy and tactics, Kahane did look beyond the confines of Jewish neighborhoods, and tried to align JDL with Italian and black groups, the Russian Orthodox Church, and with various other ethnic coalitions. However, this was a tactical rather than a strategic move; Kahane was interested in strengthening JDL's hand rather than acting on behalf of a new vision of life for other ethnic Americans. In other words, united with other groups, JDL had a much better chance of becoming a powerful force than if it acted alone. "While it is true that at the final moment of crises, the Jew should not expect help from others but must look to himself, nevertheless," Kahane wrote (1971:272), "in the short run . . . the Jew

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can and must look to non-Jewish help."

> We must understand that in Middle-America conservative and anti-Communist, there is a vast number of non-Jewish Americans who are potential allies of the Soviet Jewish cause -- and not because of any special love of Jews. . . . And the kind of people who are most understanding of the Soviet Jewish problem and who will be most sympathetic to our argument are precisely the members of the many ethnic groups who tend to make up conservative, anti-Communist Middle America.

IV. Blacks, Crime and the "School Wars."

For the sectarian Jews, even more important than Federal aid, was the question of crime: Jews were the (although by no means the only) victims of black street crime. In 1969, for example, rocks were thrown through the windows of Rockaway's Temple Young Israel whose walls had earlier been painted with swastikas; the West Bronx Center of Religious Zionists was destroyed by a suspicious fire; at the Joel Braverman High School in Flatbush, vandals spray-painted a Black Panther slogan on a valuable mural in front of the building. (American Jewish Year Book, 1970:225)

Marvin Schick, explaining the great apprehension setting in within the urban Jewish community said it was growing because;

> One, a mental process has set in within the Jewish community that leads to greater distrust of the outside world, greater insularity and two, too many things are happening in the real world, resulting from the black revolution and the urban

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> crises, that guarantee a continuing crises between blacks and Jews, in things like quotas, housing, community action . . . you can't ignore the fact that blacks are pressing Jews in many areas. . . . And you have the problem of black crime. There are stories upon stories of relatives hurt in one fashion or another, and the Jewish communications processes deal in a lot of rumors. And a lot of it is understandable with the conflicts and the rhetoric in the black community, which is totally outrageous. (Isascs , 1974:165-166)

In late November 1969, Louis Harris and associates released a Ford Foundation study of black-Jewish tensions which illustrated this greater insularity. It found that blacks agreed with negative statements about Jews more than other segments of the population did. The study also found the Jewish community polarized with part of the community more sympathetic to the blacks (and less concerned with anti-Semitism) than others. "The traditional reputation of Jewish support of the underdog," the report said, "no matter what he color, race or national origin, has been shaken to the core among segments of the community." (American Jewish Yearbook , 1970:224)

The polarization of the Jewish community in New York left those who opposed establishment policies without any effective organization. "Somewhere along the way," wrote Haskell Lazere, (1970:10-12) director of the New York Chapter of the AJ Committee, "Jewish agencies have lost touch with the rank and file of the Jewish community.

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> . . . Jewish agencies have shown a willingness to accommodate and adjust to the needs of others . . . But the Jewish Establishment has been dealing with issues at top levels, not in the neighborhoods or the streets. Jewish leadership deals with the Wilkinses, the Youngs, and the Rustins. . . . [while] the people in the neighborhoods, especially transitional ones, are confronted daily with extremists. . . . What's coming through to those attracted by JDL is that we care about others more than we care about our own. . . . Without turning away from the broader community -- locally nor nationally -- we have to turn our attention inward to the troubled neighborhood level. We have to know what goes on in neighborhoods most of us don't live in. . . . While we are pushing for equity capital for black businessmen, we should simultaneously be seeking or creating relocation equity for Jewish businessmen who will go under unless it is forthcoming. . . . My point of reference is that the approach should stem from Jewish concern for themselves, not Jewish concern for others.

The New York City school strikes of 1968 further exacerbated this growing dichotomy with the Jewish community of New York and although the strikes occurred a few months after JDL's formation, the racial and religious antagonisms -- unpublicized until then -- burst into the open with unexpected venom (Polos, 1975) as a result of the strike, giving JDL many more supporters and providing Kahane with even more credence and relevance. The fortuitous timing of the strike, occurring at JDL's inception, gave the Leage much impetus and confirmed to many the necessity for its existence. "Tensions increased each day," wrote Diane Ravitch, author of The Great School Wars (1974:369). "Jews were angry because Jewish teachers were pushed out of their jobs

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without cause while the Board of Education complacently tolerated outbursts of anti-Semitism at its public meetings."

To Jewish residents of the outlying boroughs of New York, it seemed that the Board of Education was not the only complacent organization. "The strike signaled two things, which I think had a crucial impact on many people," said Rabbi Seymour Siegel, a member of the faculty of the Jewish Theological Seminary.

> One, the black leaders, the spokesmen, were attempting to gain objectives outside the rules. . . . And two, the so called 'liberal' politicians like Lindsay -- he was the symbol but by no means the only one, the leaders of the mainline Jewish organizations, too -- were aiding and abetting this without any interest or compassion for the people being hurt. (Isaacs, 1974:165)

Another prominent Conservative rabbi, Wolfe Kelman, noted that:

> These established Jewish agencies make a great deal of noise whenever Jews overseas are threatened. . . . There was a general feeling that American Jews had no problems. They had no sympathy for the Jewish teachers who were fired in Ocean Hill and Brownsville, but if two teachers in Bucharest were fired, all the Jewish organizations would have turned the world upside down. (Isaacs, 1974:165)

V. The Void of Jewish Organizations: Ethnic Mobilization

The New York City school strikes "more a struggle between ethnic communities than a labor-management dispute" (Ritterbrand, 1974:251) emphasized the growing void which was not being filled by anyone in the

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established Jewish organizations.

"In essence then, what we have in New York City (and elsewhere in the United States) are two Jewish communities," writes Marvin Schick (1973:111-112), a former administrative assistant to Mayor Lindsay and a professor of political science.

> When the ethnic forces are subordinate to the acculturative or assimilative ones, which was true of the Jews for so long, the existence of a distinct community is blurred. Outwardly, there are the appearances of a monolithic or nearly monolithic community. However, when the ethnic forces grow and are imbued with a sense of mission and with a capacity for separate action, it becomes apparent that there are two communities.
>
> Until some time in the 1960's, the nonethnic Jews dominated the Jewish and the New York scenes. They set the tone, if not always the style, for all of Jewry, and they determined what positions would be taken on social and political issues by Jews. They were the spokesmen for the Jewish people on Jewish affairs as well as on matters of more general concern.

True enough, the 1968 New York City school strike brought to the forefront the position of the Jewish ethnics, but there were forces impinging on these ethnics even before the advent of the strike. Two years before the 1968 strike, for example, a referendum was held in New York City on whether or not to abolish the Civilian Review Board established by Mayor Lindsay to oversee the police. More than half of the Jewish voters were estimated to have broken with the vaunted liberal establishment, long the traditional recipient of Jewish support, voting instead

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to support the proposal to eliminate the review board. (Rogowsky et al., 1971)

The creation of the State of Israel, and the Six Day War in 1967 also contributed to the changed atmosphere, with Jews realizing the sentimental and emotional feelings they had towards the state. Many witnessed that few non-Jews in America -- even those participating in dialogues between Christians and Jews -- ventured forth to speak out for Israel in the trying times before the war, remaining silent in the face of what looked like the impending destruction of Israel. In the period before the Six Day War, however, many Jews abandoned their hesitations about becoming visible, passionately supporting the Jewish cause. After a long period of reluctance and fear by Jews of calling attention to themselves, the public outpouring was a most surprising phenomenon. But its impact did not dissipate after the war. "The 'never again,' that 1967 aroused in us (to the surprise of many in whom it was aroused) was not altogether extinguished when disaster to Israel had been averted," wrote Milton Himmelfarb. (1971) "It remained available for mobilizing us in the defense of Jews, or Jewish needs and hopes, wherever else they were attacked or threatened."

The Six Day War enabled Jews to become parochial again. The parochialism of the JDL, that is, its assertiveness as an organization concerned only about

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Jews, simply because they were Jews, became more acceptable. The League could now legitimately claim that in the future Jews could only rely on themselves. Jews must help themselves for no one else will.

Why then did the JDL start when it did? Although the growing schism in the Jewish community, and the dearth of organizations committed to the ethnic point of view, made the formation of a group such as JDL almost inevitable, these factors alone do not explain the League's inception. As Olson (1965) indicated, members of a large group, (in our case ethnic Jews) do not voluntarily work for a collective good without individual incentives. In other words, what were the incentives to found JDL?

JDL was founded by Meir Kahane, Bertram Zweibon and Morton Dolinsky. All three were neighbors, attended the same synagogue and knew each other for a number of years. They hit upon JDL one Saturday afternoon, with Kahane eventually becoming the charismatic leader and driving force within the League. But before the League became well known, it was mostly a local group with another neighbor, Chaim Bieber, joining the trio and providing it with some muscle. All were ethnic Jews influenced strongly by all the factors previously mentioned. But of even greater importance, all lived in Laurelton, in what had been an almost exclusively white neighborhood in Queens, then in the throes of what euphemistically was called a "changing

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neighborhood." The threat of black crime, unsafe streets, devalued houses and urban decay therefore was not some abstract worry to the founders but of immediate and real gut concern. Feeling abandoned and without any other organization to turn to, they formed JDL not only out of altruistic concern, but also out of real and immediate need. Olson's theory of individual incentives was very much true of JDL. Their homes, community, neighborhood and welfare, all were at stake. JDL became their solution. (Interestingly enough, within six years of JDL's formation, all of its founders, including Kahane, Zweibon, Dolinsky and Bieber, had abandoned Laurelton in favor of other neighborhoods.)

Oberschall, (1973:125-135) refining Olson's theory of individual incentives hypothesizes that in "segmented" society, where there are few links between other collectives and the collectivity whose potential for mobilization one is examining, "the greater the number and variety of organizations in a collectivity and the higher the participation of members in this network, the more rapidly and enduringly does mobilization into conflict groups occur, and the more likely it is that bloc recruitment, rather than individual recruitment will take place."

Likewise:

> The more segmented a collectivity is from the rest of society, and the more viable and extensive the communal ties within it, the more

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> rapid and easier it is to mobilize members of the collectivity into an opposition movment.

True enough, the initial founding of JDL was more of a media event than anything else. Kahane wrote for the Jewish Press and JDL at first was little more than a Jewish Press story. But with the passing of a few weeks though, the success of JDL was aasured, not because of continued Jewish Press coverage, but because of the existence of prior religious, political and social links. Kahane, Zweibon and Dolinsky all knew each other from before. And although coverage by the Jewish Press attracted here and there a few key individuals, unlike mass society theory which emphasizes the lack of integration and absence of communal ties, most who initially joined the League, did so only because of the existence of prior cummunal, social and organizational links with the founders. It was precisely because people knew of others that enabled JDL to mobilize. Adherents weren't strangers but rather were well known, brought into the organization by personal contact.

One of the reasons that permitted this rapid mobilization however, was that despite the highly organized nature of the American Jewish community and despite the presence of almost every major established Jewish organization's headquarters in New York City, ironically enough this level of organization never did extend to the neighborhood level.

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What local chapters did exist, were for the most part replications of their parent organization. The agenda of the local chapter and the issues focused upon were those which were important to the national office. Although this focus was not the result of anything deliberate, local chapters of national organizations did more to satisfy national office needs than those of the local neighborhood. Even more so, neighborhood residents never got the feeling that the local chapters were there to help them with their neighborhood problems. No organization seemed to address their needs.

Equally important, few among the ethnic Jews joined their local Bnai Brith, Congress of Committee organizations. There was a self selective factor that worked on the neighborhood level, with the more secular joining the above organizations, while the more ethnic were members of Young Israel or Mizrachi. In any event, those who joined these groups did so for reasons other than solving their neighborhood problems. Although the ethnic Jews maintained numerous communal ties to synagogues, schools and other local institutions, there existed a total dearth of agencies to organize them on the neighborhood level. JDL was the first organization facilitating such neighborhood mobilization. That this is so, is buttressed by the fact that JDL made few inroads in those areas where ethnic Jews had already established agencies to promote their interests on a

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neighborhood level. In the Crown Heights and Williamsburg sections of Brooklyn, for example, Jews resided along the lines of Hasidic dynasties and were well organized around the court of their Hasidic rebbe. Using anti-poverty funds, they had effectively marshalled those resources to help promote their interests. And it was in these neighborhoods that JDL encroached the least. On the other hand, JDL leaders found a ready voice in the poorly organized neighborhoods of the Bronx, Queens, Borough Park, East Flatbush, Flatbush and the lower East Side. While these latter neighborhoods were caught up in their own dense network of intermediate relations, there were few links to bridge the chasms across these relationships. The League became the first such bridge.

JDL was not merely a product of its times, a reaction to the rise of other issues and groups of the 60's -- a decade that witnessed the rise of the Black Panther Party, the Berkeley Free Speech Movement, Students for a Democratic Party, and the spectacle of the anti-Vietnam War protests on hundreds of college campuses. While it is true that Kahane capitalized on the militant mood of the ethnic Jews, it would be wrong to say that black militancy and the ethnic resurgence of other groups aroused the same militancy within the Jewish community. The ethnic Jews had all been there before resurgent ethnicity became a fashionable media topic. But until

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that time, little attention was devoted to the ethnic Jews, with the assimilated, liberal New York Jewish community capturing the headlines at the expense of the ethnics. While always around, the ethnics did little to attract media coverage. The generalized activism of the 60's and the pronounced ethnic resurgence however, gave legitimacy to the Jewish ethnics to do the same. It was this mood that Kahane successfully captured, borrowing from the activism of other groups and legitimizing it with the rhetoric of "never again."

Kahane's group allowed those ethnics who were so inclined to free themselves of their reluctance to use overt political means to promote their own welfare; in effect it was their commencement into the political arena. (And was very similar to the impact of Six Day War had upon many in the liberal Jewish community.)

Kahane adopted the tactics of the other activist movements using those methods for ethnic Jewish interests. For the ethnics who for the most part remained until then on the sidelines of politics, it was their graduation into America's pluralistic society and its concomitant political activity.

Further proof of this lies in the reception sectarian (ethnic) rabbis gave Kahane. Initially, JDL had the tacit blessings of these sectarian rabbis, especially since League members were preaching neighborhood defense. For the

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sectarian leaders, Kahane's actions were nothing new, but merely copies of what other activists were doing. Hence, these tactics were not threatening, having been legitimized by others who proved them effective. Therefore, when Kahane introduced these tactics, he received their quiet support. Because of familiarity, these sectarian leaders concurred with Kahane.

When Kahane though switched over to the Soviet Jewry issue, these sectarian leaders opposed him, for he had embarked on a course they had not been exposed to. Unlike neighborhood activism for which they had been prepared, the same tactics used for Soviet Jewry seemed too risky. The sectarian rabbis therefore, were the last to join the political arena and because of that they lost many of their adherents to JDL. Although the majority of the ethnics did not join the League, they were quite sympathetic to JDL actions, in open defiance of their leading rabbis.

Consequently, one may view Kahane as having helped ethnic Jewry join the political scene. Through him, Jewish ethnics joined in the political activism of the late 60's.

"And for this," wrote Elkanah Schwartz, (1973) "strange as it may appear, the community owes a debt of gratitude to Rabbi Meir Kahane and his following."

> He simply pursued the current mode of confrontation, introducing this tactic in Jewish affairs in an area where inertia withstood consensus. Many before him identified the vulnerability of communal machinery developed

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> in another time and another place as too antiquated to keep up with the quickened tempo of contemporary developments. But till those at the helm would convince themselves of new patterns, and in turn tune in their constituents, a whole new agenda was pressing.

VI. Mobilization networks

Although Kahane converted other group's tactics to Jewish use, McCarthy and Zald (1977) questioned the centrality of past analysis of social movements which linked the frustrations and grievances of a collectivity to the growth of a movement. Moving away from the heavy emphasis placed upon the social psychology of the social movement participant, McCarthy and Zald (1977:1212) emphasize "the relationship of social movements to the media, authorities, and other parties; and the interaction among movement organizations." They distinguish between a "social movement," "social movement organization" and a "social movement industry." "A social movement organization is a complex, or formal, organization which identifies its goals with the preferences of a social movement or a counter-movement and attempts to implement these goals." "All social movement organizations that have as their goal the attainment of the broadest preferences of a social movement constitute a social movement industry." Thus, using civil rights groups as an example, SNCC, CORE, SCLC and the NAACP were all social movement organizations, with all the

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organizations combined representing a social movement industry.

Distinguishing between a social movement and a social movement industry provides several advantages. First, it recognizes that social movements are never freely mobilized and secondly, it emphasizes that a social movement may be represented by more than one organization. Using this framework for JDL is very productive for it effectively explains their successful mobilization. In essence, JDL's constituency was similar to that of previous or existing organizations, such as the Irgun, Maccabees, Betar, the Student Struggle for Soviet Jewry and COLPA. Furthermore, the growing day school movement provided an increasingly large pool of candidates for mobilization and the Jewish Press became an indispensable medium with which to reach all these people.

Ziegler (1971:36) was one of the first observers to realize this when he wrote that JDL "stands out only as the first noisy manifestation of a larger social trend among Jews."

> There are hundreds of thousands of Jews, especially young leftist ones who feel disaffected by the New Left's recent anti-Zionism, who suddenly regard themselves as positively and militantly Jewish but who will have nothing to do with JDL. Jewish oriented communes and youthful Jewish oriented radical, leftist, socialist Zionist groups are beginning to spring up here and there.

Nonetheless, there was considerable multi-group membership within the collectivity supporting JDL. Many

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of the participants in JDL demonstrations were also involved in the other group's activities. At times, this blurring of organizational lines was deliberate, for in order to attract large crowds, JDL would often mask their own involvement and use some fictitious name as the organizers of the demonstration. But in other cases, organizational background was quite clear. Kanane, Dolinsky and Bieber all had been active in Betar. In Israel, Paglin, operations chief of the Irgun, worked with Kahane. And when Menachem Begin was elected Prime Minister of Israel, Nat Rosenwasser, one of JDL's board members, had his picture with the victorious Begin prominently displayed in the Anglo-Jewish press.

The Jewish Defense League, from this viewpoint, is but one of the social movement organizations active within the social movement industry which collectively unified ethnic and nationalistically oriented Jews. Their rapid rise was due therefore to the fact that they also borrowed from the constituency of other organizations.

"Rapid mobilization," Oberschall (1973:125) wrote, "does not occur through recruitment of large numbers of isolated and solitary individuals. It occurs as a result of recruiting blocs of people who are already highly organized and [are already] participants." JDL too followed this pattern. The League at first drew its members from the Young Israel of Laurelton; Murray Schneider,

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who read about the League in the Jewish Press joined and brought others in from the Bronx. Stuart Cohen, one of Kahane's former high school students, heard about the League and joined because he knew Kahane. Participants brought in friends and relatives.

This too was the case with JDL's chapters in other cities. The Perls in Washington formed the driving nucleus for JDL; what is even more important to this analysis, they were an already ongoing group, and joined the League as a highly organized and integrated collective. The Perls had previously invited Kahane to address them and had contemplated joining forces with the League at that time. Kahane did not come and their joining did not take place until two years later. But in the interim, the Perls had become the focal point of Soviet Jewry activity in the Washington area. Dr. Perl leaned on his exceptional organizing talents; he had arranged many transports in the late 1930's and had saved thousands of Jews by putting them on these transport ships, which secretly left Europe for Israel. (Perl, 1979) Dr. Perl credits his awareness of the Soviet Jewry problem to Moses Brodetsky, an acquaintance of his and a veteran of the Russian Jewry movement. Helping Perl of course were his two sons, both students, and they attracted other students to their group. In any event, Washington had an active group working for Soviet Jewry with the Perls its driving force;

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although they worked under many different names, eventually they merely changed their name and secured affiliation with JDL.

In New York too, prior networks helped mobilization. Karate was so emphasized within JDL partly because a number of its early adherents were active in that area. They heard of JDL during their karate workouts and karate assumed a disproportionate emphasis because of the karate network which joined the League. Synagogue membership also helped with mobilization and recruitment. Members of the Young Israel of Coney Island were prominent in JDL's leadership. It's president was an active JDLer and when Kahane was incarcerated at Allenwood, the synagogue donated a torah to Kahane's minyan at the Federal prison. Likewise in Boston, the core group of JDL revolved around the Bostoner Rebbe and the members of the Young Israel of Brookline. The Boston group formed so quickly because the members knew each other from before and participated together within those groups before joining JDL.

VII. Goals and Membership

Throughout it all, Kahane maintained an imposing presence on JDL and almost single handedly decided upon its policies. The shifting directions taken by JDL, were due more to Kahane's reactions to the ever changing

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environment, than to internal changes brought about by JDL members. To illustrate, among JDL's early supporters were school teachers, again a good example of bloc mobilization among the highly organized, in this case members of the teachers' union. But as Kahane's interests changed, so did the constituency of JDL. Initially populated by the home owners of Laurelton, and the school teachers, JDL's membership changed to include many more youths at the expense of the teachers.

When Kahane shifted to Soviet Jewry, most of the school teachers left the organization, but their numbers were replaced by the joining youths. Shifts in ideology did not necessarily mean the conversion of its members. Organizational change merely meant that Kahane had shifted his priorities; those disagreeing left, replaced by those attracted to its new goals. Thus, the change from communal defense to Soviet Jewry was not only a shift in JDL's ideology, but equally important, it was a change in JDL's constituency. People didn't change their minds (although Kahane did) as much as change their allegiance. As JDL's direction shifted, so did its constituency: members dropped out, others joined.

For example, Rabbi Emanuel Rackman, then Provost of Yeshiva University and rabbi of the Fifth Avenue Synagogue (later to become President of Bar Ilan University) was among the earliest adherents of JDL, not only

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permitting League members to speak at Yeshiva University, but introducing Kahane to "the finest" families at Rackman's synagogue. Kahane had his first successful parlor meeting at the home of one of Rackman's members. "Through it he got money in the tens of thousands from sympathetic people," Rackman said. "He must have raised $50,000 or more." Albert Joffe and Joseph Gruss, who heads his own investment company on Broad Street, were among those introduced to Kahane by Rackman and they contributed to the League. "Gruss's contributions were a kind of insurance money," Rackman recalled. "He said that if his own grandchildren wouldn't be Jewish at least he would be causing others to have Jewish grandchildren."

Rackman, Joffe, Gruss and the others remained with Kahane during the time JDL advocated street patrols and neighborhood safety. But as soon as Kahane began involving JDL in explosives, bombing and harassment of Soviet installation, Rackman publicly broke with JDL, strongly disagreeing with them and their tactics. Gruss and his fellow members stopped contributing. Thus, a change in issues and tactics brought about parallel changes in the collectivity if those supporting JDL. When JDL took on the Soviet Jewry issue therefore, the League's membership shifted, with the majority attending high school and college.

JDL can be divided into two parts: adults concerned about neighborhood stability and black anti-Semitism, and

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a youth movement active for Soviet Jewry. This provides for a neater explanation of Kahane's success in transforming JDL from a local issues group into that of international affairs. In essence there were two JDL groups, one following in the footsteps of the other, and while Kahane was the leader of both, the membership of the local affairs group was very different from that of the Soviet Jewry activists who joined JDL afterwards. "Kahane was not unaware," wrote a Newsday (9 January 1971) reporter, "that as JDL became more aggressive it would lose much of the support its older members gave it. But at the same time, he concluded, if the league did not increase its activism it would fail to garner the support of the students in whom Kahane expressed an even greater faith."

During its Soviet Jewry phase, most of JDL's members were high school and college youths. They faced the least economic threat and would lose the least by joining. This is consistent with Oberschall (1973) who wrote that the lower the risks and the higher the rewards for an individual, the more likely is he to become a participant. And although they would have risked even less had they joined the ranks of the "established" groups, there was a certain taint of rebellion that these youths never freed themselves from; as a result they oftentimes spurned the valid contributions that established groups were making. Vandalizing the Board of Rabbis offices and the sit-in

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at the National Conference on Soviet Jewry, were both in good part tainted by a tone of rebelliousness. For many, joining JDL was as much a sign of defiance as it was a way of acting upon altruistic yearnings. To put it succinctly, joining the League served an expressive function which was absent if one joined an "established" group.

From a psychological point of view, there have been those who argued that these youth's activity resulted from rebelliousness against their parents or parental figures. (Blos, 1979) Having picked a legitimate issue, they couldn't as easily be rebuked for their behavior. This type of argument can only be verified by personal accounts and is at best tentative, but there are indications of its veracity. "A lot of people came down to JDL through previously existing friendships," said Molly Ilovitz, a former JDL member who now is a social worker. "People didn't join a radical group and get branded a JDL person unless there was something in it for them. A lot of people were rebelling against religion and against their parents and it was a very good way to be a nut, a very acceptable way to be, to run around -- and for a lot of guys to be very macho, to be very violent in a very acceptable form and for a cause. Instead of running and shooting people at random, they're gung-ho for a cause and that made them into heroes."

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"A lot of women who wanted to be liberated and who wanted to be unburdened of everything women had to carry in the past, went into very radical type groups where they could shoot guns and do all the things women were never allowed to do. JDL was a very male oriented organization and a woman could identify with a male organization to show that she's liberated and not tied to all the things she should be."

What is more, grouped in large masses in schools, they had enough free time and energy to devote to social issues. In this way, the JDL adherents were structurally no different from their peers who were campus activists. As Mehnert (1978) explained, the influence for youth's rebellion in the 1960's was the increase in the time span between childhood and adulthood. Activism became a primary activity for many in this interim time span.

Flacks (1971:89) notes that the history of student movements "suggests that hostility toward the older generation becomes fully manifest when substantial segments of the adult generation do not use available opportunities . . . to promote social reform." Thus the hostility to the Board of Rabbis for not doing anything for Jews was exhibited by a very different group than those standing outside Temple Emanu-El. The protestors inside the Board of Rabbis office were youths while those outside Emanu-El were adults.

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VIII. "Rules of the Game" and the Media.

What was the drawing power of JDL? A good deal of it was Kahane himself, and the tactics he chose. The difference between JDL and the other (existing) groups, was not so much over goals but over tactics. Kahane, and the Washington group even more so, were brilliant in manipulating the press, staging events which were newsworthy by attending to the needs of the news organizations.

"It was beautiful how Perl would pull his shtick and get coverage on all the channels," Nathan Lewin commented, "while the established leaders would grind their teeth and scream and yell how the Washington Post discriminated against them, as if the paper had an obligation to cover the establishment's Soviet Jewry rally. It was dull and uninteresting."

Gans (1979:280) has written about this news selection process.

> . . . every story requires a judgement about the availability and suitability of sources, story importance or interest, as well as novelty, quality and other product criteria. In addition, every story must be judged for its salience to the medium and format of the television program or newsmagazine. These considerations are necessary not only because they prescribe the essential ingredients of any story, but also because they express and represent the interests of the major participants in story selection and production.

Gans in his research found that almost eight percent of the available time or space of a medium was devoted to well known people who Gans calls the "Knowns." The

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Knowns, who for the most part are those in elective positions, appear most frequently in the news, while ordinary people obtain only a fifth of the available time or space. However, the Unknowns may also make the news if they depart form expected roles and engage in new, unusual or bizarre ways. Realizing this, Kahane and the Perls came up with various schemes for capturing media attention: graffiti on airplanes, goats in skyscrapers, blood on diplomats, all these were done deliberately in an unusual manner to capture media coverage. In the process though, Kahane became a Known himself and whenever he did something, it in itself became newsworthy. News editors frequently would illustrate this by placing such headlines as "Kahane and seven others arrested." Only Kahane lost his ordinariness, becoming a Known instead.

What Kahane managed to do was to borrow where applicable and invent when needed what Waskow (1967) labelled "creative disorder." Kahane's problem was that when he switched from local events to Soviet Jewry, he gave up the ability to influence events through direct action. When the emphasis was on neighborhood safety, JDLers had the ability to affect change through direct action such as street patrols, political pressures on candidates, advertising, heckling, or whatever. But with the focus

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now on the Soviet Union, Kahane gave up his ability of altering events by direct action. JDL became an excluded, powerless group, lacking inducements that could be exchanged for their demands. (Wilson, 1961: 292) It is to his brilliant credit that Kahane resorted to creating resources for bargaining, akin to what excluded blacks did in the south -- only in JDL's case it was even more difficult. On the Soviet Jewry issue, JDL was unique in that it was a social movement organization attempting to affect change, not in the host society, but in a foreign country, a place where JDL had absolutely no resources for bargaining. From this position of total powerlessness, Kahane emerged as an extremely effective media manipulator, brilliantly capturing public attention, which became JDL's primary bargaining resource. Merely by entering the political realm, and not playing by the "rules of the game" made JDL newsworthy. This search for new rules captured the headlines and in its own way, was both a novelty and a paradox: a leftist protest style for causes of the right.

Freeman (1975:5) wrote incisively about social movements which do not abide by the rules.

> The civil rights movement would have died an early death if it had done so, as would the labor movement and many others. Those movements which opt out of playing the game inevitably subject themselves to the criticism that "I agree with your goals but not with your methods."

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> Fortunately, such movements usually have the sense to ignore this criticism, occasionally to the benefit of everyone. Many new tactics created by dissident movements that violated the rules of their day have since become enshrined into the accepted pantheon of political activities. The illegal device of pamphleting developed in seventeenth-and eighteenth-century England is now the stalwart democratic concept of freedom of press. The labor movement gave us the strike and boycott, formerly seditious activities now protected by law. The civil rights movement has developed the sit-in, which has not yet become respectable as many of its predecessors, but might very well through time and use.

Kahane realized that in this age, any fringe group making maximum use of the electronics media can influence the mainstream. As a result, Kahane perfected the news conference-bombing routine, with an explosion outside a Soviet installation serving as a vehicle for JDL statements. Realizing a bomb was newsworthy, Kahane planned that a bombing coincide with a newsconference, knowing that the bomb would draw many more reporters down to his newsconference. After proving this technique successful, Kahane also tried to include other Jewish organizations especially the American Jewish Committee into this scheme. He invited them to schedule newsconferences right after JDL bombings so that their statements would get a lot more converage also. Although JDL would be condemned, the Soviet Jewry issue would get increased publicity.

Although members of the American Jewish Committee declined to go along with Kahane, establishment leaders were still able to make good (but not sufficient) use of

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of the League. Malcolm Hoenlein, at the time he was executive director of the Greater New York Conference on Soviet Jewry said that "JDL gave the Soviet Jewry movement the ability to say, 'look if you don't deal with us, you got to deal with them.'" By presenting the existence of a more radical group as a Sword of Damocles, the established Jewish leaders could always invoke the threat when negotiating with government functionaries that 'if you don't help us out, all our followers will switch allegiance and join the radicals.' The presence of a radical group has always facilitated negotiations between government authorities and members of the established groups. Little (1965:427) wrote the same of the black civil rights movement. "Whites better be glad Martin Luther King is rallying the people because other forces are waiting to take over if he fails," Malcolm X is reported to have told a mass meeting. And at another point, Malcolm X whispered to Mrs. Martin Luther King that he was "trying to help." "He said he wanted to present an alternative," Mrs. King said, "that it might be easier for whites to accept Martin's proposals after hearing him. . . . He seemed rather anxious to let Martin know he was not causing trouble or making it difficult, but that he was trying to make it easier."

Like Malcolm X, Kahane too felt the same way telling the following to Uri Dan, a reporter for the Israeli

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newspaper Maariv. (7 January 1971) "We are the true helpers of the Welxlers and the Schacters. For years, they'd make their annual visit to the White House and talk about Soviet Jewry. It was futile. Today, JDLers demonstrate in the street and strongly underscore the message of the Wexlers. We are helping them do things they never even dreamed were possible."

IX. Leadership

That Kahane was able to 'get away' with the things he did is of interest. A good deal of this was because of Kahane's profession. As a clergyman and as a journalist, Kahane was not subject to the usual economic pressures, since his job did not depend upon his having to be in one place for eight hours a day, five days a week. This very consistent with Oberschall's (1973:152) observation that if one studies the occupational characteristics of protest leaders, farmers and other such people with agricultural backgrounds are almost invariably absent and while the presence of businessmen varies, "the free professions, especially lawyers, students, teachers and civil servants are almost always in the majority." A comparison to the civil rights movement again lends itself. Among the professions, members of the clergy were most able to resist economic pressures of those in power. Within the committees forming the Montgomery Improvement Association, the coalition that

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led the Montgomery bus boycott of 1955-1956, over half of the members were clergymen.

"The predominance of ministers is not surprising," wrote Oberschall (1973:126). "They were the only black community leaders not subject to white economic pressures since their jobs and salaries were not dependent upon the white community, as were those of black teachers, social workers, and other professionals." As a journalist working for a paper sympathetic to JDL, Kahane to a great extent was also removed from outside economic pressures.

JDL's leadership is also consistent with Brinton's (1965:105) findings that "extremely few of the submerged, down-trodden lowest ranks" of society become active within the ruling group. Although at times journalists erroneously characterized JDLers as recent immigrants residing in the poorer Jewish neighborhoods, JDL was no exception to Brinton's conclusions. Almost the entire JDL leadership was American born, well educated, (Kahane and Zweibon were both trained in law) and certainly not impoverished. The solidly middle class neighborhoods of Queens and Long Island were the home grounds for many of these JDLers, areas certainly that would defy descriptions of poverty.

Although Kahane was able to 'get away' with his behavior because of his profession, there is another more subtle reason for his success. Although a fringe group, the Jewish Defense League never posed a threat to the

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social order of American society. Quite the opposite, its values were very conservative; rather than an advocate of change, JDL represented the status-quo of "law and order." This value congruency with the ruling institutions of American society, whereby JDL attacked the ideological enemy of the United States, led to some tolerance of the League and its ideology. Nonetheless, as Judge Weinstein said when sentencing Kahane, Bieber and Cohen, "While these three defendants may believe themselves to be in a superior moral position, so far as the law in concerned when they use guns and bombs illegally they are not reaily distinguishable from the Weathermen or Black Panthers on the left or the Klu Klux Klan on the right." (USA v. Bieber et al., 71 CR 479)

Along these lines, there are those who argue that JDL was more of a threat to Israel than to the States; JDL did nothing to threaten American Society and American institutions which was not the case with Israel where JDL was not tolerated at all. Furthermore, unlike the States, Israel did not have to worry about appearing anti-Semitic when cracking down on the League.

While there is some truth to this, law enforcement authorities spared no effort in their quest to indict JDL members. To the extent that JDLers went free, that was caused more by the exceptionally fine legal talent who rallied to JDL's defense, than by any muted tolerance

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on the part of law enforcement authorities.

Nonetheless, JDL never threatened American political institutions. What is more, certain segments of American society made use of JDL's demands for their own use. Although the Jackson-Vanik amendment originated with Senator Javits, there was great congruency between JDL's demands for the cessation of cultural ties and the Senate's demand for a quid pro quo: trade for emigration. In their quest for publicity, JDL had not only laid the groundwork for this, but had created a demand for this course of action. Publicity proved effective. Senators were a lot more aware of the problem's existence, with the daily appearance in the news of the Soviet Jewry issue. Had there not been this publicity, it is doubtful that the Jackson-Vanik amendment would have been written. JDL put Soviet Jewry on the political agneda; the reason it succeeded lies in the value congruency between JDL's rhetoric (as opposed to its actions: bombs, blood and violence) and the interests of the United States legislature.

X. Russian Reaction

Official Russian reaction to this subtle value congruency however was much more acerbic and obtuse. Russian officials constantly accused American authorities of "connivance" when such was not the case at all. Kahane made brilliant use of the American legal system, for his own ends, in

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publicizing the plight of Soviet Jews. Nevertheless, the Soviets never accepted American authorities' inability to curb JDL. More than that, they constantly accused the Israeli government and the American Jewish establishment of backing JDL. They never understood the Jewish establishment's rejection of JDL, since from their point it made political sense for such support. Because it made sense and because of the inherent value congruency, Russian authorities constantly injected the issue of a "Zionist conspiracy" into their propoganda. Izvestia (16 January 1971) wrote that "it is widely known that the plans of the hooligan groups of Zionists are hatched not on the street, but in a far more comfortable setting -- in the Israeli Embassy in Washington." "Their activities are guided by Izhak Rabin, Israel's Ambassador in Washington," the paper wrote three weeks later. When "the Zionist organization B'nai B'rith" organized the Brussels conference, Pravda (22 February 1971) wrote that "The hand of Washington can be detected behind all the activity of the organizers of this new and deliberate anti-Soviet provocation." Another Soviet paper (Krasnaya Zvezda, 26 February 1971) revealing "information that sheds light on official America's attitude" wrote that Kahane had secretly met with Spiro Agnew, Vice President of the United States. The paper continued to report:

> the entire Zionist corporation, as is already sufficiently evident, is an international sabotage and espionage center. The main trend

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> of this center's activity is anti-Soviet. . . . The Israeli government also takes an active part. . . . The Israeli state radio disseminates anti-Soviet fabrications and advertises the outrages committed by the pogrom-maker Kahane.

In another publication, (Zhurnalist, no. 3, March 1972) a member of the Soviet Academy of Sciences maintained "The Zionists' capture of the mass media and cultural agencies of the U.S.A. enables international Zionism not only to influence public opinion markedly in the U.S.A. and other countries, but definitely to shape White House policy, accentuating its aggressiveness."

It made sense to Soviet authorities to think that because there was value congruence between JDL and other organizations, these other groups supported JDL. The Soviets' propensity to see conspiracies behind everything, of organizations being secretly guided by others, and of causes undertaken for global and startegic gain, is mirrored again and again in their newspaper reports. Pravda (27 March 1971) commenting on the increased Soviet emigration of Jews to Israel, wrote that such reports "obviously inspired by foreign sources" are "fabrications . . . doubtless intended to frighten Arabs . . . and to damage Soviet-Arab relations."

> As we can see, whether American propoganda is lamenting the fact that the Soviet Union, as they put it, "does not let the Jews go" or whether it is attempting to frighten the Arabs with a mythical threat of mass emigration" from the U.S.S.R., in either case such propoganda seeks

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> to kindle anti-Soviet passions, poison the atmosphere in the Near East and play into the hands of Israel and its Zionist supporters in the U.S.A.

Russian apprehension about Arab reactions was not that absurd, despite their outlandish remarks about an American propoganda machine. The Lebanese Premier, Saeb Salaam, for example, remarked to a Christian Science Monitor reporter that, "This is a very serious matter indeed because every Jew who enters Israel constitutes a more serious threat to the Arabs than a tank or a plane." (22 March 1971)

The Soviets even went so far as to produce a documentary film entitled "The Criminal Cause of Zionism." "This film begins in Carnegie Hall," Izvestia (29 April 1971) reported, where a Soviet musician is playing. "Suddenly the music breaks off like a string -- a bomb has exploded." The camera showed the "pogrom on the Aeroflot premises," then switched to the anti-Soviet mob in Brussels." And as usual, the Middle East was brought in: the American President greeted "the Israeli Defense Minister -- or as the narrator corrects himself, Aggression Minister -- Moshe Dayan." A newsreel of the Six Day War showed the results of American supplied weapons during "Israel's perfidious aggression against the Arab states: Ashes, ruins, corpses." On the Arabs' side, in their "just liberation struggle" "is the Soviet Union, the active champion of a just cause."

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One unanticipated result was the film's popularity among Soviet Jews, who flocked to see it, enjoying the sight of JDLers taunting the Russians. Raphael Perl first heard about the film and how popular it was from a Soviet Jew who had emigrated. Because the Russian press gave so much coverage to Kahane, JDL became a household word, and while many of the Soviet Jews did not know of the existence of any other Jewish organizations, they had all heard of the League.

XI. "Seduction of the Media"

The result of all this exposure and even more so, of the press coverage in the United States, proved very detrimental to the continuation of the League. Flacks (1971) in his perceptive study of youth activism wrote about the "seduction of the media" and his point applies to JDL as well. At first the political activist might believe in the long term importance of patient and careful organizing, of education and of building a viable and stable organization, but once he experiences the narcotic effect of media coverage, "'that the whole world is watching,' such local work becomes boring, too slow, and meaningless compared with the instantaneous effects of confrontation, theatrical action, mass action and violence."

Dolgin (1974:107) in her analysis of JDL observed that "the effort to make the quotidienne extraordinary

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and the heroic everyday succeeds only fleetingly" and the League was no exception. Kahane often spurned organizational stability, appearing more interested in media coverage than upon organizational maintenance. To illustrate, from the fall of 1969 until the summer of 1970, JDL had a paid executive director who was very efficient in running the office. He was removed in 1970 because of an internal power struggle and his position was never replaced. There were those who argued that such a salary should never have been paid to anyone in the first place and with the administrator's removal there was little enthusiasm for continuing to spend any large sums of money for mere administration. Thus, from 1971 onwards, there was an organizational structure which made sense on paper, but in reality meant one individual -- usually unpaid -- handling a number of different functions. Perhaps the office was never well run, but with the beginning of almost continuous news coverage, there was little maintenance of whatever organizational structure there was.

Abandoning JDL, Kahane left the United States and moved to Israel; he envisioned returning every few months to take control, and in his absence Bertram Zweibon would reign. As it stood, that plan presented many problems but Kahane went and confounded them by running for the Knesset. By this point, his withdrawal had all but been

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complete, but to the consternation of those he abandoned, Kahane tried to maintain and use JDL's apparatus to fund his Israeli campaign. Resentment grew even more when, defeated in his election bid, he returned to try and run JDL again.

Zweibon, running JDL in Kahane's absence, was not as free of outside economic pressures (Oberschall, 1973) and could not rule in like manner as Kahane. As a lawyer, he had to worry about being disbarred and could never advocate or be involved with the usual illegal activities that Kahane had been involved in. Even more so, Zweibon had to maintain his legal practice and could not devote all his time to JDL's activities. Kahane on the other hand, after losing his pulpit, worked for the Jewish Press, and when he lost that position, derived his income from JDL and from speaking engagements.

Although the Weber-Michels (Freeman, 1975) model predicts that a social movement organization will become conservative, bureaucratize and transform its goals to favor organizational maintenance, Zald and Ash (1966) postulated that "Neither greater conservatism nor organizational maintenance are iron laws." Rather the "organization responds to the ebb and flow of sentiment in the larger society, to its relations with other movement organizations and to success or failure."

The Jewish Defense League exemplifies Zald and Ash's

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views that an organization's maintenance is not assured, despite predictions of routinization and bureaucratization. And so two basic questions must be answered: 1) why those present in JDL became ineffective or abandoned the League, and 2) why JDL received few new recruits.

There were a number of causes for JDL's dwindling numbers. Legal pressures took their tolls. Few under Federal indictment were willing to continue their agitation, and activism was displaced by legal worries. Some were convicted and sent to jail, while those on probation refrained from jepordizing their freedom. There were also those who fled to Israel to escape grand jury investigations and trial. As a result the ranks of JDL were depleted and the cadre of activists was not being replaced.

The Hurok bombing only confounded the League's legal problems and the number of those fleeing to Israel accelerated. Many were tainted by Hurok, having taken part in some aspects of its planning. Now they feared arrest and imprisonment. What had started out as a lark, a form of rebellion or an altruistic vision with little cost involved, had with Iris Kones's death, taken on great risk. People were less interested in activism given these new conditions and the new cost involved. In effect, the League never recovered from Hurok, for instead of building JDL, they concentrated on

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saving themselves from legal entanglements.

Finally, Siegel's role as a police informer was the coup de grace destroying JDL's organizational viability. It was impossible to maintain any semblance of an organization when everyone within it was suspect.

Other activist groups, particularly black groups, faced similar legal problems, and in the long run they too might have succumbed for the same reasons. In the short run however, black activist groups might have been more successful at drawing new converts if only because there might have been a larger pool of blacks feeling they had more to gain by joining an activist group than there were Jews who thought likewise. With the Hurok death, JDL lost its ability to attract newcomers. By killing an innocent person, JDL's reformist, evangical aura became forever tarnished and as a result, few were attracted enough to join.

The seduction of the media added to JDL's organizational ineffectiveness: JDLers had been more interested and put more effort into getting publicity for themselves rather than in maintaining and building an organizational structure. Consequently, when legal pressures mounted, there was little in the way of an organization to fall back on. Rent wasn't paid and JDL's headquarters kept moving from place to place. Fundraising was difficult and the money that was raised often found its way into areas other than organizational maintenance.

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Certainly there wasn't enough money for an office staff.

To compound everything, Kahane abdicated his leadership and left for Israel. His presence had been the driving force behind JDL and with his absence, JDL had little with which to attract people. Those within JDL were either on trial or inactive, while there was not much of an organization left to recruit new members. And to top it all off, Kahane left the organization.

Kahane's personality was of course a factor in JDL's decline; he was unable to stick to anything he did. After starting something, he'd lose interest and instead of staying and seeing things through, he'd turn to other pursuits. He was never an effective manager, but he was too suspicious of others -- especially if competent -- to let them take the organizing over. He started the League, lost interest in it innumerable times, left of Israel, ran for the Knesset, returned to JDL, and then unsuccessfully attempted to run for the Knesset a second time. Upon his return, he was spurned by his own youthful followers.

Even more so, there is something in Kahane's personality that suggests a kind of apotheosis of adolescence with his petulence, defiances and his desire to shock. He taunted Judge Weinstein, causing his own jailing. He turned on Rackman, and instead of taking his criticism Kahane became vituperative. At a time

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when Nathan Lewin was doing a superb job in extricating Avraham Herskovitz from all his legal entanglements, Kahane wrote him of "his dismay at what appears to me to be a lack of sufficient interest in the Avraham" Herskovitz case. If the tone of this letter appears harsh," Kahane continued, "understand that it is only because of my very personal and warm feelings to Avraham."

"You cannot put me off with such obvious phony sentiments," Lewin responded. "You forget that I was present for an entire week in the courtroom during a trial in which you and Avraham were co-defendants, and I dare say that during that entire week I did not see a hundred words pass between yourself and Avraham." Furthermore, as a result of the FBI wiretaps, Lewin had access to the transcripts of Kahane's office conversations following Herskovitz's arrest and he "could find in those many pages precious little discussion" on Kahane's part seeking proper legal representation for Herskovitz. "Your principal concern at the time seemed to be additional speaking engagements."

After outlining his work on Herskovitz's case, Lewin went on to write "All this has been done entirely at my own expense, including costs for travel to New York [from Washington], telephone calls, photostating and other necessary steps. The total bill for time spent, if it was an average client, would already be approximately

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$10,000 . . . . It is nothing short of outrageous for a globe trotter such as yourself -- who flits from place to place at a moment's whim -- to take me to task for not showing 'sufficient interest in the . . . case.'

"I represented you -- without fee and quite typically, without even a thnk you -- in a case you had here in the District of Columbia," Lewin concluded. "You may rest assured that your letter . . . satisfies me not to make that error again."

Others had similar encounters with Kahane's arrogance. Paglin and the Israeli Justice Minister were both victims of it and eventually Bertram Zweibon too. The final breach between the two was so deep that the organization never survived the schism, except perhaps in name only.

Kahane's falling out with JDL was perhaps mutual; he started espousing such elitist causes as the democratization of Jewish organizations, leaving the mundane issues for others to tackle. By then JDL had attracted mostly high school and college students which meant steady changes in membership as students graduated and went on to to other things. After daily, almost around the clock activism, many complained that they were just too "burned out" to continue. Too exhausted to remain, they began pursuing other interests. And as with other causes and groups, fewer of the new student generation grew interested in

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Kahane. Worse still, his elitist bent hardly attracted anyone from within the adult population.

Equally important was the cooptation of the Soviet Jewry issue by the established Jewish organizations who became very active. With Bnai Brith, ADL, the Congress and the Committee involved, one no longer had to join JDL in order to work for Soviet Jewry. The issue had also mushroomed, entering international politics in the form of the Jackson-Vanik amendment. With the cooptation of the Soviet Jewry issue, few other areas remained. Most of the changing neighborhoods had for example, become all black and JDL no longer had the worried home-owners as potential members. They had all moved. Again to use Heberle's distinction between tactics and strategy, while JDL's tactics underwent changes, JDL's strategy also changed, much to the detriment of JDL. There was never an overarching strategy to unify what JDL was all about. Nowhere is this more evident than in comparing JDL's original strategy, clearly stated in its "Manifesto" (The Jewish Defense League was created because we think that the American dream is worth saving and can be saved) with JDL's later strategy which emphasized Jewish emigration to Israel. Without an overall strategy -- or with a constantly changing one -- only JDL's tactics remained to draw people to the organization, but by then there had been an oversaturation of such tactics and few were interested.

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Yet JDL has left a marked effect on the American Jewish community and ten years after its founding, its influence is strongly felt. First and foremost, JDL brought the problem of Soviet Jewry to the front pages of the daily papers. Although they were not the first organization to focus upon the issue, they were the first to gain widespread publicity for it, no matter in how distasteful a manner. They created public recognition of the problem, and as I view it, they created the public mood for the Jackson-Vanik amendment. Its highly doubtful the Senate would have taken the issue up, if there had been no media coverage. There was a problem to be solved, and Kahane made sure it remained a problem until some action was taken. It's hard to argue "what if." Would the Jackson-Vanik amendment have been proposed had JDL never existed? But with JDL's existence, the League created the public mood for general acceptance of the amendment. To use Kahane's words, JDL made "even the potato farmer in Idaho" aware of the problem. With Soviet Jewry on the front pages of the Times, it became a national issue and not a local problem for New York's Jews.

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CHAPTER II

ORIGINS

I. The Streets of New York

Meir Kahane often told friends that the Jewish Defense League was a concept and not an organization, but before 1968 not even Kahane spoke about such a concept. Working as associate editor of the Jewish Press, a popular Anglo-Jewish newspaper published in Brooklyn, he often heard people complaining of being robbed, and attacked, mainly by blacks. Some of these beleagured Jews would write the Jewish Press and it was Kahane who often heard of their complaints. Mulling these letters over in his mind Kahane became convinced that something must be done to arrest this trend.

Sabbath afternoons in the synagogue were a favorite time for Kahane to have such discussions. A bright, quick witted man, then in his 30's, he spoke to his friends at the Young Israel of Laurelton about the situation Jews faced in New York: it was a favorite topic between Kahane, Bertram Zweibon, and Morty Dolinsky. All three were concerned with their neighborhood. They had known each other for some time through their association with Betar, a militant Zionist youth movement. Dolinsky and

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Kahane first became acquainted while attending a Betar summer camp in the Catskills, where Dolinsky, a few years older than Kahane, was a counselor. Zweibon too was connected to Betar; his uncle was one of Betar's American founders.

One Sabbath afternoon in the middle of May 1968 they decided to meet this growing menace by forming an organization. Kahane with a flair for public relations, placed an advertisement in the very next issue of the Jewish Press. Under the headline "We are Talking of Jewish Survival" he asked: "Are you willing to stand up for democracy and Jewish survival? Join and support the Jewish Defense Corps." Attached was a coupon to be clipped and mailed to a Jewish Press box number. "I am overjoyed that your group has been formed," read the coupon, "I would like to join -- enclosed is $10.00 for membership. (Jewish Press, 24 May 1968) The "group" however, existed only in the minds of its three creators, who were very unsure of the direction it would take. Their methods and aims were not well thought out and were poorly articulated, but this did not deter people from responding to the advertisement.

Perhaps the headlines of the Jewish Press helped convince some people of the group's necessity. Immediately after the appearance of the ad, the front page of the Jewish Press waxed ominous. A week after the advertisement

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for the Jewish Defense Corps, the paper revealed that "New York City gives funds to racists. Anti-semite gets $200,000." (Jewish Press, 31 May 1968) Confrontation within the schools also was highlighted with a story that "Racist leaflets in New York schools warn white teachers to leave." (Jewish Press, 14 June 1968) Ghostwriting the anonymous story, Kahane wrote that "despite the fact that the leaflets appeared throughout the city, none of the New York newspapers carried anything about them. The Jewish Press received the information from the Jewish Defense Corps and private sources."

Quite a few stories could be written by Kahane in any one issue of the paper. Besides anonymous articles, Kahane wrote a column under his own name, and authored articles under the nom de plume Meir Hachohen. In this manner, Kahane fully exploited his position in the paper, advocating and justifying JDL's actions.

In the Spring of 1968 the Board of Education, with the intention of giving communities, especially minority ones, a greater voice in participation, began experimenting with a plan for school decentralization. Brownsville, formerly a Jewish neighborhood in Brooklyn and now almost completely black was picked for this experiment. The district board was given unprecedented powers but was not given the power to terminate teachers from the school, which was still held by the Central Board. Nevertheless,

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the district board fired nineteen teachers and administrators. "No reason was given," Kahane wrote, "but to those who know, the reason was clear. The teachers were all white." (Jewish Press, 31 May 1968) The racial character of the firing was heightened because a majority of the white teachers were Jewish. Kahane didn't mention that fact but it was understood by all his readers.

That same week, the observant Jewish community was hit another blow. For the previous eleven years, alternate side of the street parking regulations were suspended on Jewish holidays. But that week during the Shavout holiday, Major John Lindsay ordered the regulations enforced.

Alternate side of the street parking regulations enabled the Department's cleaners to sweep that side of the street. But observant Jews refraining from driving on holidays, could not remove their cars from the appropriate side of the street and out of deference to the city's Jewish community, Mayor Robert Wagner in 1957 suspended these parking regulations on all Jewish holidays. In 1968 Lindsay violated this understanding and Jews found their cars ticketed. Lindsay's insensitivities were all the more troubling, coming on the heels of other perceived threats: right wing extremism, left wing rhetoric and black anti-Semitism. The Jewish Defense Corp advertisement addressed itself to the decline of Jewish life in New York and people responded to the ad.

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To those who answered the ad, Kahane sent a brief message: "Dear Friend, An information and briefing meeting of the Jewish Defense League (Corps) will be held Tuesday evening, June 18, at 8:30 PM at the West Side Jewish Center, 347 West 34th Street. (Kahane, 1975:91). Arranging the meeting there was not problematic, since Kahane and the rabbi of the Center were cousins.

Kahane opened the meeting with a denunciation of Bnai Brith for not helping Jews. If Bnai Brith did not address itself to the problem, clearly another group was necessary.

Among the first to join was Murray Schneider who as a youth learned how to handle himself in the streets of the Bronx. Although not a teacher, Schneider, was profoundly shaken by the United Federation of Teachers' inability to have the nineteen admitted back into their school. "I had this feeling of insecurity," Schneider recalled, "because if you can break one union, there wouldn't be security for anyone else in other labor unions. This is the age of unionism, the age of labor. For me, the unions were always a means of security and if their power were eroded -- if anybody were to be a patsy -- it would first be the Jew. Jews would be hurt. I didn't like the atmosphere, the way things were going. Jews have to stick together to protect themselves."

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Schneider invited Kahane to speak in the Bronx. Kahane arrived at the congregation the last Sunday of June 1968. It was the first day of summer camp and many parents had gone to see their children off. Nevertheless, about 150 came to hear Kahane. "He wasn't a very good speaker yet," Schneider said, "he came with clippings from newspapers and spoke about them."

The most urgent point of his speech was about a New York University scholarship fund. "A scholarship program," he told his audience, "has been set to give financial aid to disadvantaged Americans but bars Jews and other needy white Americans from its benefits. The program known as the Martin Luther King Jr. Scholarship Fund is limited to Negroes, Puerto Ricans, Indians and other disadvantaged Americans." (Jewish Press, 5 July 1968) This must be reversed, he insisted. In Philadelphia a college had been given money for scholarships for poor white students only, but blacks successfully contested this policy in the courts. Jews should do the same. The Jewish Defense League (Dolinsky suggested they change the name Corps, which sounded too militant, to League. "Corp might be construed as being too militant," Kahane told a reporter, "and we are totally dedicated to legal means." ((Newark Star Ledger, 8 August 1968)) should prepare "legal action to make sure that New York University and all other institutions of public accommodation" open all

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their facilities, programs and benefits "to the deserving of all religious races and creeds." (Jewish Press, 5 July 1968)

Schneider rose at the end of Kahane's speech and said in his resounding, singularly powerful voice, "we have to join now! It must be done now! We must protect ourselves -- first it is the teacher's union, next the colleges, where will it all stop?"

Eighteen people came and gave their ten dollar membership fee to Kahane. The first $180 was raised.

The following day Kahane called Schneider and asked him to help out. Kahane had found a vacant office at 156 Fifth Avenue, a building housing other Jewish organizations, and he asked Schneider to help in raising the rent. Schneider agreed and over the next few weeks cornered people in his Bronx neighborhood for financial help. An additional $1,000 was raised. To help costs, Kahane shared the office with Al Tidom, another Jewish organization; Al Tidom contributed $50 of the $200 monthly rent.

The League's office had barely been set up when New York University again aroused Kahane's ire. In July the university announced that John F. Hatchett had been chosen to be director of the Martin Luther King Jr. Afro American Student Center. Hatchett seven months before, had written an article in the African-American Teachers Forum entitled "The Phenomenon of the Anti-Black Jews

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and the Black Anglo-Saxon." It claimed Jews "dominate and control" the schools, "where black children were mentally poisoned." This "phenomenon" Hatchett wrote, "spells death for the minds and souls of our black children." (New York Post, 5 August 1968) Hatchett's appointment, Kahane wrote, "was only one of an increasing number of examples of a tendency to lend respectability to racists and militants." (Jewish Press, 2 August 1968)

Kahane called for a rally. Schneider had his neighbor, a professional sign painter, make up placards reading "Black is beautiful, Nazism is ugly" and during his lunch hour on Monday, August 5th, Schneider brought the pacards to Washington Square Park where he met Zweibon, Kahane, and about ten other people.

The protestors marched through the park to the university's administrative offices, and picketed for an hour chanting "no Nazis at NYU, Jewish Rights are precious too." The first newspaper to be published after the demonstration was the New York Post, an afternoon paper. It carried the story. The next morning Kahane, Zweibon, and Schneider were elated to see that all of New York's morning papers had also written about the League's protest. They had made the Times!

For the next year or two the pattern had been set, with the Jewish Defense League adamant in confronting what it perceived as black anti-Semitism.

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Halloween was the next such opportunity. The threat was real enough. In many areas Halloween night was an opportunity for vandalism, often with racial overtones. Synagogues were frequently damaged, and gravestones in Jewish cemetaries were overturned. In 1968, the police had been unable to prevent such a desecration in Montifiore Cemetary in Queens. The location of this cemetary was problematic, situated within the black neighborhoods of St. Albans and Cambria Heights. Laurelton was close by though, and the League, the majority of whom were from Laurelton, decided they would form a patrol to prevent a recurrence of the vandalism. For this Kahane enlisted the help of Chaim Bieber. Bieber, a hugh powerful teddy bear hulk of a man, was renowned for his strength. People spoke with awe how he once lifted up the front end of a car. "His fists are so powerful," continued one admirer, "he is scared he might kill the guy if he uses them in a fight. He just picks the guy up and throws him."

Bieber had known Kahane when they were both teenagers, although Kahane then was friendlier with Bieber's younger brother. Now they lived in the same neighborhood, with both attending the Young Israel of Larelton.

During the week before Halloween, Bieber scouted the area around the cemetary, inspecting the perimeter fence and figuring how best to use the limited number of people

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at his disposal. The cemetary itself employed private guards "but they run at the first sign of trouble," Bieber said contemptuously. "I also took up an offer from a Jewish underworld figure to come down with people," Bieber recalled. "They would do exactly as I would tell them in order to guard the cemetary. The leader was very Jewish oriented and sensitive to Jewish persecution. He honestly wanted to help Jews with no strings attached."

On Halloween eve, after informing the police of their presence, the group set themselves up within the perimeter of the cemetary. They numbered just over twenty: a few Jewish toughs, but mostly men from the neighborhood.

Some JDL people however, went to Rochdale Village, a nearby section of Queens where Kahane was rabbi of the Rochdale Village Traditional Synagogue. Fearful that the synagogue would be attacked, Schneider and a few others began sitting vigil. Anticipating trouble, Schneider had previously written the neighborhood black clergy that if Kahane's shul was damaged they could expect the same. Nothing happened.

But across the street from the cemetary a crowd of black adolescents began gathering. "When I got to the cemetary," Bieber later explained, "I realized that Mallenbaum (JDL's executive director) almost blew the whole thing. He had the brilliant idea to split our forces, half at Rochdale, Kahane's synagogue, half at

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the cemetary. I said the hell with Rochdale, I'll take my chances there. We need everyone here." Most of those maintaining the vigil, were called back from the synagogue.

At the cemetary the League patrol was very tense. They had set up a citizen's band radio within the grounds, hoping to call the police in an emergency, only to discover the police precinct in Queens Village, couldn't receive their broadcast. With the dozen cars at their disposal, they directed the headlights of the cars onto the cemetary gate, much like searchlights illuminate prison walls. One car slowly drove along the dirt perimeter road, patrolling the length of the fence. Feigning larger numbers, one League member used a walkie-talkie to speak to imaginary people hoping blacks within earshot, would assume there were more League patrols in other places.

There was no vandalism at the cemetary that evning.

After Halloween however, Kahane lost interest in the organization. He used the office for writing for the Jewish Press, and would refer anyone interested in JDL to Schneider, "I kept the organization alive then," Schneider admitted. "I came down to the office after work to answer the mail and handle all the messages. I went down there seven days a week. I'd address all the envelopes by hand and take them to the post office. I

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wanted to show people that things were going on. I even sent stuff as far away as Kansas and Los Angeles."

Besides money for rent, the most difficult thing in those early days was getting JDL material printed. Bieber, who worked for a printer, managed to offset the first of the League's literature without cost. Schneider asked around for other printers who might be sympathetic to his organization and landed the name of Morris Drucker, who had a shop on West 20th Street. "We're a Jewish agency," Schneider said when he approached Drucker, "we have no money but we're trying to help Jews."

"What do you want done?" Drucker asked.

"Well, we have no money," emphasized Schneider.

"Did I ask you for money?", the printer replied somewhat caustically, "when do you want it by?". From that initial meeting the League was to draw upon the services of Drucker for all its printing needs. "Over the years," Schneider said, "we got $100,000 of work for free at Drucker's. He's really some fellow."

Drucker's first job was to run off an article entitled "Jewish Group Stops Attack on a Jewish Cemetary" written by Kahane for the Jewish Press. Schneider sent the article out to further publicize the Jewish Defense League. "We have to have ammunition with which to work with," was the way Schneider viewed it.

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The remainder of the year passed with little activity. Kahane, losing interest in the League -- he had in the past formed other groups and abandoned those too -- did not come to the office often. When he did he spent his time writing for the Jewish Press. He had also taken a job teaching Jewish philosophy and history at Yeshiva Central Queens, a religiously oriented private day school. Meanwhile a few more people joined including Irving Calderone, a 23 year old entrepeneur. Although Schneider viewed Calderone, who formed his own trucking company near Kennedy airport, only as a source of money, Calderone went on to become one of the most dedicated and active members.

The League gained vigor in January 1969. Their first demonstration was against Leslie Campbell, a black teacher "long accused of racism and anti-Semitism" (Jewish Press, 17 January 1969) who taught in one of the schools participating in the decentralization experiment. The JDL however, was not alone in opposing Campbell. The United Federation of Teachers (UFT) had called for Campbell's suspension from teaching as a condition for ending their strike. Kahane claimed Campbell had urged students to shun white teachers returning from the strike. "We will get them" he promised, the moment the police leave their patrol outside the school. "The only thing Whitey understands is bricks and Molotov cocktails." (Jewish Press, 17 January 1969) JDL also opposed an

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article he published in Forum, (November 1968) the journal of the African-American Teachers Association which aggravated the threat. The article, entitled "The Devil Can Never Educate Us," exhorted blacks to avoid being taught by "devils," the white teachers.

The second week of January, Kahane decided on a bold move; they would demonstrate outside of Campbell's school in Brownsville, an area most whites studiously avoided. Although few whites dared walk in those streets, the Jewish Defense League decided to do just that.

"We serve notice," Kahane wrote," that there is no neighborhood in New York City where anyone -- black or white -- cannot walk if he so wishes," (Jewish Press, 17 January 1969) The League sent telegrams to Mayor Lindsay and to the Police Department, informing them the JDL would be demonstrating -- nothing more -- and they were holding the police responsible for maintaining order.

On Sunday afternoon, Bieber, Schneider and a few other JDL sympathizers assembled at Calderone's trucking company. Kahane came a few minutes later accompanied by a number of his students and they joined the waiting men.

Calderone drove the group in one of his trucks to the school where they began picketing. Their demonstration quickly alarmed neighborhood residents. One black merchant fearing trouble approached a League member and asked that they not break his store windows. "You sure

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got balls," a reporter for ABC television told the JDLers. Motorists, stopping for red lights appeared surprised to see Jews picketing in a black neighborhood. From the safety of their cars, some whites appluaded the League. Much to the black merchant's relief, JDL's protest was uneventful.

The League gathered at the school, Kahane later explained to his readers because it was a "hotbed of black extremism." Campbell's vitriolic contribution to Forum where he "referred to whites only as 'devils' and advocated eleminating them from all so called black areas," made him "unfit to teach children," because he would "poison their minds."

The opening that week of a Metropolitan Museum of Art exhibition further exacerbated an inflammed situation. The exhibition, "Harlem on My Mind," used photographs to trace the 68 year-old black history of Harlem and was accompanied by an official catalogue, which further heightened passions because of its alleged anti-Semitic content. For its catalogue, the museum had drawn upon a paper written by Candice Van Ellison, a 16 year-old black student at Theodore Roosevelt High School. A report for the Anti-Defamation League said her paper traces "many of the ills of the ghetto to Jews, suggests that Jews are 'behind every hurdle the Afro-American has yet to jump,' and states that Negroes in their 'contempt for Jews' are

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joining the mainstream of America -- 'blacks may find that anti-Jewist sentiments place them, for once, within a majority." (United Teacher, 11 January 1969) Later it became known that much of the paper was taken from Glazer' and Moynihan's book, Beyond the Melting Pot. But the momentum of JDL was not lost.

Schneider, who was bothered when he heard about the catalogue's introduction throught it was an excellent opportunity for keeping JDL active. "Meir," he said to Kahane, "we didn't do anything for the last two months. Now that we've gotten active, we can't stop the momentum; we've got to continue. Let's do something about the museum." Kahane agreed and on Sunday, January 19th, about 30 members of the Jewish Defense League picketed the museum and urged a boycott of the exhibit.

However, the controversey drove more people to see the exhibition. Joseph Noble, the Museum's vice director, reported in the four hours the museum was open that Sunday, 9,457 people visited the exhibition, "the maximum that could have seen it in the time available." (New York Times, 20 January 1969) Thousands of others milled outside the building and automobile traffic barely crawled along Fifth Avenue.

The Jewish Defense League was not alone in opposing the exhibit. Reverand Dr. Nathan A. Perilman, senior Rabbi of Temple Emanu-El thought the catalogue "expresses blatant anti-Semitism reminiscent of Nazi Germany."

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(New York Times, 2 February 1969) The Anti Defamation League was also distressed but for different reasons:

> More curious -- and of greater concern to New York Jews that the writings of a high school student, now a college sophomore -- is the reception accorded Miss Van Ellison's remarks by a number of distinguished New Yorkers.
>
> Thomas P.F. Hoving, director of the Metropolitan Museum . . . saw "nothing inflammatory" about them, said they represented a "statement of the facts," and stated: "If the truth hurts, so bit it." . . .
>
> And finally, there is the reaction of New York City's Human Rights Commissioner William Booth, who attended the public opening of the museum exhibit on Saturday, January 18. Commissioner Booth, who was interviewed by TV newsmen for the late-night newscast, might be expected in his official capacity to know and something of anti-Semitism. Like Mr. Hoving . . . he indicated merely that the author was drawing a picture of Harlem life as she saw it.
>
> (United Teacher, 22 January 1969)

On January 30th, a week and a half after the opening of the exhibit, the Museum's director withdrew the catalogue because the "distribution of the catalogue is aggrevating an already tense situation in New York." The museum "has no desire to offend any persons or groups and no desire to engage in contention." (New York Post, 30 January 1968)

II. And the Airwaves

JDL had little time to notice the withdrawal for they had become embroiled with WBAI, a listener sponsored radio station. A month before Leslie Campbell, a public school teacher, had presented on the radio program a viciously anti-Semitic poem. It took a few weeks before Campbell's appearance became widely known.

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A day after Christmas, Julius Lester, the host of the program heard weekly from 8:30 to 10:30 P.M., invited his friend Leslie Campbell to appear. The subject of the program, the station's manager later reported, "was the teaching of minority group children, especially in the context of the decentralization experiment and the teacher's strike." Campbell read several poems written by black children concluding with three poems by a fifteen year old girl. The reading of her poem, "Anti-Semitism: Dedicated to Albert Shanker," (the president of the UFT) drew extensive protests.

> Hey, Jew boy, with that yarmulke on your head,
> You pale faced Jew boy -- I wish you were dead.
> I can see you Jew boy -- no you cannot hide,
> I got a gun scope on you -- yeh, you gonna die.
>
> I'm sick of your stuff every time I run 'round,
> You pushin' my head deeper into the ground,
> I'm sick of hearing about your suffering in Germany,
> I'm sick about your escape from tyranny,
> I'm sick of seeing in everything I do
> About the murder of six million Jews;. . .
>
> Then you came to America, the land of the free,
> And took over the school system to perpetuate
> white supremacy.
> Guess you know, Jew boy, there's only one reason you
> made it --
> You had a clean white face, colorless and faded.
> I hated you Jew boy, because your hangup was the Torah,
> And my only hangup was my color.

"Beautiful," Lester commented at the end of Campbell's reading. It had "a tremendous sense of the truth," Campbell agreed.

It took a few weeks for the reading to be publicized. The station was an obscure one; few listeners had heard of it and even fewer could locate it on their FM dials.

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Towards the end of January, JDL went to State Supreme Court, asking legal remedy. Justice Heller signed an order filed by JDL, directing the Board of Education to show why Vann and Campbell should not be dismissed, but the show cause order was dropped two days later after Assistant Corporation Counsel Robert Hugh contended there was no legal ground for the show cause order. (Long Island Press, 25 January 1969)

A month later, Julius Lester brought three black students to his Thursday evening WBAI radio show. The students defended Campbell's poem as representative of black feeling, and Tyrone Woods, one of the three, and himself a student at New York University -- a fact not lost on Kahane -- then continued: "As far as I'm concerned more power to Hitler. He didn't make enough lampshades out of them. He didn't make enough belts out of them."

The next morning Kahane sent a letter to all JDL members asking them to demonstrate at the radio station on Sunday afternoon.

> Attendance at this demonstration should be obligatory for anyone who calls himself a Jew. Bring down every neighbor, relative and friend you have. Get on the phones now and call. . . . If this does not shake Jews out of their apathy, let there be no complaints later on. (One further note: Lester is the author of a hate book called "Look OU Whitey, Black Power's Gon Get Your Momma," and wrote a poem of praise to Sirhan for assassinating Robert Kennedy.)

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On Sunday, January 26th, the group gathered outside of WBAI's studio on East 39th Street. It was a bitterly cold day with temperatures in the low twenties. While some held signs reading "No Auschwitz Here," and "They Will Not Make Lampshades Out of Us," a small delegation met with Frank Millspaugh, general manager of the station. Millspaugh offered them radio time to present their own views but Kahane rejected that proposition and countered with JDL's own "non-negotiable" demands: immediately cancel Lester's program; apologize for WBAI's "insensitivity and complicity"; and pledge that "no more airtime be alloted to such "hate shows." (Jewish Press, 31 January 1969)

After two days, the directors of the station rejected JDL's demands, "because they are contrary to the First Amendment," and "fall into the trap of those who would refine the rawness of truth in order to make it socially convenient. To be informed of the existence and extent of dangerous social forces is the first step toward coping with them." (New York Times, 28 January 1969) The station viewed its duty to inform and enlighten, not merely to report.

This position was disputed by Kahane:

> WBAI, long a haven for Leftists and riddled by their influence knows full well that when they allow Lester to spew forth his hate, they are not doing a documentary on anti-Semitism.
>
> A documentary presents facts and then makes it quite clear that it deplores them. It states on the program that the hate is to be deplored and fought. Neither does it present a

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> hater as the host of such a show nor does it give him a regular forum for these views. WBAI is, at best, a fraud, and at worst, much worse.
>
> This is not an isolated problem. WBAI's right to incite, to hate is linked with that of teachers to do the same. WBAI, Campbell, Vann, Lester, are all part of a determined drive to use public and quasi-public facilities -- under the cynical guise of 'free speech' -- to preach hatred and violence. (Jewish Press, February 1969)

Kahane advertised in the Jewish Press calling for support. The advertisement under the headline "Never Again," opened with a quotation from the biblical book of Esther. "Do not think that you can escape from all the other Jews. For if you are silent now, salvation will come to the Jews from another direction and you and your household will be doomed. . . . Never again will anti-Semitism be allowed the slightest sanction without a vigorous and immediate response. . . . Join Us! Support Us! (Jewish Press, 21 January 1969)

Kahane announced there would be a demonstration to coincide with Lester's program. But that was not enough; he also pledged that JDL "would use all means necessary" (Jewish Press, 31 January, 1969) to stop Lester's program.

Kahane went to 39th Street and stood in front of WBAI's building. It was a small building by Manhattan's standards, only four or five stories high. The building next door was of similar height, and Kahane decided that he might be able to gain access to WBAI thrugh their next door building. Upon further exploration, Kahane found

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his hunch was correct. They could get into WBAI's building by climbing over the next door roof.

On Thursday night, a large crowd assembled outside of WBAI. A small group of counter-demonstrators -- some of them Jews were on the other side of the street supporting the radio station. "Jewish traitors," the JDL pickets taunted. (Daily News, 31 January 1967) Scuffling developed between the rival groups and police reinforcements were called in. A total of 75 policemen were assigned to the protest while traffic was rerouted to other streets.

With the attention of the police diverted, Kahane, Calderone and a handful of other men surreptisously entered the adjoining building, went up the stairs to the roof, and climbed over. They were going to force Lester's program off the air. They waited there for the show to begin but the police searched the roof and discovered the 12 men waiting there on the cold wet roof. The police searched the JDLers and finding a blackjack on Calderone, took him to the police station. The others were threatened with arrest for trespassing, but eventually were released without being charged. Calderone convinced the police to drop the charges against him, also. "He was a really smooth operator. He probably could talk the whiskers off a cat if he put his mind to it," Zweibon later commented.

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However, the protest against the radio station ended inconclusively. Later, Kahane wrote that "The results of the clash were predictable. Queietly, WBAI ordered the ending of all hate utterances, leading to a protest about a year later by various leftists against the station's 'blandness.'" (Kahane, 1975:110)

III. The Troubled Schcol System

Fearing that black militants would carry out their threat to take control of a local school board meeting at P.S. 261, teachers of district 15, invited the JDL to attend their meeting to thwart the takeover. On Monday night in February 1969, Schneider, Calderone, Zweibon, and Kahane, drove to the school on Pacific Street. Sam Alhonte, a spunky taxi driver who had become active in JDL also appeared at the meeting. But for different clothes, the school board meeting quickly turned into a mellee that would have done justice to any saloon brawl in a Western film. It began with raucous shouting. Blacks in the audience hurled insults at the nine member board sitting on the auditorium stage. They were returned with the same gusto. Gloria Oliver, head of a local group of parents, sprang from her seat and ran onto the stage demanding her right to speak. The thirty-seven year-old woman was greeted with heckling. Some in the audience began chanting "Sit down."

"Make me sit down," Oliver screamed

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back defiantly. Calderone ran towards her on the stage. Anticipating his approach, Oliver picked up a water pitcher and hurled it into his face. It hit him squarely on his forehead. Blood spurted from above his left eye.

A brawl erupted. Alhonte, enraged at the attack on Calderone ran up to Oliver, "You're lucky you're a woman," he screamed at her, his face contorted with emotion. Some black men charged him. Forty two year old Alhonte, exploding with passionate rage knocked down at least six of his attackers, in a scene reminiscent of a well orchestrated Western. Fights broke out in other parts of the auditorium. Only when four police from the Union Street Station arrived did the fighting end. Calderone was taken to Long Island College Hospital where five stiches were required to close his wound. Kahane and Schneider demanded Oliver's arrest. Members of the black parents group accused Alhonte of assault. In a compromise the police arrested both Alhonte and Oliver. Schneider followed them to the station to press charges against Oliver, but an assistant to the mayor called the precinct and requested the release of Oliver. Despite Schneider's objections, the police released her; Alhonte was similarly not charged. Exhausted, Schneider returned to his home in the Bronx at 5:30 in the morning. At 7:00 A.M. he rose to go to work.

He did not work the entire day. That afternoon the League planned to force their way into a meeting with the

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Board of Education. Schneider later explained: "We felt that any group, providing they were black or Puerto Rican, could come there to speak. We tried to arrange a meeting with the Board -- we wrote a letter or Kahane called up -- but to no avail."

The Board "had been seized a number of times by militants demanding community control and an end to the merit system," Kahane wrote. (Kahane, 1975:112) "This time, we decided, we would show that two could play the same game."

An hour before the Board of Education meeting the League assembled at JDL's office. It was a large group. Renee Brown, a school teacher, was attending her first JDL protest. She had first learned of the League, when she viewed them on a television newscast picketing JHS 261. Soon afterward she volunteered to work in their office, and for her first demonstration she also brought her sister.

To be less conspicuous, the group scattered before entering the Board of Education building at 110 Livingston Street, taking elevators to different floors. Murray Schneider and Stuart Cohen, one of Kahane's 15 year-old high school students, went to the 17th floor and walked down a flight. In all, 34 people walked into Room 1116, where the Board was meeting. "We come into the room," Schneider explained, "and we asked them to please sit and

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talk to us. Rose Shapiro, a board member, smiled at us. When John Doar, president of the Board and Reverand Galamison, vice president, saw us they bolted from the room. After asking us a few questions, the rest of the Board left also, so we sat down and held our own meeting. We invited the press to witness the hearings, but they didn't come and we more or less spoke to ourselves. We talked loudly though, hoping the Board, who was in the other room would hear us. Kahane again demanded that Campbell and Vann be fired. 'Right now,' I said, 'there is discrimination going on in the City of New York and we are here to protest it.'"

The police arrived and requested them to leave or face arrest. They would first conduct their afternoon mincha prayers before making their decision, the JDLers replied. Afterwards, 24 left voluntarily; Kahane, Schneider and seven others sat down and invited arrest.

Three days later, Leo Andreoli, a 19 year-old student at Thomas Jefferson High School, was stabbed in the chest by black youths not far from his home. Andreoli had the week before led 200 white students to City Hall to protest an Afro American Society meeting at Jefferson High which contained "racist comments." The blacks, during their memorial meeting for Malcolm X, had read a poem which concluded with the words: "White Man, Fuck you."

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One of the teachers of the school, a member of JDL, notified the League of the Afro-American assembly and of Andreoli's stabbing. The League called for a 7:30 A.M. rally but the hour was a very awkward one, with most people going to work, and only a handful came to demonstrate.

On that same day in Williamsburgh 200 black students ran through Eastern District High School, overturning desks, throwing chairs and shattering windows. The violence there too had racial overtones. Didian Goldberg, the dean of boys for the previous twenty-three years had recently begun to curb loitering in the school, but the Blacks objected to his disciplinary practices, calling them "racist harassment."

The school had seen better times. Built for a capacity of 1,300 students, it now had over 3,000 enrolled. "Our school has changed," Goldberg told reporters. "And it was brought about by a boycott for integration when we already were integrated 50-50. Now we have segregation: 65% Puerto Rican; 25% black. And, we are having a difficult time in attracting the college bound students. I've become the symbol of discipline. I am the only one in the school who can clear out the lunchroom or the auditorium just by walking in. Discipline here has deteriorated. There is so much truancy, its unbelievable. . . . I remember walking into an industrial arts class during the first period and only three students had shown up." (Long Island Press, 11 March 1969)

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After Friday's disturbance, Goldberg no long felt confident he could control the students. What was worse, he feared for his own safety. On Sunday, Goldberg telephoned JDL and asked them to protect him. Chaim Bieber and Sam Alhonte, taking off from work, drove to Goldberg's home early Monday morning and escorted him to Eastern District High School. They were met outside the school by thirty supporters carrying placards: "Goldberg Yes -- Extremists No." Alhonte and Bieber accompanied Goldberg inside the school serving as his bodyguard for the next two days. They were also joined by two college freshmen: Marty Lewinter, a karate expert and his friend Eli Schwartz. Schwartz wanted to wear the largest and most prominent yarmulke he could find. Lewinter looked skeptical.

"Marty, are you a Jew or not?" Schwartz said coaxingly. "They already know JDL is Jewish; are we going to hide from it?"

When they accompanied Goldberg into the school, both wore the largest white kipot Schwartz could find.

Not only was Goldberg's safety at stake. The school's principal, Frank Stewart, had suggested to Goldberg that he not come into school Monday and Kahane feared that Stewart would try to settle "the problem in the usual Board of Education way, by telling Goldberg to report to the main office of the Board, where he would be paid his salary,

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nothing would be done, and the way would be opened for a Black to take his job." (Kahane, 1975:114)

On Monday, Kahane, who walked in with Alhonte and Bieber, went to Stewart and told him; "If you think you're going to sell out on Goldberg out of fear . . . we will come down there and we'll do anything these black militants will do only better." "If Stewart's afraid of a riot," -- Kahane told a reporter, "if this is what moves people today . . . we'll give him one too." (Manhattan Tribune, 15 March 1969). Kahane made it clear he "would wreck the school." (Kahane, 1975:114)

The day was not peaceful. A group of students lobbed eggs at teachers, overturned tables and threw chairs and books. Seven fires were set in the lunchroom. They were extinguished but police arrested a fourteen year-old for carrying off a fire extinguisher. Goldberg, however, was not harmed.

Protests shifted from the high schools to the colleges. In April, blacks and Puerto Ricans barricaded the south campus of City College demanding among other things that the college admit the same proportion of blacks and Puerto Ricans as were in the city's high schools. In effect they argued for the implementation of a quota system. This proposal was spurned by many Jews who recalled how in the past they were denied admission into schools because of quotas limiting their number.

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Any departure from the merit system based upon the applicant's qualifications, would raise anew the possibility of discrimination against Jews.

Even without this racial perspective, however, the takeover at City College was distressing. For years, the City College of New York had given deserving youths a free college education; it had long been known as "the Harvard of the poor." JDL viewed an assault on CCNY as an attack on academic merit.

With the outbreak of violence, Dr. Buell Gallagher, the college president, closed the entire school. Thinking this was an unwelcome capitulation, Kahane obtained a Court order on behalf of a CCNY student ordering Gallagher and the Board of Higher Education to show cause why classes at CCNY should not be resumed.

In addition, Yossi Templeman, JDL's college coordinator, organized a demonstration. Templeman, then a college junior and now a professor of economics, joined JDL when the League ("all six of them") picketed Brooklyn College. Among the picketers was Marty Lewinter, whom Templeman knew because their parents were friendly. Kahane was there too. Templeman, who always read Kahane's articles in the Jewish Press, wholeheartedly agreed with him and needed very little convincing when Kahane asked him to join. A few weeks later, when JDL had a meeting in Borough Park, where responsibilities were delegated,

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Kahane asked him to become College coordinator.

"When there was talk of City College instituting a racial quota system," Templeman said, "throwing aside merit -- meaning Jews -- I decided to act." He drew up plans for a demonstration at City College, advertising it in the Courier, the college paper. Leaflets were distributed throughout the campus.

On Friday afternoon, Kahane burst into Templeman's small cubicle of an office.

"Yossi, have you lost your mind?"

"What's wrong with having a demonstration?"

"Do you know where this is? It's in the middle of Harlem. You know they're going to kill you. You'll have to call it off."

"But Meir isn't this what JDL is all about. Besides how can we call it off? You yourself said never to chicken out of anything. How will it look if we call this thing off?"

Templeman finally prevailed. "It turned out Kahane was right," Templeman said afterwards. "During the rally, there were times I wish I had never gone there."

The day of the rally, a carload of JDL activists drove to City College. Kahane and Templeman were there. Marty Lewinter, a black belt in karate, brought along Alex Sternberg, another karate expert. Lewinter taught karate at Yeshiva University's High School for Boys. When he

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heard about JDL, he not only invited Kahane to speak to his class, but became active himself, convinced that JDL's ideology was correct. He felt Jewish interests "should be protected because -- whether observant or not -- they would always be labeled as Jews." Among the JDLers were two New York State Parole Officers who were licensed to carry guns. They stayed in the crowd, planning to intervene only in a dire emergency.

The group gathered in the north campus. Templeman carried the bullhorn. When he planned the demonstration, he thought they would be joined by the Jewish students at City College. "Oh did we have a turnout from CCNY," Templeman said, "but they were all black," The area around the platform filled up. Hundreds were there, all antagonistic. When Templeman told the crowd JDL was against racism and quota systems, he was loudly jeered. "How come the're no blacks up there with you," one black taunted. Looking around they saw they were alone surrounded by a hostile, belligerent crowd. The jeering was continuous, accompanied by the clinched raised fists of some -- a black power challenge to the League's presence. Calderone and Josh Joffe came late. Too apprehensive to join the group on the platform they remained in the crowd. Outnumbered, surrounded and badgered, the JDL members were terrified. Escape without injury seemed impossible. Neighborhood blacks joined the crowd. Lewinter

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saw them coming through the college gates from the surrounding streets. Kahane thought they had only moments before the crowd would erupt. He jabbed Templeman, who with the aid of a bullhorn, was in the midst of explaining JDL's opposition. "Let's get out of here," Kahane hissed.

Templeman glanced at Lewinter who looked ashen. Lewinter also nodded his agreement. Picking up his bullhorn, Templeman comcluded, "well folks, this is the end of the rally." It took a few seconds before any in the crowd reacted. In those hesitant moments, the League members pushed quickly past those near the platform, slipped around a fence, and ran towards the car. "I was surprised we weren't torn limb from limb, Lewinter recalled. "The demonstration was advertised way beforehand so that they could have gotten us with ease."

By all accounts it was a most frightening confrontation, and it left them shaken. One JDLer, Josh Joffe, mingled with the black crowd, and never even joined the group. When Sternberg spotted him, he screamed, "Hey Joffe, where the hell were you."

"What do you mean," Joffe retorted, "I was there screaming 'you fucking Jew' along with the rest of them." Laughter was one way of relieving tension.

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CHAPTER III

CHAINS AND BASEBALL BATS: "IS THIS ANY WAY FOR NICE JEWISH BOYS TO BEHAVE?"

I. Temple Emanu-El

While the disorders at City College were going on, other events were developing that would bring the Jewish Defense League into national prominence. In May of 1969, the National Block Economic Development Conference, headed by James Forman, demanded that churches and synagogues pay blacks a half billion dollars in reparations. "Six million Jews were killed in Germany," Forman said "and Israel is still getting reparations. Fifty million blacks died in slavery and the black people have been paid nothing." (New York Post, 5 May 1969) As a start, Forman demanded sixty percent of the invested income of the Riverside Church. And to enforce his demands, he along with eight followers entered the Church one Sunday morning and walking to the altar area, disrupted the services and presented his "black Manifesto" to the worshippers.

Word circulated that James Forman would appear at Temple Emanu-El's Friday evening services to make similar demands. Temple Emanu-El formed in 1845 and occupying a Gothic building on Fifth Avenue and 65th Street, was one of the oldest Jewish Congregations in the United States.

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It was the only Jewish service to be broadcast over the radion stations of the New York Times and if Forman took over, he would have instantaneous news coverage.

On Thursday, when these reports reached JDL, plans were immediately drawn to thwart any such attempt. JDL members cared very little for Emanu-El, certainly none had ever worshipped there. Kahane readily admitted his own antipathy towards the Temple's members.

> To be perfectly frank, I was not overly worried about what happened to the assimilated Jews there. . . . We were not there to defend Temple Emanu-El as such but rather the synagogue as a concept. Forman did not know the difference between an Emanu-El and any other synagogue and he did not care. He chose it because it was famous, prestigious and wealthy. If Emanu-El capitulated . . . then a precedent would have been set and other synagogues neither willing nor able to pay, would be the next targets. In any event, the Formans of the world would have to learn that no synagogue and nc Jew would ever again be the target of threats without reaction. (Kahane, 1975:103)

Men, mostly in their 40's arrived at the Temple in time for its Friday evening services and stood in front of the Temple. Some held baseball bats, others held chains, sticks, and lead pipes. A few even wore motorcycle crash helmets, senescent men parodying a motorcycle gang. On any other day they would have been on the IRT subway going home from work. But that day the motley commuters were neatly arrayed in two rows with their backs toward the synagogue, ready to grapple with any heathen approaching the sanctuary. Their number totalled well over 100, half of

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whom were recruited from the Bronx by Schneider. Accommodating all the inquisitive news reporters, Kahane readily promised the impossible: if Forman came near the Temple, JDLers would break both of Forman's legs and worse. The threat could never have been implemented because the area was guarded by well over 30 uniformed police and reinforced with liberal numbers of plainclothes detectives. Master-minded by Kahane, it was a televised coup de theatre. Yet the news reporters, almost as great in numbers as the police, took JDL seriously. Kahane however was very serious when he told reporters, "Most Jews came here in galleys long after the Blacks were freed. Blacks deserve nothing from us and that is what they will get."

Forman never came, but Rabbi Nathan Perilman who conducted the services told a Times reporter that if he had come, he would have permitted Forman to speak at the end of the worship.

The controversy was further exacerbated a week later by a report to the Union of American Hebrew Congregations, (UAHC) which represented all reform congregations in the United States. In a report to the board of governors, Rabbi Maurice Eidendrath, president of the Union asserted:

> the so called Jewish Defense League violates every ethic and tradition of Judaism and every concept of civil liberties and democratic process in American life. Jews carrying base-ball bats and chains, standing in phalanxes like

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> goonsquads, in front of synagogues, are no less offensive and, in essence, no different from whites wearing robes and hoods, led by self-styled ministers of the gospel, standing in front of burning crosses. . . . If these be our friends, then God preserve us from our enemies. (New York Times, 18 May 1969)

Comparing the Jewish Defense League to the Klu Klux Klan became equally as controversial as the actions Eisendrath had condemned. The League became a popular topic on radio talk shows. To some the televised pictures of menancing Jewish toughs were startling and disgraceful; Jews should rely as usual on their 'traditional' intellectual skills. Any departure from that was disconcerting to JDL's opponents.

Aware of the controversy Kahane grappled with the debate directly. In a brilliant move, Kahane ran a three-column ad in the New York Times of June 24th. The $3,000 ad, which appeared on page 31, capitalized on the continued controversy. "Question: Is This Any Way for Nice Jewish Boys to Behave?," the ad boldly inquired. Below the headline appeared a picture of six young men -- four ominously armed with clubs and all bedecked with sunglasses, "answering a demand for reparations." The ad then continued:

> Answer: Maybe. Maybe there are times when there is no other way to get across to the extremist that the Jew is not quite the patsy some think he is.

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> Maybe there is only one way to get across a clear response to people who threaten seizure of synagogues and extortion of money. Maybe nice Jewish boys do not always get through to people who threaten to carry teachers out in pine boxes and to burn down merchants' stores.
>
> Maybe some people and organizations are too nice. Maybe in times of crisis Jewish boys should not be that nice. Maybe -- just maybe -- nice people build their own road to Auschwitz.
>
> THE JEWISH DEFENSE LEAGUE
>
> is dedicated to the propositions that:
>
> nice Jewish boys -- or any nice boys -- should not be forced out of their jobs by hoodlums.
>
> nice Jewish boys -- or any nice boys should not be forced out of their stores and see a lifetime of work destroyed by extremist thugs. . . .
>
> WE ARE SPEAKING OF THE AMERICAN DREAM!

The advertisement in its boldness, generated more publicity than the original Emanu-El vigil. The following day the Times wrote about the League and in the same issue, ran an editorial condemning JDL. Most surprising about the editorial was that it was written as a reply to Kahane's ad. The Times rarely responded to advertisements placed within the paper. The publicity surrounding Temple Emanu-El did not at the time cause any editorial reaction. But now responding to the ad, the Times begrudgingly admitted Kahane's genius for creating publicity.

> . . . Is This Any Way for Nice Jewish Boys to Behave?" asked an advertisement in the Times yesterday.
>
> The answer is an emphatic "No" -- not Jewish boys, nor Christian boys, nor white boys, nor

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> black boys, nor any other kind of boys. The Jewish Defense League, which sponsored the advertisement in hopes of attracting more money for the support of more ultra-militants for its program of violent backlash, is no different, as Rabbi Eisendrath has pointed out, "from white carrying robes and hoods, standing in front of burning crosses."
>
> 'We are speaking of the American Dream!' the League asserts. Its more like an American nightmare. (New York Times, 25 June 1969)

Prompted by the ad, Time magazine (4 July 1969) devoted an article -- its first to the League. A Year after the small group's formation, they now were attracting national coverage. Neither the Times, nor any of JDL's other critics fully understood the brilliant showmanship of the ad. Likewise few realized the liberty Kahane took in altering the actual event. The ad -- of which the most prominent part was the picture -- had little to do with the actual vigil. Kahane after failing to get the actual newsphotos from the New York Post of the middle aged man standing in front of Temple Emanu-El, decided to compose his own picture. Few at the Temple -- guarded by frightened men who thought their homes and businesses were threatened -- were goons; fewer still were young enough to qualify as "nice Jewish boys." Kahane had Stuart Cohen, Yossi Templeman, Eli Schwartz and four others pose in front of a brick wall. The revised picture was much more effective, but nonetheless the Times reacted thereby to a completely staged event.

Likewise, the paper completely misunderstood its significance. Forman was not their main concern.

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Kahane explained:

> Most important, the Jewish "batman" to coin the phrase of an Eisendrath . . . were speaking to a world far beyond the limits of Fifth Avenue and 65th Street. They were speaking to every Jew-hater who cherishes the illusion of the Jew as an easy mark, as a "patsy". . . . "Forget it," the message began, "forget the illusion. A Jew may hate violence but he will not forgo it in self defense." (Jewish Exponent, 27 June 1969)

A letter sent to the Times presented an eloquent defense.

> Jews everywhere are tired of being advised to "play by the rules" while being the victims of those who break them. Unfortunately, the Times fails to accept the fact that there can be no negotiation, "understanding" or dialogue with the anti-Semite, the one-dimensional black militant, or the neurotic.
>
> Jews have tried that route before, only to discover the road leads to an Auschwitz or some other grisly form of persecution. The storm-trooper mentality that has, and always will prevail in some, will not be influenced or changed by the editorials of the Times. Neither will these indignant editorials save the sanctity of a synagogue (or church) from gross intrusion of violent men who come to blackmail, demand, and threaten.
>
> Its disturbing but understandable to see a Jew behind the weapon instead of being its victim. (New York Times, 30 June 1969)

Later on a talk show Kahane readily admitted the event was theatrical and symbolic, rather than practical:

> We didn't need all these people with their baseball bats. We could have done it much more easily with less people. The reason was, we knew there were a lot of people watching on television, and we wanted to get an idea across about that Jewish boy who suffers daily in Crown Heights, or Williamsburg, or Queens, or in the Bronx, because he wears the yarmulke, who gets beaten up because he is an easy mark -- well, baby, there's a new Jew. The Yiddish work is shkotzim, that's not nice Jewish

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> boys. The Jewish Defense League was formed to change an image, and frankly we don't give a dman what you think of us. (Esquire, August 1970)

The baseball bats, the ad in the Times and the reaction to it were a boon to JDL. "We gained millions of dollars of free publicity from that ad," Kahane said, "it was incredible."

II. Camp Jedel

With similar flair Kahane decided to form a JDL summer camp. The inspiration came to him one day during the last week of April 1969. Recalling his own experience as a youth in Camp Betar, the idea of a summer camp was enticing. He thought of it as a training camp of sort, a place to indoctrinate youngsters with ethnic pride, teach them Jewish history, and at the same time instruct them to become excellent street fighters. Kahane told his idea to Schneider and Zweibon. With no experience in running a camp, no camp site, no applicants and with eight weeks left before the start of the camp season, the idea was ludicrous. The next day in typical style, he put an ad in the May 2nd edition of the Jewish Press. "The Jewish Defense League Is Now Accepting Applications for Its Summer Seminar Training Camp. . . . The number of applicants will be strictly limited and all those who are interested must apply immediately. Only $150 For The Summer." Over 50 applied; the cheap price its main

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attraction. With the average cost of summer camps in the hundreds, the asking price of $150 was an excellent bargain.

Kahane used League members as staff. David Sommer served as camp director and Sy Polsky was his assistant handling the camps financial affairs. Both Sommer and Polsky were school teachers and had joined the League a few months before. As counselors Kahane chose from among JDL's active college members: Marty Lewinter and Alex Sternberg both taught karate; and Kenny Eisenberg, an ex-marine led the camp through drills.

During the remaining weekends before the start of camp season, JDL members drove up to the Catskill Mountain resorts in search of a campground. They decided to purchase the Joy-Del Bungalow Colony from two Queens physicians. As a down payment JDL paid $10,000 of the $35,000 asking price. The camp, two miles east of Woodbourne, New York, and off Route 52 was ideal for JDL's purposes. The buildings were well isolated, surrounded by woods and accessible only through a long narrow dirt path.

Schneider saw many benefits in the camp. "It was very advantageous to us from a propaganda point of view. It added to the organizations prestige and gave us a certain aura -- Jews fighting back."

That aura was deliberate. A Times reporter, who spoke to Kahane before the camp opened wrote about the

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Camp's proposed schedule:

> Campers will rise at 5:00 A.M. for a regimen to include four hours of karate training a day; two hours of weapons training, including rifle practice; one hour of close order drill, and four hours of classes in Jewish history and other subjects, including the history of anti-Semitism. (New York Times, 25 June 1969)

The reporter repeated exactly as he was told. A simple tally of the schedule indicates however an eleven hour day of strenuous activity, and this without including any time allowed for eating and resting. For fifteen year-olds the schedule was almost impossible to carry out.

In July, the National Observer (19 July 1969) published a long article on the League. More than any other story, that article established the aura, the mystique, perhaps the legend, of the "Jewish Panther," the equivalent perhaps to the Black Panther. For months to come, other news reporters would quote the article, -- the archtype of JDL reportage -- thereby lending credence to its veracity and augmenting its mythical qualities.

The article opened as follows:

> Two lines of sweaty, grimy young men stood rigidly at attention in humid 90-degree weather. Above them on a crude pole hung the American flag, limp against the bright sun. For two hours the 34 teenagers had been punching, kicking, parrying -- practicing karate, "the art of killing."
>
> A young instructor walked down the lines, kicking about every fourth lad hard in the solar plexus. Each doubled over momentarily and looked as though he might vomit; then he straightened up proudly. Three weeks of five hour [one more than the Times reported] daily karate lessons had toughened the young men.

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> Most of the teenagers at camp here fire weapons and learn the refinements of hand to hand combat for the first time, and not for the sport of it. They come from some of the meanest sections of New York City. When this eight-week camp is over, they will go back to those same streets.

Kahane was deliberate in nurturing this portrayal. In a televised NBC interview, (6 November 1971) he said:

> We Jews have an image -- if we're hit we don't hit back. We came and we decided to change that Jewish image. We bring young Jews -- to a miserable back breaking camp -- and they walk out 10 feet tall. They also come out the toughest darn fighters you'll ever meet. If one of those youngsters walks through his neighborhood as he walked three months earlier, with the same yarmulke on his head, any bully that walks over to him is going to be in for a big surprise. This effort to change the Jewish image will not only save people's lives in Crown Heights and East Flatbush and other ghetto Jewish areas, but will hopefully save lives of Jews in wealthy areas, who at the moment are safe. No Jew is safe in Scarsdale if a Jew is not safe in Crown Heights.

The campers whom the National Observer described, relished their image. "JDL fired their imagination," explained Marty Lewinter, their karate instructor. "They were told they would have fatigues, combat boots, karate and night patrols. That's exciting stuff to a 15 year-old. Of course there were those who were ideologically committed to JDL and they attended camp also."

Sometimesthe staff knew little more than the campers. Wesponry was one example. "I learned about guns," Alex Sternberg said, "from OJT -- on the job training. I hardly ever fired a real gun in my life before JDL. In that sense

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I was very typical to other Jewish kids. I did a good job convincing everybody that I was better than they but it was almost the blind leading the blind. A couple of us went to National Rifle Association instructors who taught us the proper way of firing guns, safety, cleaning, and positions. I also spent a lot of time studying police manuals, and I was able to get hold of FBI instruction booklets.

III. Guard Duty

Despite the dissimilarity between private reality and public bravado, the League did remain faithful during this time, to its objective of protecting Jews. Passaic, New Jersey, a city of 57,000, was one such case. In July, landlords in Passaic, increased rent for their buildings, in some cases by nearly 100 per cent. These increases heightened tension in the city's Puerto Rican neighborhoods, and youths rioted when a 27 year-old mother and her eleven children were evicted from their apartment, (Three months before, State authorites had charged her with child neglect and were seeking to take her children from her.) Extensive damage was done to neighborhood stores where windows weresmashed, shops looted and buildings set on fire. Staggering under the effects of the destruction, some Jewish merchants called upon the JDL for assistance.

Commenting on Passaic, Kahane wrote:

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> We live in a remarkable world in this era of social progress. A man has a grievance against another and a thousand innocent bystanders suffer for it. . . . If however this be the New Morality, who are we to argue? When in Rome do as the Romans. . . . (Jewish Press, 15 August 1969)

Five JDL members, armed with shotguns drove to Passaic and sat vigil overnight inside some stores. Nothing happened. But city officials privately told a Times reporter that they were pleased "that the Jewish Defense League was on the scene." The police, the officials explained to the reporter, were unable to safeguard all of Passaic's merchants, and the officials thought "some outside peacekeeping force might prove beneficial." (New York Times, 7 August 1969)

A terrorized Catskill Mountain Bungalow colony, unable to obtain police assistance, similarly turned to JDL for help. Late one night, the stillness of the wooded hills around Selsky's bungalow colony was broken by the sound of overturned garbage cans. The rasping metalic scraping of metal flung against metal roused the residents of Selsky's. Male voices screamed: "Jew, you fucking Jews." Cherry bombs were lit and thrown at the bungalows.

Bungalow colonies, cottages that city dwellers rented for the summer, were very vulnerable to attack. The residents, mostly women alone with their children, were defenseless. Their husbands employed in Manhattan, remained in the city during the week, coming only for the weekends.

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The terrified people of Selsky's, a favorite haunt for the Hasidic community of Brooklyn, turned to the sheriff of South Fallsburg for help. He was very sympathetic to their requests, but with the limited manpower he had, there was little he could do. The whole area was innundated with rock group enthusiasts making their way to the Woodstock music festival and he had his hands full. There was no one to guard the bungalow colony and even if there was, there was no guarantee the intruders would come when the police were there.

The intruders came repeatedly however, hurling garbage cans onto the bungalows, casting rocks through the windows and painting swastikas. To many at Selsky's, the attacks also evoked the horrors of their earlier years at inmates of Nazi extermination camps. They still bore the numbers tatooed on them by the Nazis. "The people there reacted as if it was the Nazi phenomenon all over again," Marty Lewinter said. "To them, these hoodlums attacks were the equivalent of a local S.S. so to speak. They were reliving all sorts of pasts. It evoked images of Kristallnacht."

"It really was a despicable thing to do," Alex Sternberg said. "It wasn't even as if they spotted some Jew walking down a street and screamed out 'dirty Jew bastard.' They went out of their way to cause trouble."

Word of the attacks reached the manager of the Pioneer Hotel, and he called JDL and notified them of the

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attacks. Plans for a stake out were made. Sy Polsky, Eli Schwartz, Marty Lewinter and Alex Sternberg went to the Pioneer Hotel where they received directions to Selsky's. They drove in Schwartz's big grey Checker cab, which in honor of Eisendrath's condemnation, they nicknamed the "goonmobile." Schwartz drove. Long noted among his friends for his precarious 'adventurous' driving, Schwartz was jokingly made vice president of the AMA, Automobile Maniacs of America. Alhonte, the cab driver, was president.

At the Pioneer, Neil Rothenberg, a teenager who was working there, begged to come along. His father was active in JDL and was among those who picketed outside of Jefferson High School. Insisting that he knew how to use a gun, they brought him along.

As a lark, Schwartz drove the last half mile to the bungalow colony with his headlights extinguished and almost missed a sharp turn in the road. Sternberg was car sick by the time they arrived at Selsky's. The group was met by Ronny Greenwald from the neighboring camp of Magen Avraham. "He was guarding Selsky's with a bunch of guys," Alex Sternberg said. "But he left Selsky's 'in my capable hands' as he put it when he saw we were there with shotguns and we really didn't need him."

They lay in ambush. It turned out Rothenberg didn't know how to use a gun and for a while the group

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feared he would shoot them all by accident. "It wasn't too funny," Alex Sternberg recalled, "we stuck him in the woods away from us so we wouldn't get shot."

At two in the morning, a Volkswagon slowly drove by. It looked as if the occupants were reconnoitering the area. "Its them!" Schwartz whispered. Moments later the car turned around and headed back to the bungalow colony. The car stopped and the quiet was broken by the faint sound of car doors closing. The JDL group waited till the vandals approached. Schwartz shined his flashlight on them and blew hard on his toy whistle. "Halt!" Sternberg screamed, as he rushed out of his hiding position. "Lock and load," he ordered his fellow JDLers, as they levelled their shotguns at the tresspassers. He was imbued with National Rifle Association (NRA) terminology, and was following the ritual.

The four vandals took flight. One reached the Volkswagon and got behind the wheel. Lewinter in close pursuit, jumped in front of the car, one foot on the finder, the other bracing his weight on the ground. He had his 12 guage shotgun pointed straight at the driver, who did not go much further in his Volkswagon. The other three were caught even before they reached the car. One of Selsky's residents was sent to call the police from the lone telephone booth at the colony.

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While waiting for the police to come, the vandals were ordered to lie spreadeagled, face down on the ground. "You guys are like Nazis," Alex Sternberg screamed at them, "attacking defenseless women and children." Hurling invectives at the vandals, JDL started beating and kicking their captives. Some in the JDL group turned their attention to the car. One practicing his karate kicks on the car, unsuccessfully tried to break the Volkswagon's lights. "Not like that," another coached, and using his rifle butt smashed both tail-lights.

A lone figure emerged out of the darkness, walking towards them on the road. The man, a long unkempt beard flowing from his face, presented himself as a local Jewish farmer. To the JDL group he looked more like a mystical cave dweller. Hearing their discussion about what to do with the by now bloodied vandals, -- they themselves were hardly dishevelled -- the farmer told them he would back them up on whatever they said.

The sheriff arrived and looked at the bloodied captives. Bending down he examined their wounds more closely. "You animals," he said looking up at the JDLers. "You animals," he repeated, his lips curled in disgust.

"They attacked us," one replied.

"That's right," the farmer said in agreement, "I saw it all. They were in self-defense."

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The sheriff straightened up and glanced at the shotguns the group was carrying. The sheriff stepped towards Sternberg, and after examining his weapon, looked up again at Sternberg. The JDLer recognized the knowing look in the sheriff's eyes. He didn't say anything. But the subject of the loaded shotguns was not brought up again when the sheriff filed his report. The vandals were loaded into the sheriff's car, and the JDLers were told to follow him in their car. Almost as an afterthought he told them, "For God's sakes, next time don't leave marks."

The youths-- JDL later learned one of the four was the son of an Ulster County police sergeant -- were taken to a local hospital where they were treated for their injuries. (Jewish Press, 22 August 1969) The sheriff however did not inform the vandals they could press charges against the JDL for assault.

The following evening, fearing reprisals, Eli Schwartz drove Alex Sternberg and Marty Lewinter back to Selsky's where Sternberg and Lewinter guarded the bungalow colony. Schwartz drove back to the camp for the night. Their vigil proved eventless, but Schwartz, his gas tank indicator broken, ran out of gas the next morning when he drove to bring them back. He walked to the gas station, but it was still too early in the morning and he found it closed. Fearing the two would be furious if he came

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late, Schwartz hit upon an ingenious idea. He spotted the rubber pipe across the driveway leading from the gas pumps to the bell inside the garage. He cut a section of the pipe and using it, he siphoned gasoline from the gas tank of a car parked nearby. His problem solved, he drove to Selsky's. The next day when Schwartz drove past the gas station, he recognized the car he had siphoned the gas from. It now had a locked gas cap.

Two months later, at the intruders' trial, JDL dropped charges against the vandals in return for their apology and their assurance they would not repeat their actions again. "They suffered plenty for what they did," Marty Lewinter said later, "They needn't have been imprisoned any more. It was a chidish and immature thing to beat them up, but it was good they were detained and arrested."

Towards the end of the camp season, JDL became enmeshed in an imbroglio with the blacks of Liberty, New York. Every week the campers were given an evening off to go into town. During one week when they went to the Liberty bowling alley, they heard that a boy from a nearby Jewish camp was beaten up in the toilet. The Jewish Defense League decided to retaliate and pummel the attackers. Plans were drawn up.

During the evening, a van and a car loaded with JDLers dressed in army fatigues and armed with shotguns and various other weapons left the camp for the bowling alley.

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The car parked in the street in front of the bowling alley, and Larry Amsel, a 15 year-old camper, remained in the car guarding the bowling alley entrance with a shotgun. The others piled out of the vehicles and went inside. Kenny Eisenberg went over to a black youth, Ivan Richards, whom he thought had beat up the camper, and provoked a fight with him. "Actually, Richards had nothing to do with it," Sternberg recalled, "As a matter of fact, from what I heard, he tried to stop the other guys from beating up the Jewish kids, so they hit the wrong guy altogether."

Other JDLers rushed in to help, and in the ensuing mellee, David Sommer, the camp's director, had his head cracked by the backswing of one of the JDLer's nunchucks. The attackers ran out and headed back to camp in their two vehicles. Liberty police, called to the bowling alley, began pursuing them. Upon spotting the police, the occupants of the car shed their fatigues and the police not recognizing them, passed the car and stopped the van. The van was brought back to the police station and the occupants were detained. Outside the station, a large crowd of blacks gathered. It was an ugly situation and the police feared a race riot would develop.

Later in the evening, after the police had confiscated the weapons, the JDLers were released on $100 bail. But they had spent enough time in the station to hear of

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black reprisals. When news of this was brought back, the campers became very frightened.

Alex Sternberg at his home in New York City was having a later dinner, when at 12:30 in the morning he got a call from Sy Polsky. In a terrified voice, Polsky told Sternberg to "come up immediately; if you're delayed even half an hour, you won't find the camp. There will be nobody alive."

"It frightened the hell out of me," Sternberg recalled." "I was in my pajamas, and all of a sudden I'm getting dressed. I couldn't even tell my mother."

"Where are you going"

"Well I'm going back to the camp."

"What's the matter with you? Stay home, go back tomorrow morning when you're supposed to."

"Nah, I think I'm going to go up a little earlier."

Eli Schwartz, who was off that day, returned to the camp late in the evening. There were guards always posted at the gateway, but it was more pretense than anything else and Schwartz never took them seriously. That night, as usual he planned to drive right by.

Larry Amsel, who was guarding the darkened driveway, did not recognize Schwartz's car: it was difficult to discern anything in the darkness except for the bright headlights. As it approached, Amsel challenged the driver. Not bothering, Schwartz just gave a perfunctory

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mumble and continued on. Amsel panicked and rushed the side of the moving car, sticking the shotgun against Schwartz's head. It was only then that Amsel recognized Schwartz.

At the camp itself, Schwartz found everyone in an agitated state. Some were scouring the nearby woods armed with walkie talkies and shotguns. Schwartz recognized the futility of their tactics. He recalled them and tried to mobilize them into an effective defensive force. It would be more helpful, he explained to them, if they remained within the camp's perimeter lights. That way, if anyone approached they could be more easily seen and shot.

When Sternberg arrived, he found the camp readying for the seige. Molotov cocktails were made, rifles uncrated, and strategic ambushes were set up. They were waiting the attack. Nobody came.

The next day, however, Alex Sternberg went to speak to Liberty's Chief of Police. He told Sternberg that the police had turned back ten carloads of people with shotguns -- a caravan -- that was coming towards Woodbourne. "If the cops wouldn't have stopped them, it would have turned into people literally getting killed," Sternberg said.

In an effort to ease tensions, authorities tried to ignore the incident. Abraham Kleinman, Justice of Liberty

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Village, denied to a reporter that he had any knowledge about the bowling alley brawl, and the police when asked about it, replied "Forget it." But in response to the attack, blacks announced they were forming a group for self protection and patterning themselves after the Middletown "Brothers," they called themselves the "Brothers of Liberty." (The Times Herald Record, [Middletown] 19 July 1969).

The remainder of the summer was calm. A tradition of 'war stories', however, was created, and with enthusiasm -- and amplification -- they were passed along to future recruits.

IV. Taking on the PLO

The 1969 Camp season was over barely a week when on Friday, August 29th, the Popular Front for the Liberation of Palestine (PFLP) highjacked a plane. Trans World Airlines flight 840, from Los Angeles to Tel Aviv, with stopovers in New York, Rome and Athens, was highjacked and diverted to Damascus shortly after it left Rome. Its two highjackers, Leila Khaled and Salim Essawai, it was thought, had hoped to "seize the Iaraeli ambassador to the United States, Itzhak Rabin, who returned to Israel on an earlier flight," (New York Times, 30 August 1969) but the PFLP described the highjacking as a counter blow against the sale by the United States, of Phantom jets

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to Israel. Among the 113 aboard were six Israelis, four of whom were women. Within the week all but the two Israeli men were released.

The day of the highjacking, the first day of the Labor Day weekend, three JDLers retaliated by raiding the New York office of the Palestine Liberation Organization located at 801 Second Avenue. Brandishing handguns, they detained the two men they found working in the office. Initially, the JDLers were not sure of the form their retaliation would take but while there, they searched the office, discovering important files and sensitive documents, all of which they took with them. Before they left, the two PLO workers were also searched and warned that if Jews were the victims of Arab terror in New York, the League would go after them now that their names and addresses were known. With that warning, the JDL group left with the PLO files.

Surveying the documents later, they found among the files a list of Arab students who led campus organizations sympathetic to the PLO. Contributors to the PLO and churches that gave their facilities to the PLO were also listed. JDL gave the files to the Israeli U.N. Mission.

Consistent with their attempt to use legal means, JDL tried to combat the PLO using the legal process. In the fall of 1969, Meir Kahane, Renee Brown, Allan Mallenbaum, Sy Polsky and Herbert Kingsberg met with

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Justice Department officials in Washington, D.C. where they presented the following petition -- signed by hundreds -- to Walter Yeagley, of the Internal Security Division:

> We the undersigned . . . respectfully ask you to consider the intolerable menace of the foreign Arab students and lobbyists to the security and welfare of our . . . country. Allowed entry . . . they have taken part in political activities that interfere in the internal affairs of the United States and have joined in backing groups that are subversive and dedicated to the overthrow of the United States government. They have violated the statutes that regulate their conditions of entry, and we respectfully call upon the United States Department of Justice to begin moves necessary for deportation of these dangerous students. . . .

Using the records taken from the PLO office, JDL gave Yeagley and Ellen Scully, of the Foreign Agent Registration Division, documents that exposed "the close ties between the Organization of Arab students and Troskyite, Cuban Revolutionary, pro Peking and Black extremist groups." The League also provided "a record of names, places, dates, and witnesses of a number of . . . violations." (JDL Press Release, 1 October 1969)

The JDL press release vowed that their meeting with Department of Justice officials "was the third step in our ten phase program to rid our country of these unwelcome, hate spewing propogandists who are abusing the privileges of studying here."

The New York City Police Department, however, grew

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concerned about the activities of JDL. The League although labelled a vigilante group, had given the police little trouble before this. The armed raid on the PLO office and Kahane's faintly veiled threats of "possible physical retaliation against Arabs," (Jewish Press, 12 September 1969) changed the situation. The Bureau of Special Investigation (BOSI), the intelligence gathering unit of the New York City Police Department realizing they had very little information on the League, decided to have an undercover agent infiltrate JDL. BOSI, one of the most sophisticated police intelligence units in the country, rarely used trained police for its undercover work. "You just can't act like a cop," explained Joseph Jaffe, assistant United States Attorney for the Southern District of New York. "And after police training you just can't help but act that way. That is why BOSI took them right out of the police academy before they acquired their police mannerisms."

To infiltrate JDL, BOSI turned to Richard Rosenthal, a new applicant to the police department. Rosenthal, then 22 had just been discharged from the United States Air Force, where he had been working for the previous four years in Air Force Intelligence. While in the military, he had been taught Russian and was assigned to Germany where he monitered the communications of the Soviet Union.

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Already a weapons buff, Rosenthal considerably improved his expertise while in the Air Force. After completing his service he applied to the police department. In the questionnaire he filled out, there was a blank space which asked for any additional facts which would help his placing within the Department, and Rosenthal listed his military experience in intelligence, his knowledge of languages and his expertise in firearms. From his name too, it was obvious he was Jewish, and the commander of BOSI looked upon Rosenthal as an excellent undercover agent. He approached Rosthenthal and asked him if he would mind doing undercover work; Rosenthal said he was interested. Without any police academy training Rosenthal was sworn in as a police officer on October 24, 1969, and was asked by BOSI if he would object to infiltrating JDL, which the commander viewed as "a dark cloud on the horizon."

"I had no particular problem one way or the other," Rosenthal later said. "They were not interested in the political views of the organization, nor were they interested in dirt. They were simply interested in the size of the demonstrations. They were very concerned about it because it costs an incredible amount of money to man police barricades, and if JDL said they were going to have 20,000 people at a demonstration, and only three showed up, well, you're going to have 800 cops doing

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nothing when they could be doing something a hell of a lot more productive in the city. So one of my main functions was to determine the size of demonstrations, and initially this was my primary function. I think it's valid, because it's so damn expensive to second guess these people. Obviously they were interested in crimes but I was not pushed. I was not told 'go get em boy.' The first two months I worked perhaps three, four, five hours a week and the police didn't push me one bit. They did not say 'how come you're not producing?' There was none of that. The police had a very professional intelligence gathering agency. They knew it takes time and they knew that all they would get is aggravation if they pushed a man into doing things that were immoral or illegal."

At an anti Lidsay rally, Rosenthal obtained some JDL literature, and among the fliers was a coupon for joining JDL. In November 1969, Rosenthal sent the coupon along with his $10 membership fee to JDL's office. After not hearing from them for three weeks, he called up the office to inquire about his application. The next day he received a blank membership card for 1969; he was informed that the closest JDL chapter to his residence was the Midwood chapter, led by Rabbi Aron Leider.

BOSI provided Rosenthal with an excellent cover. Since no one knew he was a police officer, he used his

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real name. Nor did he have to lie about anything in his past. Obtaining a taxi driver's license, at which he half heartedly worked, he also registered for two courses at Brooklyn College. He thus presented himself innocuously enough as a part time student working his way through college.

To a certain extent Rosenthal was also lucky. "I, in my complete and total ignorance, came in a suit to the very first meeting I went to. I knew nothing about JDL and everyone else dressed casually."

Rosenthal was under instructions not to take part nor to get involved in anything. But at his first meeting, the chapter chairman, Rabbi Leider, was looking for a new head of security and when no one volunteered, he looked at Rosenthal and asked, "How about you?" Rosenthal accepted.

When Rosenthal spoke to his superiors the next day, they were a "little upset." They didn't think "it was the greatest idea in the world." But it happened to work out well because that gave me an excuse to go down to JDL headquarters and from there, slowly but surely, things developed."

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CHAPTER IV

"IT PAYS TO AVOID SHOWDOWNS:" THE 1969 MAYORAL CAMPAIGN

An advertisement placed by the League in the New York Times during the 1969 mayoral election campaign became even more controversial than JDL's first ad. "We Remember -- Do You?" asked the advertisement. "We have deliberated. We have searched our souls. We have patiently and agonizingly considered. The stark tragic reality remains unchanged. The Jews of New York Cannot Afford Four More Years of John Lindsay."

The adverisement then listed some of the "blows to the survival of the Jewish community" seen under the Lindsay administration such as the

> violent outpouring of anti-Jewish hate during the needlessly prolonged school strike, . . . the maintenance on the public payroll of anti-Semites and racists despite their open attacks on Jews As Jews . . . the growth of a reign of terror against Jewish merchants in so called ghetto areas . . . a de-facto quota system [that] blatantly excludes meritorious students -- in great part Jewish.

A theme uniting all these charges was a comment Lindsay once made:

> It pays to avoid showdowns over questions that force the majority . . . on the side of a few militants. . . . No amount of glamour or good looks or Madison Avenue upmanship can obscure the naked fact of unprecedented erosion of Jewish rights in a city with as many Jews as in the

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> State of Israel. That erosion began with the Lindsay words: "It pays to avoid showdowns. . . ."
>
> John Lindsay desperately needs the Jewish vote in New York. He is frantically attempting to woo it, promising much and hoping that the Jewish community has forgotten -- forgotten the record . . . but we have not! (New York Times, 6 October 1969)

John Lindsay, the incumbent, was in the midst of a three way mayoral race. He had recently suffered a grave political blow when he lost his own party's primary election to John Marchi, a fellow Republican. He remained in the campaign, however, as the Liberal Party's candidate, opposing Marchi, and Mario Procaccino, the Democratic Party's candidate.

Leaders of Jewish communal organizations were greatly distressed by JDL's ad. Behind the scenes discussions ensued on the best way to react publicly to the League. On Thursday, three days after the ad appeared, Arthur Goldberg, president of the American Jewish Committee and a former Secretary of Labor, Supreme Court Justice and United States Representative to the United Nations -- denounced JDL for trying "to inject virulent hatred and group antagonism" into the campaign, and implored all Jews "to ignore all such offensive appeals." (New York Times, 10 October 1969) Using racial antagonism in opposing a candidate, is like "crying fire in a crowded theater." (American Jewish Yearbook, 1970) His statement, signed by 300 other Jewish communal leaders was distributed to all the news reporters.

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Similarly that day, the Anti-Defamation League of B'nai Brith (ADL) released statements solicited from all three candidates saying the candidates were not making any appeals to the "Jewish vote." The statements made by the campaign managers for Lindsay and Procaccino, and by Marchi himself were in response to a letter sent them by Benjamin Epstein, national director of ADL. The letter warned that "any ethnic overtones in the campaign could have disastrous results."

> Such appeals [to the "Jewish vote"] cannot help but increase the polarization, alienation, and distrust that might be eliminated in this city lest human relations deteriorate to the danger level. If a given candidate loses on Election Day, it might be widely believed that he was defeated by the "Jewish vote," which might be regarded (let us say) as an "antiblack" vote, or an "anti-Catholic" vote, with a result being outpourings of anti-Jewish sentiment from disappointed supporters. If he wins, it might be charged that he "catered" to some potent minority. In either event, the seeds of further polarization and possible backlash are present. (New York Times, 10 October 1969)

Although the Jewish Defense League was now getting extensive publicity for it campaign against Lindsay, it began its opposition to the Mayor months before. The lifting by Lindsay of the parking ban on Jewish holidays, the virulent anti-Semitism among some teachers unleashed by the teachers strike and the deterioration of Jewish neighborhoods in Brooklyn, all made him very unpopular within the Jewish community. Martin Gershen, whose column "Our Man in Manhattan," appeared in newspapers in

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the greater New York area, provided further fuel for Jewish opposition:

> Although it has never been revealed publically before, Lindsay summoned Orthodox Jewish religious and lay leaders to his office on September 30 [1968] to tell them he wanted UFT leader Albert Shanker off his back. . . . At the September 30 meeting, Lindsay came to the point immediately by asking Jewish leaders to control Albert Shanker and his UFT. The rabbis were infuriated at this effort to urge spiritual leaders to intervene in a political matter involving their congregants. Did the mayor call on Cardinal Spellman to stop the transit strike led by Mike Quill, one rabbi angrily asked Lindsay. (Long Island Press, 17 October 1968)

The news infuriated many. "Lindsay made it a Jewish issue!" his opponents repreated throughout the mayoral campaign. With passion, JDL too joined the opposition, little cognizant that their campaign was similarly making the election a Jewish issue.

In January 1969, at the start of the mayoral primary election campaign, Kahane initiated JDL's opposition to Lindsay and wrote a long indictment of the Mayor in the Jewish Press. After calling for Lindsay's resignation, Kahane listed twenty questions to be asked "on any occasion that the Mayor inflicts himself upon another Jewish congregation." (Jewish Press, 31 January 1969)

Before each of Lindsay's appearance in front of synagogue audiences, JDL members distributed reprints of Kahane's articles. Invariably during the question period, people would liberally borrow questions from

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the list of "Twenty Questions" JDL had provided. Many times the questioners themselves were JDL members, sitting surreptitiously among the audience. They would unhesitatingly go up to the microphone and pose the most embarrassing questions, the answers too complex to be given in a moment or two. The audience, mostly unknown to each other, would never realize the JDL questionners were not members of the community, but were actually following the Mayor around.

At an emergency meeting of the Board of Education, during the winter of 1969, Lindsay was met by close to a hundred JDLers. As the Mayor, escorted by four policemen, arrived for the 2 P.M. meeting, he was greeted by obstreperous jeering. "I will never forget when he appeared," Murray Schneider said, "the screaming, the holloring, I thought an earthquake came over us. It was unbelievable -- the amount of noise -- the sound was so great, the holloring of 'Never Again' was like thunder, like lightening striking. It was amazing, it had to be a miracle that the man was not killed and he was able to walk up those steps to the meeting."

It was then that Kahane vowed to reporters: "We are going to follow John Lindsay wherever he goes and let him know that it is impossible for him to be Mayor of this city." (New York Daily News, 17 March 1969)

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In addition to heckling, a song was composed deriding Lindsay's tenure. "The Ballad of Fun City," as it was called (sung to the tune of "Those Were the Days My friend") went as follows:

Once upon a time there was a city
Where the people all could safely walk
Before we had a Mayor John V. Lindsay
We reallyloved the city of New York

Those were the days my friend
We thought they'd never end
We'd sing and dance forever and a day
We'd live the life we choose
We'd fight and never lose
For we were young and sure to have our way.

Then our Mayor Lindsay fell upon us
We lost our starry notions on the way
Four years full of strikes, of crimes and riots
Let's bring the times when we can say

Chorus

People are forgetting -- we won't let them
Lindsay's years have been an awful mess
Oh, my friends, we're older now and wiser
John V. Lindsay must be laid to rest

We want new days my friend
We hope that'll never end
We'll sing and dance forever and a day
We'll fight and never lose
For we are young and sure to have our way

The singer, Roz Nesis, had joined the League two months before. She had read about Kahane in the Jewish Press and after calling up the office and speaking to Murray Schneider, had come frequently to help with the clerical work. Nesis was often kided about having enrolled JDL's youngest member yet, her newborn child. Often she would feed the child while working at the office.

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In April, Nesis, along with Schneider, Kahane, Brown, Zweibon, and Lewinter, walked into the Liberal Party convention, held at the Americana Hotel. They opposed Lindsay's request to allow him to enter the Liberal primary. Rebuffed and threatened with arrest, they left the hotel, but outside, Nexis sang the "Ballad of Fun City." Lindsay won the Liberal Party's endorsement, but their presence at the convention was a way of capturing the news also. The New York Post (17 April 1969) alongside an article on the Liberal Party's convention, displayed a picture of Nesis singing.

Playing a guitar, Nesis appeared on various street corners in Manhattan, singing into a hand microphone. "It was a very good gimmik," Nesis recalled, "people stopped and listened. It had creativity. We sang in front of Bloomingdale's and at Lindsay's re-election headquarters. Lindsay's people came the night before the election in a soundtruck and tried to muffle our singing."

During the singing of the "Ballad," anti-Lindsay literature was distributed, but with the exception of Kahane's "Twenty Questions," it was crude, unimaginative and vulgar. Much more sophisticated however, was the recording of the "Ballad" at a professional recording studio. The song was issued on one side of a record; the other side contained Kahane reading his "Twenty Questions."

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Contact between the Jewish Defense League and Lindsay was not limited to street protests. Kahane claims that an attempt to "buy him off" was made when he was asked if he was interested in a well paying municipal job. Kahane refused.

Later on, when Lindsay lost the Republican nomination -- and barely remained in the race for a second term by running as a Liberal -- Lindsay sought to increase his support. Accordingly, a meeting between Kahane and Mayor Lindsay's aides was arranged.

The architect of this meeting was Emanuel Rackman, Rabbi of the Fifth Avenue Synagogue. Rackman, an early supporter of JDL, had raised funds for JDL, and had met Kahane a number of times. He too did not approve of Lindsay's first term in office. However, confronted now with Lindsay's opponents, Rackman found both even less appealing than Lindsay. Realizing he could support neither Procaccino nor Marchi, he along with a number of other prominent rabbis -- Benjamin Bokser, and Irving Greenberg -- attempted a reconciliation with Lindsay.

From a Jewish perspective, they felt that Lindsay had ruined New York. Now they hoped Lindsay could save the city from further ruin. The rabbis were concerned with community stability, and their expectation was that Lindsay would become more sensitive to the safety and preservation of Jewish neighborhoods. With support from these rabbis, perhaps Lindsay would demonstrate to the

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Jewish community the same sensitivities he had shown for blacks.

Rackman's primary concern was the preservation of Jewish communities. Much communal money was spent on the construction of day schools, synagogues and other communal buildings; if crime increased with the influx of poor black and Puerto Ricans, Jews, as in the past, would flee to safer neighborhoods, abondoning their communal institutions. The synagogues of Brownsville, East Flatbush and the Lower East Side -- now all converted into black churches or into fruit stalls -- were monuments to the abandonement of former Jewish neighborhoods. Rackman sought Lindsay's understanding in stabilizing neighborhoods, and in preventing middle class neighborhoods from deteriorating into poverty areas.

A smaller part of Rackman's reconciliation with the Mayor, was to arrange a meeting between Kahane and the Lindsay camp. Rackman, Kahane, Aurelio and Marvin Shick, assistant to the Mayor for intergroup relations, all met in the Rabbi's study. It was a short meeting. Kahane demanded that Lindsay fire Vann and Campbell; he also presented Lindsay's aides with a list of unspecific demands. If Lindsay didn't fire the two, Kahane threatened that he would send "truth squads" to harrass Lindsay at all his synagogue appearances. Aurelio refused and the meeting ended.

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Shick and Aurelio left the synagogue on East 62nd Street, and headed down Fifth Avenue to Lindsay's campaign headquarters on 53rd Street. As they were walking Shick turned to Aurelio and said, "Well, we just won the election." He then continued to explain his logic to Aurelio. If Lindsay was harassed while speaking at a synagogue, even those people opposed to him would turn sympathetic, feeling that such tactics should not be used in a house of worship.

It was then that Kahane placed the ad in the New York Times: "We Remember -- Do You . . . The Jews of New York Cannot Afford Four More Years of John Lindsay."

That afternoon, Mayor John Lindsay spoke to the Oceanview Chapter of B'nai Brith at P.S. 100. That meeting in Brighton Beach, the New York Times (8 October 1969) reported "was almost broken up by members of the Jewish Defense League . . . who screamed at and booed the Mayor."

"What happens to a John that doesn't work?" one protestor yelled. Pausing a moment for effect he then added, "it stinks." JDL members also smuggled in a bullhorn and used it to harass the Mayor.

The next day Lindsay spoke to an overflow crowd at Temple Beth Shalom in the Sheepshead Bay section of Brooklyn. JDL members showed up also and heckled the Mayor. "He was booed, wrote a New York Times reporter, by what appeared to be a substantial minority, and several arguments over the mayoral race erupted into minor scuffles among the

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spectators. While the Mayor was speaking, ushers had to subdue at least two demonstrators in the audience -- one man who was shouting abusively at the Mayor and another who was waving a hostile placard in front of a television camera." (New York Times, 8 October 1969)

Despite JDL, Lindsay actively wooed Jewish voters in Brooklyn and Queens. As part of that effort Marvin Shick arranged a meeting between Sholom Klass, the publisher of the Jewish Press, and Mayor Lindsay. It took Shick a very long while to arrange the meeting because Klass stutters very badly and was extremely reluctant to meet with Lindsay. Finally, Shick arranged a meeting between the two, and the Mayor's limousine was sent to bring Klass to Gracie Mansion. Mayor Lindsay attended with two of his aides, Sid Davidoff and Marvin Shick. Klass brought along Joseph Brovich, the paper's general manager. Lindsay asked for Klass's support. The editor in return for that support, requested financial aid for yeshivas.

"He was obsessed over the issue of aid to yeshivas," Shick later said. "He was obsessed with their imminent collapse."

Klass turned to Lindsay. "I need something from you like that," Klass said very slowly, each word drawn out and measured so that he would not stutter. "I need something from you like that; my readers think you're an

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anti-Semite."

"Well Rabbi Klass, what do you think?

"It's not that, it's that my readers think you're an anti-Semite."

"Well what do you think?" Lindsay repeated. The pulse in his cheek was throbbing. Klass again fended off the question and spoke about his readers. While the conversation was going on Davidoff, in distress, was kicking Shick under the table. The meeting was going badly and it looked like the Mayor would not get Klass's support.

The Mayor looked sharply at Klass and said finally. "If that's the way you think, I feel sorry for you." Lindsay left the meeting to attend other matters and no agreement seemed possible.

"We blew it," Davidoff said turning to Shick. The meeting seemed a failure with little possibility for a quid pro quo arrangement.

"I like that guy," Klass told Lindsay's aides after the mayor had left. Davidoff and Shick glanced at each other. They were startled by the comment and never expected that response from Klass. Shick then helped draft a statement about aid to yeshivas, which was published in the Jewish Press.

As part of the quid pro quo Brovich raised the question of relocating the paper, which was then located in a condemned building in Coney Island. Shick committed

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himself to help look for a suitable site. Initially, they looked for private property, planning to help finance the new plant with funds from the Economic Development Administration. But with the assistance of the Real Estate Commissioner, an old Transit Authority sub-station was finally gotten. The building on Third Avenue in Brooklyn, was originally rented for $75.00 a month to Pe'elim, a charitable Jewish organization. The Jewish Press (in 1975) payed $25,000 a year for its rental.

At the meeting there was no discussion of Kahane, who was the paper's assistant editor. His name never came up. But after returning from Gracie Mansion Klass met with Kahane and asked him to take a "month off" until the elections were over. Klass felt it was wiser that Kahane, who was becoming more and more controversial as the election campaign progressed, not use the Jewish Press for his attacks on Lindsay. Kahane, realizing he was being "muzzled," refused to take a vacation. "Forget it, I quit," was Kahane's impetuous comment to Klass.

"The Jewish Press Fires Rabbi Kahane of JDL," one newspaper headline read. (Jewish Post and Opinion, 17 October 1969) Kahane was dismissed, Klass told reporters, because Kahane was spending too much of his time working for JDL and his work for the paper was not commensurate to the $17,000 salary he was drawing. Hindy Klass, the publisher's

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daughter, told a reporter: "My father asked Rabbi Kahane to present himself at work every day, claiming that the two days he had been giving to the paper were not enough for the high salary he draws." (Jewish Post and Opinion, 17 October 1969)

The removal of Kahane was an unpopular one. Calls protesting Kahane's resignation flooded the paper. Klass tried to justify his action.

"The Jewish Press Dissociates Itself From The Leaders of the Jewish Defense League," wrote Klass in his paper.

> Children I have raised and brought up. And they have rebelled against me (Isaiah 1).
>
> After helping the Jewish Defense League by publicizing their activities, the Jewish Press is dissassociating itself from its leaders, Rabbi Kahane and Mr. Zweibon, who are now utilizing the organization as a personal political club. Apparently believing that the end "justify the means," these two JDL leaders have carried some of their activities to such extremes as to incur the wrath of many in high places. . . . As a responsible newspaper we felt duty bound to present all sides in the Mayorality campaign. Accordingly we visited Mr. Lindsay to learn his views so that we could present them to our readers. As a result we were accused of having "sold out" to the Mayor -- a libel as stupid as it is false. . . .

To counter Klass, Zweibon told reporters Kahane planned to start his own paper in competition to the Jewish Press. JDL, Zweibon said, had approached Sir Isaac Wolfson of London, for funds to start the rival paper. (Jewish Post and Opinion, 17 October 1969)

Deprived of his Jewish Press job and without a vehicle to present his views, Kahane again turned to the Times;

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the ad he placed was a slight revision of an article he had written in the Jewish Press of July 11, 1969. The Times, while it did not refuse the ad, buried it on page 52. "From a Jewish Father," read the ad, "To my dear and beloved children":

The original article was written in defense of JDL's appearance at Temple Emanu-El. With slight revision it also served as an anti-Lindsay advertisement.

> But the truth cannot be ignored. There is the beginning of a special crisis for Jews in New York City. There is open anti-Semitism. There is indifference to this on the part of government. There is a quota system unveiled. There is an anti-Semite who will sit on the New York City Council in November. There are teachers in the New York City public school system who teach hatred of Jews. There are Jewish merchants who are at the mercy of the haters. There is the beginning of the hate and violence. (New York Times, 20 October 1969)

The Wall Street Journal, spurred by all the controversy, devoted an article -- its first -- to the League. It was a very sympathetic article.

> The angry men with the signs were there again. All through his reelection campaign Mayor John Lindsay had been running into them. Now, as the mayor arrived at Coney Island, they went into action. They waved signs: "Lindsay Is a Loser," "Lindsay Never Again." They shouted down his speech: "Go home you actor!" After struggling through a speech that few listeners could hear, the mayor went away. (4 November 1969)

Despite all of JDL's efforts, Lindsay did not lose the election. He received, however, only 42 percent of the vote with Marchi and Procaccino splitting the remaining 58 percent.

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Schneider felt that Lindsay was helped by JDL's opposition. "I always maintained that the October 6 ad helped reelect John Lindsay. We outsmarted ourselves. The ad was terrific and it helped because Lindsay called his people in: 'look at what's happening', he told them, what can we do to offset this ad and get the Jewish vote which is necessary. And because of that ad, Jewish leaders came out en masse to speak on Lindsay's behalf."

The Wall Street Journal lent support to this thesis. "There are signs," wrote the Journal right before the election, "that the attacks on Mr. Lindsay may be back-firing. After the Coney Island episode, a group of seventeen Brooklyn rabbis -- some of whom had been openly opposed to the mayor's reelection -- announced their support of him." (4 November 1969)

Marvin Shick, also was of the opinion that "a major factor in helping Lindsay was JDL guys going into shuls to harass Lindsay." To Shick's knowledge, however, Lindsay did not devote any effort to Kahane. "It was a minor thing to Lindsay; there never was a meeting at City Hall to deal with the 'JDL problem'."

What is more, Lindsay had very little control over many of the issues brought against him; the charges could not be remedied by Lindsay. The mayor had no control over Vann and Campbell for he could not fire municipal workers

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as such. The only pressure he could bring against them was indirect. Although Kahane accused Lindsay of "silence" over black teacher anti-Semitism, Lindsay requested an immediate investigation of Campbell, after the teacher appeared on WBAI. But the mayor was thwarted by Vann, acting assistant principal of JHS 271, and head of the African-American Teachers Association, who said that Lindsay "in his hurry to appease the powerful Jewish financiers of the city, played fast and loose" with Cambell. The poem Vann maintained, had "no antisemitic overtones." (United Teachers, 22 January 1969)

The League blamed the Mayor for increased crime in the schools, but in March, Lindsay attended an emergency meeting at the Board of Education, where as part of a larger plan to stem student violence, the Board ordered every high school and junior high school to appoint security officials. The city would not tolerate "unlawful activity" or disturbances in its schools Lindsay told a news conference. The police were instructed to give "highest priority" to any principal in need. (New York Times, 17 March 1969)

But in an ironic twist, it was as he was entering that meeting that he was loudly jeered by a large crowd of JDLers, who did not know of the Mayor's plan.

Lindsay had written Kahane, two days before the emergency Board of Education meeting.

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> I have read with concern your recent letter to me about the increasing racial and religious tensions in New York today. Like all New Yorkers, I have been increasingly troubled by the growing hostility and fear among the various groups in our city.
>
> During these next weeks, I will be taking a series of steps in an attempt to deal with some of the most volatile causes of these tensions and to restore a sense of reason to our troubled city. . . . Finally, I have requested the appropriate public agencies to move with speed and justice against individuals or actions which would further exacerbate existing differences. Ultimately, however, the easing of these tensions and the development again of a middle ground will depend upon the thoughts of millions of individual citizens.

Kahane did not accept Lindsay's arguments. But the Jewish Defense League faulted Lindsay for urban ills no mayor could control. Crime, poverty, population shifts and racial animosity could not all be restrained by one man, even if he was mayor. In that sense, JDL and Kahane's approach was both simplistic and naive.

There are those who go so far as to argue that Lindsay was one of the best mayors as far as Jewish interests go. Marvin Shick, now a professor of political science at the New School for Social Research and at Hunter College, tried to evaluate Lindsay's tenure. "In an ongoing, pragammatic way," Shick said, "there was no one I believe, that did more for the Jews than Lindsay. But on a political psychological level, he didn't know how to deal with the Jewish community."

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Lindsay did try however. When the New York Board of Rabbis accused William Booth, the City's Commissioner on Human Rights, of displaying "a singular insensitivity to anti-Semitic incidents," (New York Times, 31 January 1969) and asked Lindsay not to reappoint him, Lindsay complied. Using the judiciary as a convenient retirement ground and as a graceful way of removing Booth without unduly antagonizing blacks, Booth was appointed a judge of the Criminal Court.

When the Faculty Senate at City College was taking up a proposal to admit half the incoming freshmen class from ghetto areas, irrespective of academic merit, Mayor Lindsay called upon the Board of Higher Education to reject the dual admission plan. "It's a quota system," the Mayor said, "And I'm opposed to it." (New York Post, 28 May 1969)

About the only concrete result of JDL's anti Lindsay campaign was the loss of Kahane's job at the Jewish Press. After the mayoral election though, Klass had Rabbi Chaim Lipschitz, one of the paper's columnists, call Kahane at JDL's office to ask Kahane back. Kahane refused.

"He was peeved at them," Schneider said. "He felt that it was wrong, you can come out with your editorials but Kahane had the right to speak up. He was angry at Klass because he was bought off."

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"Sure Klass wanted him back," Yossi Templeman later half jokingly said, "the paper was a third thinner without Kahane writing all those articles under different names." Kahane gave another reason for Klass wanting him back. "The Jewish Press lost 7,000 readers when I left the paper," Kahane explained.

After the election, Kahane spoke at the Pioneer Hotel while Klass was vacationing there and the two met. Klass asked Kahane to leave his activities and become the paper's editor for $600 a week. Kahane declined but agreed to write a column for the paper.

Nevertheless, Kahane's opposition to Lindsay did not abate. When Lindsay campaigned for the presidency in early 1972, Kahane announced that he would work to defeat Lindsay's effort. During Lindsay's six years in office, Kahane told reporters, New York was "led by him, used by him and wrecked by him. That which he did here will be repeated in a national scale and would spell disaster." (New York Times, 4 January 1972)

JDL supporters picketed Lindsay in Massachusetts and in Florida. Kahane himself flew out to Miami to open the anti Lindsay campaign, but JDL was not alone in harassing Lindsay. Bernstein and Woodward (1975:279) reported that:

> Once during the Florida primary, Howard [Hunt] had some fliers printed saying that Mayor Lindsay . . . was having a meeting and there would be free beer.

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Howard handed these fliers out in the black areas, and of course there was no meeting or beer, so the blacks would come for their beer and leave hating Lindsay.

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CHAPTER V

MY BROTHER'S KEEPER: PAINTING RUSSIAN AIRPLANES

In a sudden move that no one in JDL was prepared for, Kahane at the close of 1969 walked in and announced that the League was going to protest the conditions of Jews in the Soviet Union. No one opposed his idea.

After some discussion, the League decided upon the "One Hundred Hour Vigil." "It was the Christmas vacation," Allan Mallenbaum, JDL's former administrative director explained, "the kids were off from school and they could also demonstrate. We thought the idea of using the last 100 hours of 1969 -- the last four days culminating on December 31st in a midnight rally, would be excellent for publicity."

JDL did not want only Jews to attend the vigil, but envisioned members of other faiths joining the League to protest Russia's suppression of religious life. They succeeded only partially with the Very Reverend Archpriest George Grabbe, consultant to the Synod of Bishops of the Russian Orthodox Church Outside of Russia, giving the League the following statement:

> The Russian Orthodox Church Outside of Russia has always been very outspoken in regard to denouncing the atrocities of the Soviet persecution of religious practices. . . . The

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> Church has therefore, always prayed for everybody persecuted in the U.S.S.R. for their religious practices. We will therefore be extremely pleased to participate with the Jewish Defense League in its One Hundred Hour Vigil Against Soviet Religious Persecution. (JDL Press Release, 18 December 1969)

JDL was not the first to protest Soviet oppression of Jews, but prior demonstrations were barred from being held in front of the Mission at 136 East 67th Street, between Third and Lexington Avenues. In the past, all demonstrations were confined to Lexington Avenue and 67th Street, in front of a huge unoccupied armory building. "Safely out of sight and mind of the Russians they were supposed to be reaching" wrote Kahane, "the Jews would in effect, picket a huge U.S. installation." (Kahane, 1975:2) Such protests rarely generated any publicity and Kahane planned to change that.

Late in December, he, Allan Mallenbaum, Avraham Hershkovitz and two others, protested outside the Soviet Mission to the United Nations. As expected, they were arrested; Kahane immediately branded the arrests "illegal." "The constitutional right to free speech," Kahane said, "expressed in our right to picket peacefully in front of any building in the U.S. cannot be arbitrarily abridged merely because it houses a foreign mission to the UN." (JDL Press Release, 19 December 1969)

On Christmas eve, the JDL group again paraded in

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front of the Soviet Mission chanting "Let My People Go." A Russian official stormed into the 19th Police Precinct, located almost directly across the street from the Mission, and as described by a reporter, "pounded on the sergeant's desk and said Ambassador Jacob Malik would telephone President Nixon unless [the] demonstrators were removed." The League having made their point, sang "The Star Spangled Banner," and parted. The Russian warned the police however, that if there was any such repetition, the Soviet delegation "would do more than file a formal protest with the State Department." (Long Island Press, 26 December 1969)

"Merry Christmas," Sgt. Glynn told the departing Russian.

Later, an official went to JDL's office to work out details of the 100 Hour Vigil with the League. Zweibon, not trusting the police and fearing they would back down from any agreement JDL reached with them, had Allan Mallenbaum tape record the meeting. The police agreed to permit a number of protestors to stand across the street from the Mission, but the bulk of protestors would have to remain on Third Avenue around the corner.

Two hundred people gathered on Saturday night December 27th, for the start of the 100 Hour Vigil and listened to speeches by Congressman Mario Biaggi and Kahane. With the consent of Police Inspector David Fallek,

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25 protestors among them Richard Rosenthal stood opposite the Soviet Mission. A truck rented from Hertz was parked on Third Avenue at 68th Street and inside the protestors warmed themselves from the bitter winter cold using a propane heater.

Monday morning at 10 A.M. Richard Rosenthal arrived at the JDL office where he had volunteered to work. Avraham Heshkovitz told him he was needed at the vigil, and they both left for the Soviet Mission. When they arrived, a man from a neighborning building was shouting at two policemen demanding they put a stop to the League's chanting which the resident found disturbing. As a result, the Inspector told the League that if they continued to chant, he would issue them summonses for creating a disturbance.

Hearing this, Hershkowitz told everyone to cease chanting while he went to call Kahane for instructions. Thirty minutes later, Kahane arrived and loudly told the group of demonstrators they had a constitutional right to express their opinion, and for some minutes thereafter led the chanting. Proving his point, Kahane left after half an hour. But afterwards about 60 JDL members tried to push their way past the police baricades so that a "Children's Brigade," emphasizing the need for religious education in Russia, could parade past the Mission. They were restrained by the police who permitted only the

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previously agreed upon number (25) to stand opposite the Mission.

In an ingenious move, JDL during the "Children's Brigade" began a coordinated takeover of four Soviet offices in New York that generated extensive publicity for JDL's 100 Hour Vigil. Nineteen year-old Eli Schwartz, led a contingent of three teenagers onto the tarmac of Kennedy International Airport. The Departures Building was being expanded, and Schwartz whose father was a travel agent, had discovered a way of getting through the maze of construction and onto the field itself. Having dabbed their army fatigues -- JDL's adopted uniforms -- with splotches of paint, they pretended to be painters at work on a construction job. As they got onto the field they inspected the five jets parked on the field, looking for the Russian plane. The Ilyushin jet had landed at JFK airport that morning, but Schwartz, expecting an Aeroflot plane to be painted entirely in red, couldn't find it.

"Hey," Schwartz said loudly, turning to Steve Lang, "which fucking airplane is it?"

Finally recognizing the symbolic hammer and sickle, Schwartz and Marty Templeman (Yossi's brother) bounded up the stairs to the Russian plane. Unsure of the law they feared entering the plane or being dragged into it thinking the plane might be under Russia's jurisdiction;

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they were scared they could inadvertently be taken to Russia.

While on the plane's stairway, Templeman and Schwartz, using spray cans, started painting on the plane's fuselage, the Hebrew words "Am Yisrael Chai" -- the Jewish Nation is vibrant. ("We were the original graffiti artists in New York," Schwartz later said.) They split the work up between them. Schwartz, standing on the railing managed to finish off all three words. Templeman frightened and shaking, managed only two letters before a man ran up from the field and grabbed the spray can away from him. Schwartz who was stronger, pushed the man away and continued painting.

Meanwhile, Eugene Keller and Steven Lang had handcuffed themselves to the wheels of the airplane, thinking it would be hours before they could be removed leaving enough time for the press to photograph the event. Once handcuffed, they started chanting, "Let My People Go!"

They stopped suddenly in fright when they felt the plane moving. "Maaa!" screamed one in panic as he felt the plane lifting unexpectedly. It was only a gust of wind.

The commotion attracted the attention of a security guard. He was a tall black man, weighing over 250 pounds. He grabbed Templeman and pulled him off the ledge. "Hey you come down now." he commanded to Schwartz, grabbing him by the neck. Schwartz was perched with his foot on the

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hand rail and didn't look back to see who had taken hold of him. As with the other person, Schwartz, tried to push the guard away also. It was futile. The guard grabbed Schwartz by the neck and lifted him off the ledge. Schwartz who was six feet and weighed nearly 200 pounds couldn't resist. "He grabbed Marty who was six foot one and myself by the scruff of our necks as if we were sacks of flour, like we were kittens," Schwartz recalled. "We couldn't resist."

"Let my people go," Schwartz screamed; his voice barely above a whisper, was hoarse from chanting at the 100 Hour Vigil. Keller and Lang, to their great surprise, were quickly freed from their handcuffs and all four were led away.

The guard, unused to this sort of demonstration, wasn't sure what to make of the JDL group. "Jesus," he said in his lilting Southern accent, "you done did it now." Thinking they might be some kind of secret spy group, he warned them back in the building "don't you go take them cyanide pills and kill yourselves now." Schwartz couldn't resist the joke and running to the water fountain, swallowed hard, acting as if he swallowed a few pills. Templeman gave the joke away when he burst into uncontrollable laughter.

That afternoon at about the same time, Alex Sternberg led five youths to the Aeroflot ticket desk

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at the International Departures Building. There, they ran behind the counter and sprayed "Am Yisrael Chai" on the wall.

"Okay, lets go," Alex Sternberg said. As they were leaving Paul Stein turned back and took out his spray can. "One of the letters," Alex Sternberg recalled, "wasn't quite dark enough for his liking. He was a Picasso and he wanted to make sure he did a good job. As we left about 20 cops came in and grabbed him." The others made their way to the airport chapels where they remet and left for home.

Paul Stein was brought to the same place as the four caught at the Aeroflot plan. A 14 year-old boy, upset and crying, was also apprehended. JDL had sent him along with the others to photograph the events for the press and to make sure the group was not attacked or shot at.

The police came and asked airline officials if they wanted to press charges. The JDL group with Eli Schwartz as their spokesman, had just heard on a newscast about JDL's other exploits. Marty Lewinter, who coordinated it all, had not told any about the other 'raids' and ecstatic over their newscoverage, the JDLers jumped up and down for joy. The police at that point decided to have them arrested, but the 14 year-old was released.

The third group, led by Avraham Hershkovitz, along

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with Russel Kelner and David Kanensky went to the joint Manhattan offices of Aeroflot and Intourist, the Soviet Travel Agency. Taking over the offices, they too sprayed the walls with Hebrew slogans. "One Russian was very uncooperative," Hershkowitz told a Newsweek reporter, "he tried to pull a scissors from a drawer. So I slammed the drawer on his hand. I got full cooperation after that." (Newsweek, 12 January 1970)

The fourth group was led by Kahane himself who after defying the police ban on chanting in front of the Mission, left to meet David Levine, Abe Muallem and two others in front of Rockefeller Center. There they walked into Tass, the Soviet Press Agency, on the fifth floor of 50 Rockefeller Plaza, and passing the receptionist, walked through the anteroom into the central press area. On the left were two rows of teletype machines. The group gathered in the middle of the room. Kahane who was in the center of the group tried to read a statement calling on the Tass workers to send a message to the Kremlin requesting the end to Russian persecution of Jewry. But constantly interrupted by shouts of "get out of here," and "there is no Soviet Jewish Problem," he never finished his statement. A scuffle developed between Edward Baskakov and Abe Muallem. Kahane motioned the other JDLers away from the fight and using the diversion they began painting the walls in red paint. A Russian tackled a

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JDLer who was standing on a chair and spray painting. Both fell down on a teletype machine. David Levine went to his friends aid but Palcahmoy blocked his path and Levine retreated to the center of the room. Alerted by the receptionist, a Rockefeller Center guard arrived with newsmen behind him, but the Russians wouldn't let them in. Bending down, Kahane slipped his statement under the door to the reporters. Eventually, the five JDLers were arrested.

Again Kahane's imaginative flair captured the attention of the newsmedia. "In one afternoon, Kahane later wrote, "the Jews of Russia had received more publicity than from all the carefully prepared press releases of the Jewish Establishment." (Kahane, 1975:2)

The League in a press release issued the next day explained their actions.

> Our attacks upon the institutions of Soviet tyranny in America represent the first step in our campaign to bring the issue of oppressed Soviet Jews and other religious groups to the attention of an apathetic public and indifferent news media.
>
> The organized persecution of Soviet Jewry is a fifty year old nightmare. The great Yeshivot -- houses of Torah study -- the schools, the synagogues, have all been closed in a campaign of forced atheism. Jewish national awareness, Zionism, the longing to return to the Jewish state have been brutally suppressed.
>
> In the half century of oppression we have pleaded implored, and tried the traditional methods of diplomacy. They have failed to open the gates. There is little remaining for us to do but to heed the requests of the Russian Jews themselves who have commanded us to shake the world.

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That evening JDL had its first riot. At 7:00 P.M. Kahane led close to a hundred JDLers from across the United Nations, (where they had called for the suspension of Soviet membership from the UN) to Third Avenue and 67th Street. The police of the 19th precinct, who always guarded the Mission, were replaced that evening by members of the Tactical Patrol Force. In a break from their previous agreement, the police banned all picketing in front of the Soviet Mission and the building, a 13-story white brick building with a seven foot iron fence in front was now unreachable. Lines of helmeted TPF stood behind wooden barricades preventing anyone from going through.

What was the cause of this new policy? Moscow's Ambassador to the United Nations, Jakov Malik, had called William Buffum, his American counterpart and had complained about JDL's demonstrators who were using offensive language directed not only towards the men but also towards Soviet women and children. Attempting to pressure the State Department to repress JDL's vigil, Malik had noted that because JDL's protest was to continue the following day the "noise" they would create would make it "impossible" to conduct at the Russian Mission the Four Power talks on the Mideast scheduled to coincide with JDL's vigil. Malik proposed that they put off the talks for a week.

Similarly in Moscow, Deputy Foreign Minister Kozyrev had met with Ambassador Beam and had given him an oral

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statement condemning JDL's demonstrations.

> The situation of hostility, provocations and direct acts of violence -- with respect to the USSR Representation to the UN and other official Soviet organizations in New York -- which has been whipped up for a long time by certain American circles has acquired in recent days an unprecedented scope and particularly aggressive forms.
>
> From December 24th, Zionist organizations in New York developed a new series of anti-Soviet actions against the premises and employees of the Soviet Mission. In direct proximity to the Mission, there is constant picketing, anti-Soviet slogansare being shouted, provocative and slanderous placards are being displayed.
>
> On December 29th, a group of members of the Zionist organization "Jewish Defense League," burst into the premises of the Intourist-Aeroflot agency, carried out there a hooligan row with the use of physical force and caused significant material damage to the office. Attempts at analogous actions were undertaken against the Tass Bureau in New York. Simultaneously with this, a provocative attack was undertaken at Kennedy Airport against a regular Aeroflot plane arriving in New York.
>
> The above mentioned hostile actions against the Soviet Mission and other Soviet official institutions in New York can have serious consequences, the responsibility of which will rest fully on the US Government. (Zweibon v. Mitchell, 1973:cable of 31 December 1969)

In Washington, on December 29th, Anotoly Dobrynin, the Russian Ambassador had telephoned Acting Secretary of State Richardson and had said that on the specific request of Ambassador Malik, he was protesting JDL's "continued disorders." He too repeated Kozyrev's threat of adverse political repercussions. Richardson promised Dobrynin that Buffum, the U.S. Ambassador to the UN,

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would personally request a police report and would confer with local authorities to see if there was a way to prevent future demonstrations.

As a result of these Russian protests, Joseph Glennon, a Foreign Service Officer at the State Department, spoke with officials of the New York City Police Department and requested the police ban the JDLers from in front of the Mission as a "security measure." (New York Daily News, 24 February 71) Although New York City had no ordinance forbidding peaceful demonstrations within the immediate area of a diplomatic mission as long as they did not obstruct vehicular traffic, the police ceeded to the State Department's request and rows of TPF officers blocked JDL's approach to the Russian building.

Kahane requested they be permitted to go pray, one at a time, in front of the Park East Synagogue, conveniently located directly across from the Mission -- or as Kahane used to say, just a stone's throw from the Soviets.

"Come on, Rabbi," Inspector Fallek told Kahane, "you don't really want to pray." (Kahane, 1975:3) But Kahane insisted. Thinking arrests would help publicize their activities, Kahane decided to charge past the barricades. He did not however anticipate the violent response of the TPF.

As he lifted the barricade to push it away, a TPF officer swung at him with a nightstick bashing Kahane's

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index finger against the wooden barricade. The crowd behind Kahane surged forward, some sitting in the streets. Kahane was immediately arrested. Some of the TPF, notorious for their brutality, swung at the crowd. "Fuck face," taunted one of the TPF as he arrested Arthur Katz, a Brooklyn JDL member. When Katz mentioned something about his civil rights, the arresting officer said, "you have no civil rights, scum bag." Dr. Morris Zucker, a 75 year-old gray haired man was struck on the forehead and fell to the ground. Taunted by the police who called him a kike, Samuel Weisblat kicked an officer in the groin. Weisblat was taken by the police to the stationhouse, where in revenge, he was beaten and thrown down a flight of stairs by four TPF officers. Weisblat later was treated at Lenox Hill Hospital for his wounds.

All told 27 people were arrested that night. Three others were wounded including Kahane who suffered a broken finger. "Hebes," "Kikes," "Jew bastards," some police derisively said to the arrested JDLers.

Kahane accused Lindsay the next day of causing the clash. "Yesterday," a JDL statement said, "the police -- under pressure from the U.S. State Department and under orders from Tom Morgan of the Mayor's office -- broke their agreement and banned picketing." Likewise, Kahane related to a Times reporter that a police inspector

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at the Soviet Mission told him: "If it was up to me, you could demonstrate. But it is over my head." (New York Times, 1 January 1970)

Kahane, gratified with the publicity generated for Soviet Jewry by the 100 Hour Vigil, escalated JDL's campaign and announced the League would hold "militant demonstrations" at Soviet artistic performances. (JDL Press Release, 20 January 1970) "Appearances by Soviet cultural troupes in the United States," Allan Mallenbaum, the League's administrative director, announced, "gain large sums of badly needed dollars for the Soviets, as well as promote friendship at the expense of the oppressed peoples within the Soviet Union." (JDL press release, 23 January 1970) JDL's aim was a complete "rupture of the program of cultural exchanges." (JDL Newsletter, 13 February 1970)

Impressario Sol Hurok was particularly singled out for JDL condemnation. Hurok, a Russian born Jew, had founded his organization, Hurok Concerts, a classical musical management concern close to 50 years before. He owed his fame and a considerable part of his profits -- he was grossing between eight and ten million dollars a year -- to the importation of Soviet artists. Among his clients were some of the greatest names of classical music and dance: Sviatslav Richter, Moscow Philharmonic Orchestra, Bolshoi Ballet and the Moiseyev Dance Company. Hurok had

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the flamboyance of a staunch European still about him and was known for his swirling cape and gifts of champagne and caviar. (New York Times, 1 July 1976) In 1969, at the age of 79, he sold Hurok Concerts to General Electric while still retaining control of operation.

"Hurok," Mallenbaum charged, "is the leading promoter of these appearances." (JDL Press Release, 20 January 1970) While Hurok was "well intentioned," he was "building cultural friendship with the Soviets making it infinitely more difficult to arouse indignation on behalf of Russia's Jewry." (JDL Press Release, 26 January 1970)

In January 1970, Kahane sent Hurok the following telegram: "Insist you cancel future Soviet troupes. Your activities give aid comfort to oppressors of Soviet Jewry. Immediate reply requested." (JDL Press Release, 20 January 1970)

The day after the telegram, Hershkovitz and a few others went to Hurok's office on Sixth Avenue and 56th Street, where they sat in his office in an effort to force a meeting with him. One of them deliberately dropped a lit match and burnt a hole in the carpet.

To back up their threat of "militant demonstrations," the League came out in force to a performance of the Moscow Philharmonic Orchestra at Brooklyn College. All the regulars were there: Meir Kahane, Eli Schwartz, Paul Stein, Rabbi Leider, Josh Joffe, Avraham Hershkovitz,

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Sy Polsky, Abe Muallem, Chaim Bieber, Mal Lebowitz and Stuart Cohen. At the auditorium's entrance, JDLers handed out leaflets reading "They Played Classical Music at Auschwitz too." "Stay Out," JDLers screamed at the concert goers. One called those who entered "Jewish communist sympathizers," while another admonished those entering that "they should be ashamed of themselves for supporting the communists."

The concert began and the first sounds of music drifted outside. Suddenly the demonstrators heard some commotion from within the auditorium. "At this moment," Kahane told those gathered around him, "a concert is being given on behalf of Soviet Jewry." Everyone began to cheer. Moments later, those who disrupted the concert came running out, greeted by the loud applause of their fellow JDLers. Mal Leibowitz, JDL's Brooklyn coordinator, Eli Schwartz, Paul Stein, Avraham Hershkovitz, Alan Lipton, Josh Joffe, Abe and his brother Richard Muallem had all entered the auditorium with the rest of the concert goers. When the music began, they had run onto the stage and offered their own "Hebrew liberation song." (Kahane, 1975:6) The police threw them out. Ten minutes later another group rushed in and marred the concert. The police likewise ejected them. Despite JDL's strong provocations, no one was arrested that evening.

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Hurok contacted the League after the disruption and a January 26th meeting was arranged. League representatives insisted that Hurok cancel the contracts of all his Soviet performers. He refused.

After the meeting Kahane telegramed William Rogers, the Secretary of State, urging him to terminate the cultural exchange program to "protest against oppression Soviet citizens. Disruptions will mark all Soviet appearances." JDL also sent a telegram to Anatoly Dobrynin, the Soviet Ambassador: "Soviet oppression of Jews continues despite warnings. All Soviet cultural performances will be disrupted." (JDL Press Release, 26 January 1970)

On January 31, a week after the Brooklyn College disruption, JDLers disrupted a performance by Valery Klimov and Raisa Bobrineva at Garden City High School. Robert Bernstein, Director of the Island Concert Hall, had been warned of a possible JDL disruption and had asked the Garden City police for assistance "just in case." (Long Island Press, 2 February 1970) Half way through the performance as Klimov was playing a violin encore, some JDLers at the rear of the auditorium began to shout. The two policemen, one in plainclothes, ran back to quiet them but at that moment, a woman opened a side door to the auditorium and all the protestors piled into the room. They were led by a JDLer who shouted

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through a bull horn for the Russians to "get out." Some hurled curses at the Russians; leaflets condemning the program were distributed to the audience. Bernstein ran to the stage and led the two Russian performers to a back room. Police reinforcements, who were diverted to the other side of town by a false bomb threat, were called but the protestors fled before the police arrived.

"I've never seen a more blatant example of hooliganism in my life," Bernstein told a reporter.

> The actions of this group are doing nothing but embarrassing the Jews of America. Most of our audience was terribly offended by the remarks of the demonstrators while they disrupted the concert. [The cultural exchange program]. . . is the best thing we have going with the Soviet Union right now. And although I may sympathize with the plight of the Jew in the Soviet Union, we should not have to stoop to such levels to protest. (Long Island Press, 2 February 1970)

The protestors "grotesque" remarks were ironic Bernstein pointed out, because both Soviet performers had appeared in 1963 and 1965 before large audiences in Israel.

Kahane commented on the director's remarks.

> What worried the Bernsteins of America was not Soviety Jewry (they had not once opened their mouths on their behalf) but "embarrassment" or worse, the fear that anti-Semitism might be directed against them. The statement that Bernstein gave to the press was quite probably the very first public comment he had ever made on Soviet Jews. . . . If Bernstein abhorred "stooping" to JDL "level" at least he might now be forced to make the kind of respectable protest that he would never have made without JDL "hooliganism." (Kahane,1975:7)

The following day the Carnegie Hall concert of David Oistrakh and Sviatoslav Richter was disrupted by a JDLer

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who ran onto the stage shouting "brothers and sisters. . . ." Police wrestled him off before he could finish. Later during the finale, a few JDLers raced down the aisle towards the stage; police caught Josh Joffe. Unlike the first disruption, the musicians resumed playing with amazing equanimity at the point where they were stopped. At the end of their performance they received a standing ovation.

That same week, JDL again took over Hurok's office. Outside, youngsters distributed leaflets to passersby. "Sol Hurok has visitors today! Sol Hurok is disturbed that his concerts are interrupted. We are disturbed that certain people would rather listen to Soviet artists . . . while Soviet Jews weep and their cries go unanswered." This time, however, twelve of them including Marlene Segal, one of the few active girls, were arrested for trespassing.

Nonetheless, JDL attended two more Russian concerts. This time ammonia bottles were uncorked and their pungent gas wafted through the concert hall.

"It became clear that Hurok was hurting," wrote Kahane, "and he contacted me through an intermediary seeking a meeting." They met at the St. Regis Hotel and the emissary told Kahane "that Mr. Hurok knew of the difficult financial situation of the JDL and would be willing to help . . . 'bail [JDL] out -- to the tune of $5,000."

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(Kahane, 1975:6-7) Kahane, of course, rejected the deal.

An exhibition of Russian photography next caught Kahane's attention. As part of a reciprocal exchange of exhibits under the US-USSR Exchanges Agreement, the Soviet government organized "USSR Photo '70," which appeared in six American cities. JDLers marred its New York showing.

In March, 1970 Rosenthal led ten women from Stern College, in a demonstration of the New York Cultural Center where the exhibit was housed. Rosenthal had them form a picket line and they paraded around the Columbus Circle building. After two hours they all disbanded.

A few days later the League took over the building and wrecked the exhibition. At 11 A.M. -- opening time -- the group ran in, tied the doors from the inside -- effectively preventing anyone else from entering -- handcuffed the guard and unhooked his phone. The elevators were held open at the top floor and with four people to a floor, all the photos were spray-painted. "Let our people go," was painted in big red letters on all the walls. An announcement for an upcoming JDL demonstration was also posted on the walls. Police were called but the group hurried down the stairs just before they arrived and no one was apprehended.

It seemed as if officials deliberately kept quiet

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about the vandalism; no newspaper ever reported the attack. And even six years later, as the New York Cultural Center was about to permanently close, its director, Joseph Toreno, refused to comment and referred all inquiries to the State Department. Félix Kussman, however, who was in charge of maintenance recalls the incident. "The walls were convas coated," he said, "and they had sprayed red paint on the gallery walls of all four floors. I had to remove the canvas on all the walls. Of course the pictures were defaced as well."

* * * *

Aside from cultural disruptions, JDL adopted the cause of individual Russians. Yasha Kazakov was one such case. A former student at the University of Moscow, he had renounced his Soviet citizenship on his 20th birthday -- June 13, 1967 -- in response to Russia's venemous campaign against Israel after her decisive victory in the Six Day War. In doing so, he became the second known Jewish dissident to renounce his Soviet citizenship -- the first had done so two weeks before -- although neither action became widely known until a year later, when on May 20, 1968 Kazakov, not receiving permission to leave, petitioned the Supreme Soviet. Kazakov's daring letter was surreptitiously circulated among other dissidents and on December 19, 1968, the Washington Post gave it

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lengthy coverage. Not long afterwards, Kazakov was given permission to leave for Israel. In February 1969, he left, but his family remained behind.

To publicize his case, Kazakov came in March 1970 to New York and staged a hunger strike outside the United Nations. JDL immediately took up his cause and in an ad in the Times announced plans for a demonstration.

> In 1942 when we learned about Auschwitz. . . . our leaders went to President Roosevelt and asked him to bomb the rail lines carrying the cars packed with Jews to the gas chambers. He refused. We did nothing . . . our hands helped to shed that blood, our silence helped to seal that doom. In 1970 when we know of the national and spiritual destruction of Soviet Jewry -- where is the increasing effort? Where are the huge crowds? . . . Where are all the demonstrators who bleed for every people, every cause, every group -- except the Jew?
>
> We reject respectability. We will do what must be done. We wish to shake the world and spotlight the Soviet Jewish problem so that the United States government will be forced to demand justice for people if the Soviets want friendship. Some day your child or grandchild will ask you: What did you do for Soviet Jewry? What will you say. . . .? (New York Times, 26 March 1970)

The police using the event for their own purposes took those who witnessed JDL's vandalism at the New York Cultural Center down to the demonstration to see if they could identify any of the participants. One Russian, looking among the hundred participants spotted a girl and the police arrested her. (Charges against her, however, were eventually dismissed.)

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For two days, JDL stood with Kazakov outside the United Nations and guarded him with "Betsy" their shotgun. On the third day Kahane feeling that Kazakov still lacked exposure, went with a handful of others down to the United States Mission where they demanded a hearing with Ambassador Charles Yost, United States Representative to the United Nations. "When told he was out," Kahane wrote," "we gave our own stock answer: 'we'll wait.'"

> And we did -- on the floor of the lobby. Meanwhile, newsmen began swarming about the building snapping pictures and waiting for a story. It is amazing how the Yosts of this world suddenly emerge under such circumstances. I was told that I and one other representative could see Mr. Yost, who had miraculously reappeared. I told the ambassador that we hoped he would use his influence on behalf of Soviet Jews and when the charade was over we had what we wanted. Publicity for Yasha Kazakov. A brief lesson in confrontation politics, USA. (Kahane, 1975:12)

Passover eve, the League undertook "Operation Ten Plagues," to support Kazakov. Kahane asked the fifty people at JDL's karate school at 42nd Street for five volunteers willing to chain themselves to the Soviet Mission's fence. Eli Schwartz turned to Rosenthal and said he couldn't go to the Mission because if he was recognized it could mean seven years in jail.

"What do you mean?" Rosenthal asked Schwartz. "Were you among those who painted up the Cultural Center?"

Schwartz said he was.

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At 12:30 those who weren't going to chain themselves, left the karate school for the corner of the Soviet Mission. A half hour into the demonstration, Kahane, Hershkovitz and 25 others went in front of the mission and set up a seder table with tablecloth, candles, matzohs and wine. They then chained themselves to the fence. Police arrived minutes later with metal clippers and freed the JDLers. Fifteen were arrested. Around the corner from the Mission, Eli Schwartz led the other 30 protesting JDLers in an hour long demonstration.

After Passover, JDL groups walked into a conference organized by the Fund for Peace organization where prominent Russians and Americans were discussing mutual cooperation. Sixteen JDLers broke into one panel attended by Mikhail D. Millionshchikov, a noted physicist and vice president of the Soviet Academy of Sciences. Colonel Frank Borman who chaired the panel, gave them two minutes to address the panel. Millionshchikov left the room.

The second group, headed by Kahane, walked into a panel whose chairman was John Kenneth Galbraith. Galbraith similarly granted Kahane's demand for two minutes to address the panel. Georgi Arbatov, director of the Academy of Sciences' Institute of the U.S.A., sat motionless while Kahane demanded freedom and justice for Soviet Jews.

Kazakov returned to Israel a few weeks later and in

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the end, Soviet authorities granted his family permission to join him in Israel. What part JDL played in this is not known.

In May, the League continued their Soviet activities by walking uninvited into the Park East Synagogue opposte the Soviet Mission. Kahane planned to have the League members stay inside for three days, and so they came with sleeping bags and an ample food supply. In addition the Templeman brothers brought audio amplification equipment which they had purchased in New Jersey the day before.

Assured of relative impunity, they began harrassing the Russians across the street from the synagogue. Kahane asked Rosenthal to write a speech in Russian and amplified by the sound system, Rosenthal was heard throughout the block. Others took up the microphone and continued the barrage against the Russians. Police came and stood outside the synagogue's entrance but they did not enter. Throughout the day the tirade continued, while inside, Kahane lectured the JDLers on the history of the Jews in Russia.

Inspector David Fallek entered the synagogue and warned the JDLers the police were going to come in. Fallek was cautioned that the "3rd floor balcony ledge was very narrow and the last thing the JDLers wanted was for any police to fall from it." Alex Sternberg, JDL's karate teacher was up on the balcony hurling

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invective at the Russians when he heard there was a fight with the police downstairs. He handed the micro-pnone over to someone and ran downstairs finding Kahane and Fallek in the lobby screaming at each other. Kahane shouted at Fallek: "You're a Jew, you shouldn't be doing this"

Fallek, enraged, screamed back: "Come on rabbi, we'll fight man to man, just you and me."

"Hey Fallek," Kahane replied, "you've lost your cool. We have nothing to talk about." Kahane walked away. Lacking authority, the police did not enter the building.

The executive board of the synagogue finally met late in the afternoon and decided to have the JDLers arrested if they did not leave. At six that evening Kahane held a strategy meeting. "The way I see it," Kahane explained, "we have three options: leave as ordered, stay and get arrested or compromise and leave later, at about 7:30." The group voted to compromise and left after cleaning up the synagogue. Fallek was at the door of the synagogue supervising JDL's departure. As Alex Sternberg was leaving he said: "Hey Fallek, you want to fight me?"

"Anytime."

"Right now?" Sternberg asked.

"Right here!"

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Josh Joffe and Steve Lang held Sternberg while two police captains took Fallek by the arms preventing any possibility of a fight.

"You're on my shit list," Fallek said between his teeth as Sternberg walked past the inspector.

"At that time I laughed it off," Sternberg said, "I didn't realize if a police inspector says it, it happens." Seven months later, Sternberg was to be confronted by the police.

The last week of May, Kahane eschewing demonstrations, tried a novel approach to gaining publicity for Soviet Jewry. JDL forged an issue of the Daily World, the paper of the American Communist Party. The entire second page of the "Special Issue" was filled with "A Soviet View of the Jew" a pageful of anti Jewish cartoons from the Soviet press. Together with the forged paper, JDL distributed a news release to the wire services.

> Following lengthy meetings with representatives of the Jewish Defense League, the Communist Party-USA, today announced its opposition to Soviet policy in preventing emmigration of Jews to Israel.
>
> In a special issue published Wednesday, the Communist Party declared that such a policy was harmful to the Communist cause. The JDL announced that it had spent many weeks with leaders of the Communist Party and had presented them with numerous cases which clearly proved the anti-Jewish Soviet policy. According to JDL, Communist Party leaders Gus Hall, Herbert Apthenker, Daniel Rubin and Irving Potash were moved to tears several times upon reading letters from imprisoned Soviet Jews, which were given them by the JDL. (JDL Press Release, 25 May 1970)

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Simon Gerson, editor of the Daily World, told newsewsmen it was "a forgery from beginning to end . . . something filthy . . . there isn't the slightest veracity in the whole thing." When reporters contacted Kahane, he readily admitted the foregery. "Of course it is," he said. JDL was willing to use "all sort of possible gimmicks to publicize the plight of Soviety Jewry." (JTA, 25 May 1970)

Thirty eight members of JDL held a "thank you" a week later, by invading the Communist newspaper's eighth floor office at West 19th Street. None of the paper's staff members was injured as JDL protested the paper's failure to report the plight of Soviet Jewry. Police were called but they arrived after the JDLers had left.

Again the Times condemned JDL:

> The latest outrage by this small group of extremists took place this week at the offices of The Daily World. The militants entered the premises and threatened the staff because the newspaper had failed to report on the plight of Soviet Jews. According to The Daily World's editor, some of the militants brandished lead pipes, as they have done on other occasions. . . . Rabbi Maurice N. Eisendrath, president of the Union of American Hebrew Congregations, has correctly compared the vigilantes to Klansmen. Their latest attack on a newspaper -- regardles of its politics -- is an outrageous attempt at intimidation directly in the totalitarian tradition. (6 June 1970)

To which Kahane (in a letter to the editor) replied:

> Salvation for Jews or for any other people beset by truly serious problems will never come from the Times. Your recent editorial makes that clear even to those who still have faith that some

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> day the respectable ones will move out of their ivory towers into the realities of the world. If the Jewish Defense League had indeed used violence against the Soviet Union and its American puppets, it is because for 53 years there has been an agreement to try the respectable way. The result has been almost total decimation of the Jewish community within the USSR from a religious and national standpoint.
>
> Those who oppress people and refuse to allow them democratic dissent can hardly have the right to complain when others employ against them the only actions that may bring salvation to those whom they oppress. If the Times bleeds for the Daily World -- a daily of Russian imperialism and tyranny -- the JDL suffers along with Soviet Jewry, whose plight is not only not covered by the World but whose agony is distorted almost daily by this organ of the Communist party in the United States. In short, if a poll of oppressed Soviet Jewry could be taken, the actions of the Jewish Defense League, as opposed to the views of the Times would be overwhelmingly approved. (New York Times, 9 July 1970)

* * * * *

In Leningrad on June 15th, eleven Jews were arrested as they walked on the tarmac about to board a twelve-seater AN-2 plane. For months the Jews had attempted without success to receive permission to leave for Israel. Finally, in desparation they planned to hijack the plane (which was scheduled to fly to Karelia near the Finnish border) and take it to Finland. From there they would make their way to Israel. Alerted to the plan, the KGB arrested the eleven before they boarded. Within a few days the KGB had arrested twenty other Jews, all of whom had signed petitions asking for permission to leave for Israel. The Leningrad court

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invoked Article 64-A, which makes it a capital offense to flee the country and charged the eleven with treason.

The charges appeared fabricated and in protest a demonstration was held outside the Mission. A day later 27 JDLers seized the Amtorg Trading Corporation, the Soviet's trade mission and ejected all its employees from Amtorg's 19th and 20th floor offices. The JDLers rushed in and started shouting and pounding their fists on desk tops forcing the 25 employees out of the office. "These offices," Kahane wrote, "the scene years earlier of a spy scandal involving Gerhard Eisler, might still have contained interesting files because the officials inside fought furiously when they were ordered to leave the offices." (Kahane, 1975:13)

"They were dragging me," Vlas Nichkov president of Amtorg said. "Dragging my leg, my arm. What can I do with my bare hands?" (New York Times, 24 June 1970)

JDLers kept the elevators open on the 20th floor and Amtorg employees were forced to walk down. But what was worse, the police who were called had to walk up the twenty flights before they could arrest the JDLers. The twenty men and seven women were removed after an hour but not before much of the business was disrupted in the 22 story office building at Lexington Avenue.

Kahane spoke to a New York Times reporter outside the building. "Last week the Soviet Union raided 50 Jewish

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homes and arrested 21 Jews. Most of these people were people who have applied for exit permits as far back as five years ago. [Amtorg was chosen because] we've already hit the U.N. Mission, Aeroflot, Intourist. Now they have cops there. This place didn't. We don't fight the police."

While he was talking to the New York Times reporter men passing by came over to shake Kahane's hand. "I just want to thank you for a good job," one said. (New York Times, 24 June 1970)

The 27 JDLers were first taken to the 51st Street police station, then to Criminal Court at 100 Centre Street. Meanwhile, M.T. Mehdi and the Nazis who were attacked by JDL, were called down by the police to see if they could identify any of their assailants. The JDLers were lined up and told to walk in a circle while Mehdi tried to identify them. Josh Joffe and Arnold Bieber were picked out and held for $1,000 bail. The others were charged with criminal trespass. But that evening, after a lawyer for Amtorg incorrectly estimated that they had done between 10 to 12 million dollars in damages, Assistant District Attorney Frank Rogers changed their charges to: burglary in the third degree (illegally entering a premise to commit a crime), second-degree assault, criminal mischief and harassment. The JDLers were taken from court to the Elizabeth Street station

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where they were booked on the new charges. The 24 -- four 15 year-olds were arraigned in children's court -- were imprisoned for the night.

Informed of their children's arrest, the JDLers' parents went searching for them. They first went to the police station but at 7:15 PM were directed to the Criminal Court. At 1:30 in the morning, after a five hour wait, three JDLers were brought before the judge, not for the Amtorg sit-in, but for their attack on Mohammed Mehdi. By now impatient, the 30 parents put up a loud commotion, and standing on the court benches, began shouting and banging on furniture. Hearing the noise, police came running with handguns drawn. Mal Lebowitz told one policeman he wanted to file a missing person's report.

Eventually, the parents learned their children were at the police station. The JDLers were finally arraigned at 4 o'clock the next afternoon, more than 24 hours after their arrest. Justice Solniker paroled the JDLers pending a hearing. Their trial was thirteen months later.

The League's protests did have an impact for in July, Ambassador Yost, U.S. Representative to the UN., telephoned JDL and asked to see Kahane. "Hurrying over to the Mission," Kahone wrote, "I was immediately taken up to Mr. Yost's office.

> He began by saying that JDL efforts were not helping the Jews of the Soviet Union

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> but were instead hurting Soviet-American relations that Washington had so painfully built up. He added that he feared that further JDL actions would invite Soviet retaliation and that US-USSR detente would be endangered. . . .
>
> I listened to Mr. Yost with feelings of deep satisfaction and gratification. If the United States really feared a threat to the detente which both it and the Soviets wanted so badly, that was exactly what the whole JDL plan against the Soviets was aiming at. . . . I told Ambassador Yost that it was in his hands to put an end to the JDL violence and that the price was Soviet Jewry. I made it clear that there would be no ends to attacks on the Soviets and to the threat to detente until this price was paid. (Kahane, 1975:14,17)

During the summer, Kahane tried to take over a mansion owned by the Russians. The Soviets owned a 36-acre estate in Glen Cove, Long Island, where their United Nation's delegation maintained a country residence. The Village of Glen Cove had placed a tax lien on Killenworth, the Soviet's 45 room mansion, claiming that they had not paid $49,913 in back taxes. What was involved actually was a public dispute with Washington. The Federal government had declared that under existing treaties foreign embassy property was exempt from taxes. The Mayor of Glen Cove, wanting Federal compensation for the village's lost tax revenue, announced the tax lien for Killenworth would be sold for the unpaid taxes.

Leaning of the Russians "debt," Kahane announced that JDL would buy the Village's tax lien on Killenworth, take over the estate and form a Soviet-Jewish Government

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in Exile, necessary because Jewish interests were not represented in the Soviet Union. While the Government could be formed anywhere, "it was more dramatic to establish it on property formerly owned by the Soviet Union." (JTA, 29 July 1970).

"Naturally, we had no intention of buying the place," wrote Kahane, "since we did not have $4,000 in the bank at the time, but the publicity was aimed at reinforcing in the public's mind, the refusal of the Russians to pay their debts." (Kahane, 1975:17)

Under pressure from the State Department, Mayor DiPaola postponed the sale but Kahane and four other JDLers drove out to Glen Cove anyway. Climbing over the estate's four foot stone wall, they painted "Never Again," "Am Yisrael Chai," "Let My People Go" and several magen davids on the estate's walls. A passerby noticed the intruders and called the police who found the JDLers waiting near their truck, which carried the sign: "JDL MOVING AND STORAGE CO." Inside the truck was the estate's mailbox with a sign reading: "New Home of the Soviet-Jewish Government in Exile." The police arrested Kahane, Mike Jocobs, Harry Pearl and Jack Schmidt but Soviet officials refused to press charges and they all were released.

On Sunday, August 16, JDL started their 100 mile march on Washington modeled after the black civil rights marches. Sunday morning, Neil Rothenberg organized

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the New York JDLers making sure everyone was on the bus. Rothenberg and Rosenthal remained behind, intending to rent a car for the trip. Rosenthal said: "What a day that was, I'll never forget it. We tried to find a car rental place and on a Sunday in New York City there was no luck. We had no choice really but to take my car. I was driving this crummy white Volkswagon. The police paid me 11 or 12 cents a mile if I had to use it but I couldn't use it all the time because they didn't want to constantly pay for mileage. We headed down the New Jersey Turnpike when my right rear fender, which was rotting, fell off. That was traumatic. I think we glued it together or something when we stopped in a gas station. Neil paid for $3.00 worth of gasoline with a hundred dollar bill -- I guess that's so he wouldn't be noticed. I'll never forget that either."

Rosenthal and Rothenberg arrived in Philadelphia at 11:15 A.M. About 100 JDLers were there including JDL's Philadelphia chapter headed by Rabbi Novoseller.

It was a very hot day and most of the JDLers were dressed in heavy army surplus fatigues. Under a blazing mid-day sun, the JDLers gathered in Independence Square to listen to a succession of speakers.

"It is time to take to the streets and plead for Soviet Jews," Kahane told the crowd. "We are not a respectable organization. Thank God for that because

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if all the respectable Jewish organizations were laid end to end, there would be no end to them." (Philadelphia Inquirer, 17 August 1970) The crowd cheered.

From the Liberty Bell, the JDLers marched up Market Street for eleven blocks to a monument at 16th Street and the Benjamin Franklin Parkway, commemorating the six million Jews killed in the Holocaust. After a brief ceremony the marchers planned to move on to Valley Forge for the evening. The private cars were going back to New York City and their contents, including three pistols, a 308 rifle and four shotguns were unloaded and put into a rented Hertz truck.

"We were sent anonymous threatening letters," Alex Sternberg explained, "that they would kill us. They would shoot the Jews if were going to march. We were going into 'God's country,' real staunch right wing Americans there, who didn't particularly care for Jews. The possibility existed that we would get shot up because when you go into the boondocks of America -- everybody there has guns. We decided it was to our advantage to take along a number of weapons. I was introduced to Lt. George Fencl, who headed the Civil Disobedience Unit of the Philadelphia Police, which is the equivalent to New York's TPF. I was in charge of security for the march and was JDL's liaison with the police. We cooperated with them 100% -- and they with us -- to make sure we would have an orderly procession in

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areas we were marching. I knew there were cops there. We were going all along with them so it wasn't a question of trying to hide the weapons. I said let's take the guns and put them in the truck."

The four shotguns were wrapped in a blanket and Sternberg carried it out of the station wagon and into the truck Novoseller was driving. One JDLer slung the scope mounted Remington rifle over his shoulder and walked over to the truck. David Levine jumped up on the ledge of the truck, took the rifle from him and placed it in the truck. "We were openly holding the guns in our hand, not trying to hide it," Sternberg said, "because I didn't think there was anything whatsoever wrong with doing it -- the guns were legally bought."

"The cops went crazy," Rosenthal recalled. "I mean they just went bananas." David Levine awaiting trial for the Tass takeover, saw them coming. Trying to avoid arrest for a second time, he walked away attempting to melt into the crowd of JDLers. His Australian bush hat gave him away however and two plainclothes detectives grabbed him. Sternberg, Novoseller and the driver of the station wagon, Leonard Shuster, were also arrested. Ironically, the JDLer who openly marched with the rifle over his shoulder escaped detection.

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The four were charged with conspiracy and violation of the city's weapon's laws. In addition, the police labelled the 12-guage riot guns as sawed off shotguns and charged the four with violating the Uniform Fire-arms Act. "The shotguns were legal in New York," Sternberg said. "The shortest legal length for a shotgun in New York is 18 inches. In Pennsylvania apparently its 22 inches, so they called it a sawed off shotgun. They were factory made -- we did not saw them off."

Kahane too was taken down to police headquarters where he was questioned; he succeeded though in telling Rosenthal to instruct Bieber to take the JDLers to Valley Forge.

"Now get the picture," Rosenthal said. "Kahane who is the titular head of the organization and who has done most of the planning, is being held by the police. You've got umteen kids sitting in a Philadelphia park; the day is getting late. Hy Bieber is standing there. I approached him. He is theoretically in charge of JDL now. I was getting annoyed because I was getting involved in this thing. I said what are you going to do? I mean he's got to move them out and get them going. He didn't do anything. He could not function. He could not make a decision. It was atypical of me in fact, but I put that in my [police] report -- basically Bieber was

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simply wandering around in a daze. I didn't put it in those words but in police parlance that is what I said. He just couldn't handle that type of decision."

When Rosenthal drove home that afternoon the JDLers still had not left the area. Much later they finally proceeded to the grounds of the Valley Forge Volunteer Fire Company, where they had dinner -- sandwiches and soda -- and bedded down for the night. "Many of the participants," wrote the Philadelphia Inquirer (17 August 1970) "looked like weather beaten troops who won a slim victory over the day's heat, frustration and foul ups."

At the Philadelphia police headquarters, officials asked the JDLers for identification. Levine had left all identifying papers at camp. "All I had on me," Levine recalled, "was a piece of loose leaf paper and on it I wrote a false name, Samson Sampson. When they asked me for identification, I gave them the paper. I was 17 years old at the time but I put down 22 on the ID so I wouldn't be thought of as a little kid. I went through the entire seven months of court proceedings with that name." (Charges against all four eventually were dismissed.)

Kahane waited after his release for Sternberg and Levine to be arraigned. Afterwards, the three tried to catch up with the rest of the marchers, but they couldn't find them that night and instead slept in the car. The next morning the three were given a hero's welcome when

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they finally located the marchers.

The marchers finally made it to Washington on Friday and concluded the 100 mile march on Sunday with a rally across the street from the White House. Local sympathizers swelled JDL's numbers. A League member set a fascimile of a Soviet passport on fire and as the passport burned, the crowd of 300 chanted "Let my people go. Let my people go." Kahane staring straight at the White House voiced a message for President Nixon: "We demand that no bridges be built to the Soviet Union over the bodies of Soviet Jews." All the speakers that day stressed that the bridge-building wishes of the United States and the Soviet Union should depend on the Russians willingsness to "stop discriminating against Jews." (Washington Post, 24 August 1970)

Reaction from the White House was not forthcoming. On August 29th, however, Izvestia, the Soviet government's newspaper, reacted sharply to JDL's statements. The paper charged that American authorities were endangering Soviet-American relations because they failed to protect Soviet citizens in the United States from "Zionist thugs." The article which was prepared by the Foreign Ministry accused JDL of a "series of provocations" against diplomats in Washington and New York and against Soviet artists.

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> All these provocations arouse the righteous indignation of Soviet people who demand that our citizens and official representatives in the United States be protected against unrestricted hooligans. . . . [Such] gangster escapades of the Zionists and their supporters must finally be ended. This is demanded by the interests of Soviet -- American relations which have always been based and are based, as is known, on reciprocity. (New York Times, 30 August 1970)

Despite Izvestia's enraged commentary, the League at times seemed to function no better than the Keystone Cops. At the beginning of September, the League was foiled in their attempt to stage a sit-in at Sol Hurok's office when one JDLer, arriving early, walked in to ask the receptionist if the rest of the JDLers had arrived yet. Receiving a negative answer he walked out and the office was immediately locked. The others arrived and had to suffice themselves with picketing the building.

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CHAPTER VI

PREPARING FOR THE SEIGE

The commanding officers of the Bureau of Special Investigation growing more concerned about JDL's activities, decided to have another undercover agent infiltrate the League. This would give them a second source of information and in case Rosenthal was discovered, BOSI would still have another agent within the League. To this end, Richard Eisner, a twenty-two year old police applicant, was selected and as with Rosenthal, he was sent on his mission without formal police academy training. Furthermore, to insure the utmost secrecy, neither Eisner nor Rosenthal knew the other's true identity.

"It was often amusing to compare what they wrote about each other. Joseph Jaffe, a U.S. Attorney, later commented: "If you read both sets of their reports, you'd think the other was a pretty suspicious character. Eisner wrote about Rosenthal and Rosenthal reported back on Eisner." It was however, an excellent way for BOSI to keep track of their undercover police agents.

BOSI's strategy paid off when David Sommer, director of JDL's summer camp, invited Rosenthal to become the camp's weapons instructor. Rosenthal recalled that

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conversation very well.

"It was during the 1970 Israel Day Parade. I was in JDL's office and not in the parade. By that time I was pulling back from demonstrations and parades for several reasons, not the least of which was that I was just goddamn embarrassed to be there because these idiots were running around chanting and screaming, and I'm just not that outgoing. It's really difficult for me to do that. Anyway Sommer was in the office and he has a big mouth and he's telling me about the guns he owns -- he has a few unregistered 45's that are stolen U.S. property and he also has a few rifles. I spoke to him about fire arms and it became apparent that I knew what I was talking about. Sommer said he needed a firearms instructor and I told him I'd love to be one, but since my cover was that I was a cab driver, I could only do it maybe two days a week; I had to drive a cab and I had to go to summer school the other days.

Sommer thought it a good idea. Rosenthal said he would think it over, and after exploring the idea with his superiors in the police department, he telephoned Sommer and accepted the part time job, promising to come to the camp on Mondays and Tuesdays.

There were a few, however, who suspected Rosenthal. Aaron Blumenthal was eating with Rosenthal at Bernstein-on-Essex when he turned to the undercover agent.

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"Damn it, Rosenthal -- I can't get it out of my mind -- you're a cop. You look so much like one. You know on Friday, after the PLO attack, ten guys went to rough up the people in the Lebanese Consulate [see page 250] but found a cop stationed there. Funny thing, though, before they went, the Consulate was checked out and no cop was in sight."

"You're right, you son of a bitch," Rosenthal said without missing a beat, "and as soon as you're finished paying for your meal, you're under arrest." All three burst out laughing. But a week later, Blumenthal again told Rosenthal he reminded him of a New York City cop.

"You drive a cab as a cover, but spend the rest of your time writing reports about JDL," Blumenthal joked. In his report for that day, Rosenthal recorded Blumenthal's comment.

I. Gun Running

During May and June, members of JDL began preparing for the summer camp which would have about fifty youths, the same as the previous year. Kahane, however, grew bolder in his vision. Whereas in 1969, karate and the making of incendiary bombs (molotov cocktails) had been taught, Kahane wanted much more emphasis placed this year on weapons and explosives. Not satisfied with their twenty five shotguns, Kahane, Joffe, Calderon, and Bieber launched upon an ambitious program to

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acquire more weapons.

The JDLers did not want these weapons traced directly to them, fearing that in the future they might have to use these weapons against 'enemies of the Jews'. In addition, handguns were considerably cheaper in the South, and so with Gilbert Laurie, a member of JDL's Philadelphia chapter, Kahane planned to buy guns in Virginia.

However, the Gun Control Act of 1968 placed a few obstacles in their way and they had to devise a strategy to overcome those barriers. The Act prohibited a person from buying a firearm anywhere except in his own state. In addition, the purchaser had to prove his identity to the gun dealer if the dealer didn't know him. Positive identification such as a draft card or driver's license was required; a social security card for example, was not sufficient identification. To overcome this obstacle, Laurie went to Arlington, Virginia where he rented aroom at 2009 South Quebec Street. Using this assumed address, he applied for a driver's license and after receiving a temporary license listing his Virginia address, he returned to New York.

On May 10th, 1970, Josh Joffe and Gilbert Laurie went to Warrenton, Virginia for a trial run. To conceal his whereabouts Joffe told people he was going to Canada. Once in Virginia Laurie went to Clark Brothers, a licensed

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gun dealer in Warrenton, and bought six pistols and two rifles. He completed the Firearms Transaction Record, required by the Gun Control Act, using his Arlington address. Encountering no problems he and Joffe returned the next day with their 'purchases' to New York, where Joffe gave the guns over to Bieber.

Wednesday, June 10th, the first day of Shavout (Pentecost) Laurie went over to Irving Calderon's home in Queens, where Calderon gave him $300 "for the purchase of firearms." (USA against Joshua Joffe et al., 1971) Laurie the next day bought two more pistols in Warrenton, Virginia. Returning to JDL's office after the weekend he gave the guns to Kahane and Joffe, who were both pleased with the way their plan was working. They asked Laurie to go back, but this time, confident of their success, they greatly increased their spending. Kahane gave Laurie $2,200 and on the following weekend Laurie bought four pistols and fourteen rifles in Warrenton and bought them back to his mother's home in Old Bridge, New Jersey.

Friday evening Joffe telephoned Rosenthal and said he wouldn't be going up to the camp the following day because he was going to meet "somebody" to get new weapons. Upon his return he'd have some interesting things to show Rosenthal. On Saturday, Joffe went to New Jersey, took the guns from Laurie and returned to New York.

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Parallel to their swelling arsenal, was Kahane's reorganization plan. Kahane wanted JDL structured in such a way that they could immediately respond to physical threats: in effect a Jewish "fire department," always ready to respond to an alarm.

Oz-A (Power A) was thus born. Members would be the elite of the League and would undergo tough physical exercises and rigorous weapons training. All the remaining JDLers would be part of Oz-B and would serve as a reserve for Oz-A.

One Thursday evening at the end of May, Kahane held Oz-A's formative meeting at Congregation Zichron Moshe on East 20th Street. All the regulars were there: Hershkovitz, Joffe, Zweibon, Bieber, Sternberg, Rothenberg, Eisner, Rosenthal, Eileen Garfinkle, Marlene Segal, Jake Weisel, David Levine, and Renee Brown. After explaining the League's reorganization, Kahane passed index cards around and asked everyone to write his preference on the cards. Both undercover agents chose to join Oz-A.

Early Sunday morning, Josh Joffe called Rosenthal and told him to immediately come to the office. "Now I did not trust Joffe as far as I could throw him," Rosenthal said. "I was always very cautious about that man. I couldn't understand what he wanted." His suspicions aroused,

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Rosenthal called his superiors at the police department to inform them where he was going -- just in case.

At JDL's office, Joffe, with Bieber looking on took Rosenthal aside and asked Rosenthal his reasons for joining JDL. Would he beat the hell out of someone? would Rosenthal kill somebody if ordered to? Was he capable of taking a human life? Would he be willing to spend the rest of his life in jail?

"It depends on what you are doing and if it is an intelligent order," Rosenthal replied. But he was capable of taking a human life and if the situation warrented it, he could obey such orders.

"I knew that if I said 'I'll do anything that you want,'" Rosenthal later recounted, "that would be the worst thing I could say."

Bieber was satisfied with Rosenthal's response and said that was what they were looking for. Joffe added that Rosenthal would be going to JDL's camp on Sundays where he would teach firearms to Oz-A. As a test, Bieber gave the Argentine Colt he was carrying to Rosenthal to take apart. While Rosenthal field stripped the weapon he memorized the serial number. The undercover agent was nervous and did a poor job in taking the gun apart, but nobody seemed to notice. Then Bieber asked Rosenthal to take over the class on firearms Eli Schwartz was conducting. Afterwards, Bieber gave Rosenthal two

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handguns and two rifles to take home and clean. Acting very apprehensive "lest they be found by the police," Rosenthal took the guns home with him. He put JDL's small arsenal on the bed and later that evening telepned his police contact.

"I said I had two handguns and a couple of rifles from JDL. He was pretty nonchalant; he said oh yeah? You could put a bomb under Teddy and it would never upset him. He said: Okay tell the guy in the morning."

Rosenthal thoroughly cleaned all the weapons and in the morning phoned in his report. "They were taken aback by the whole thing," Rosenthal said. "A half hour later I got a call, 'Meet me at such and such a location. We want to have ballistic tests done on the weapons.'"

Rosenthal met his police contact at the designated place and handed over the weapons which were taken to the ballistics laboratory. Three test rounds were fired from each weapon, and the bullets were put on file together with the guns' serial number. Afterwards the police contact returned the weapons to Rosenthal.

"The ballistic experts were angry with you," he told Rosenthal, "because you cleaned them and they couldn't tell if the weapons had been fired." Rosenthal took the guns back to his apartment and to his great annoyance, cleaned them all a second time.

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The next afternoon, the undercover agent returned the guns to Joffe who asked Rosenthal to take another handgun home with him to clean. Kahane, carrying a .38 special revolver under his jacket, was also at the office and he informed Rosenthal that JDL couldn't fire machine guns at their summer camp because it was not secluded enough. They had plans, however, to go to Vermont at the end of the summer for three days and practice firing there on the property of a JDL member.

Rosenthal went home, had ballistic tests done, cleaned the gun and the next evening went to JDL's office and returned it to Joffe. Hershkovitz came into the room with his loaded P-38 pistol, and asked Rosenthal to clean it. Bieber then asked him to look at some Ruger 44 magnum carbines which were not working properly. After half an hour, Rosenthal and Hershkovitz left the office and walked to the IND 23rd Street station where they took the F train home. Hershkovitz carried the loaded P-38, JDL's "office gun" with him in a small green bag.

The week before the New York Times (25 May 1970) had reported that the police were investigating the assaults on the PLO workers [see page 249], and on the train, Hershkovitz turned to Rosenthal and commented that Police Commissioner Leary was not doing a thorough job because no one in the JDL had been interviewed. Before

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getting off Hershkovitz handed the P-38 over to Rosenthal.

Rosenthal returned on Thursday with Hershkovitz's cleaned handgun and gave it to Bieber. The background of all the people in Oz-A, Bieber told him, had been thoroughly investigated. They now knew more about Rosenthal than he did himself, having examined his military and school background. Before buying firearms they even could verify if it had been used in a crime or not. "We have all this security because we are not fooling around," Bieber said.

Joffe came into the office and told Rosenthal he was in the middle of a deal to buy Browning Automatic rifles. If the deal worked out he'd buy a dozen and he'd have Bieber and Rosenthal look at them before they were purchased.

"It's not easy to conceal the Brownings, Rosenthal said.

"In guerrilla warfare it's not necessary to conceal them," Joffe replied. Joffe said he also wanted to get one pound bars of C4 explosives."

"That's difficult to store."

"We don't want to store it. We want to use it."

II. Oz-A: The Camp and the Williamsburg Training Grounds

All the talk about guns and explosives was in anticipation for Oz-A's training which began the first

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Sunday in June.

Leaving New York City at 6:30 in the morning, the JDLers drove up to Woodbourne where Hershkovitz put the group through a rigorous drill of marching and calisthenics; Bieber, Joffe, Rosenthal and Hershkovitz abstained because they were officers. While standing around, Bieber told Rosenthal that JDL had precious little time to put a fighting force together because as a result of the election and Sonny Carson's agitation, [see page 217] they expected Crown Heights to explode in a matter of weeks.

Joffe came by and said he bought a pistol for $35.

"Where?" Rosenthal asked.

"In this business, questions make me nervous. Anyway I'll be going out of town to purchase 'things' and I wanted to discuss the purchases with you and Bieber. You know," Joffe said as an aside, "illegal weapons are selling in New York for such incredibly high prices that if I wasn't devoting so much time to JDL, I'd go into the business myself."

After Rosenthal's firearms instruction, Hershkovitz had the group go through more drilling. The JDLers in one exercise had to climb over an obstacle within a limited time and Roz Unger and Eileen Garfinkle, both slower climbers, jumped down to save time. Both landed on their ankles and in pain they rested on the ground,

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while the others continued with the exercises. Joffe who would turn twenty in a week, amused himself by seeing how close to Garfinkle's head he could drop an 8-inch knife.

At the end of the day, when their pain didn't subside, Joffe along with Rosenthal, Cohen, Ricky Kaufman and Mike Jacobs drove the two girls to Monticello Hospital. Doctors discovered that Roz Unger had broke her ankle, while Eileen Garfinkle had broken hers in two different places. The girls were treated and after a three hour wait Joffe drove everyone back to the city. Responsible for the group, Joffe worried about what Kahane would think about the injuries.

The first crisis that Oz-A responded to occurred even before the start of summer camp when blacks began attacking the Jews of Williamsburg. At the end of June, Cynthia James, a 13-year-old black girl darted into the street and was struck and killed by a truck driven by a Hasidic Jew. The District Attorney's office released the driver without charges when they ruled that the driver of the truck, which was working properly, could not stop in time to avoid hitting the girl as she ran into the street.

Protesting black residents threw bottles and other garbage at Hasidim in passing automobiles. One Hasid and his son were riding in a cab when they were hit.

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The father was slightly injured but the son was critically hurt and had to undergo brain surgery. (JTA, 1 July 1970) In the ensuing protest a vacant tenement was set on fire; two molotov cocktails were thrown into apartments of Hasidic families -- the occupants were not injured; windows were broken and firecrackers were thrown into a neighborhood synagogue.

Lawrence Brown, a black explained the throwing of the molotov cocktails: "The black and Puerto Rican people want to show that they care what happened to Cynthia even though the Jews and police don't seem to care [that] a murderer is now free."

"I think things are going to get worse," the mother of the dead girl, Dolores Mitchener said. "The Jewish people just don't care about the rights of blacks and Puerto Ricans. If they can hit a child, kill her and get away with it, what else can they do?" (New York Post, 30 June 1970)

JDL was intent on protecting the Hasidic residents. The day after the riots, frantic calls were made. Rosenthal was told to be at Ratner's on Delancey Street in an hour and a half.

Gathered at Ratner's were: Bieber, Cohen, Eisner, Joffe, Stein, Templeman and ten other JDLers. After Bieber explained their mission, the group left the restaurant and walked over the Williamsburg Bridge to Brooklyn.

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Joining Kahane and several others who were already there, they stationed themselves in a synagogue off Bedford Avenue. Afterwards, they panned out and joined the over 250 Hasidim milling around in the streets.

Chaim Bieber left Williamsburg, and returning with five shotguns in the trunk of the car, illegally parked in front of a synagogue; Kahane was in the car also. The police came, ticketed the car and demanded that Kahane open the trunk. Kahane refused, but eventually agreed to move the car.

Around midnight, about fifteen blacks came into the area throwing bottles and bricks. The Hasidim, joined by JDL gave chase. They ran the several blocks to the black section where a mellee ensued. Windows in the black area were broken, garbage cans were overturned and thrown. "It was an exhilirating sight to see the Hasidim protecting their own turf," Cohen recalled. Four Jews were arrested; one was charged with possession of a pair of nun chucks. Eventually around one in the morning, the crowd began dispersing.

The following day, word reached Kahane that he would be sorry if JDL returned to Williamsburg. Never one to be daunted by such threats and possessed of great mettle, Kahane returned to Williamsburg in the company of Chaim Bieber, Josh Joffe and Irving Calderon. They walked into

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a social athletic club on Whyte Avenue, a favorite haunt for Puerto Rican residents. Jews had hardly ever dared walk in but the four JDLers did. "When we walked in," Kahane said, "it grew so quiet that you could hear a pin drop." Kahane walked over to the bar and in the deathly quiet all eyes turned on the four. "Beer for the boys," he requested, nodding in Calderon and Joffe's direction. They drank their beer without anyone challenging the JDLers. Having made their point, they walked out.

The JDLers stayed out of Williamsburg the following night, a Friday night, but by 10 P.M. Saturday night over thirty JDLers had again gathered in Williamsburg. This time many were armed: Eli Schwartz -- who was leaving for Israel in two days -- had a .32 caliber pistol in his car; Heshkovitz had a machete and an axe in a brown paper bag and Rosenthal himself wore a pistol. "Richie Eisner, that son of a bitch," Rosenthal said laughing, "wrote in his reports [to BOSI] that I was carrying a handgun. Hell, you have to be crazy to go there unarmed."

Sammy Weissblatt helped bring in fifteen shotguns and eight high powered rifles which were stored in various homes in Williamsburg.

"Now I know that it is a debatable thing to do," Rosenthal commented. "When you bring firearms into a volatile situation, there is always that real possibility

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there is going to be shots fired and people killed. Yet, they were not in the Puerto Rican community; they were in their own community and they were going to protect it. Even as a police officer I must feel that morally they were justified in that type of action. As long as you're not the aggressor, no one has the right to abuse you, to harass you, to intimidate or threaten you and you should have every opportunity and use every resource available to prevent that from happening -- as long as you're not the aggressor. Once you become the aggressor then you are my business, then I have got to stop you. This is not the police department's attitude I assure you. They'd be horrified at that thought. But it is my attitude and I'm going to stick with it because I think that it is basically a more moral attitude and a more realistic attitude."

Yet despite all the weapons, nothing happened that evening. The following day, at the close of the League's national convention, Chaim Beiber urged all the JDLers to go to Williamsburg since he expected trouble. The thirty JDLers who went found a large crowd of blacks and Puerto Ricans gathering near Bedford Avenue and Hewes Street; taunting and bottle throwing continued on both sides. At one point, however, a black drew a knife in Kahane's presence. Kahane went to one of the forty TPF officers in the area and demanded he arrest the black.

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The policeman refused. Disturbed by the police inaction, Calderon, who was with Kahane, began berating and cursing the TPF officer. But instead of seizing the black, the officer arrested Calderon. Incensed, Kahane pulled Calderon from the officer's grip. "Get out of here. Run for it," he screamed at Calderon.

Police detained Kahane and put him in a paddy wagon while one officer radioed ahead to have Calderon apprehended. Calderon was caught a few blocks away and was immediately taken to the police station. On the way, a police officer went over to Kahane and asking him, "Remember me?" hit Kahane twice with his club. The same officer, Kahane told a press conference the following day, had screamed "Get the kikes," at JDL's 100 Hour Vigil. (New York Post, 30 June 1970)

When Kahane reached the Clymer Street police station he found Calderon handcuffed to a chair. A TPF officer stood over Calderon beating him. "You touch him once more," Kahane shouted at the officer," and you'll be sorry." The beating was discontinued.

The following day, upon his release, Kahane denounced the anti-Semitism within the police department. "If they think Jewish blood is cheaper than anybody else's," he told reporters, "let them know that Jews can riot too." (New York Times, 30 June 1970)

Monday night, twenty one JDLers were again in Williamsburg. Most were armed but none of the JDL leaders were

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there and the situation was chaotic. Josh Joffe, instead of taking charge, came at 10:20 P.M., and three quarters of an hour later, telling Rosenthal he was going to make a phone call, went home instead. There were no incidents that evening and the JDLers did not return to Williamsburg. Summer camp had started and most were spending their time in Woodbourne.

III. Barn Shooting

Dave Sommer ran the second camp, along with Alex Sternberg and Russel Kelner.

Sternberg, then nineteen, described his summer in Woodbourne: "Camp gave me an opportunity to give more of myself because during the year, as much time as I gave to JDL, I had to worry about school. I also taught karate classes to earn money for expenses that JDL never covered such as gas for the car. So I was distracted.

"In the summer, I had the opportunity to work with a captive audience for two months. They couldn't go home and not come to karate for two weeks because of homework or anything else and I could work with them everyday. I love to work with kids. I think I'm really creating something when I take somebody who is really out of shape and make a mentsch of him. In addition, I like the thought of being the 'commandant' of a training

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camp. You have the opportunity to brainwash-- I'll use that word -- the kids to your concepts of right and wrong."

Sommer and Sternberg had improvished a rifle range for the camp. Its backstop was primarily designed for a .22 caliber ammunition. One day during practice, Sternberg forgot the limitations of the backstop and used 30.06-caliber rifles firing high powered ammunition. A couple of minutes after he began firing, a neighboring farmer ran out frantically screaming that Sternberg had almost killed his cows. Sternberg was shooting up his barn because the range's backstop was not strong enough to stop the bullets.

State police received complaints about the JDL range, and in mid July, two State Policemen came to the camp. Alex Sternberg spoke to them and "having nothing to hide" escorted them around the camp. After inspecting the rifle range, the police recommended the construction of a new backstop. One of the policemen bent down and examined the spent cartridge shells. Holding one up he looked inquisitively at Sternberg: it was handgun ammunition, weapons JDL claimed they were not using. In fact, Oz-A members were indeed using pistols. Making up an excuse, Sternberg told the police that although the campers were not firing pistols, some JDL members with handgun permits came from the city to practice on the range.

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Taking advantage of the firing range the two state patrolmen took their own pistols and started practicing. They used an old Coca Cola can as a target. Alex Sternberg relates: "They fired off at least one clip each. As a matter of fact, one of them had a .25 caliber Astra automatic which was unusual for a cop to have because it is a small little gun that fits into the palm of your hand." Sternberg was familiar with the gun, and had practiced firing with it. After shooting a clip and missing each time, the officer asked Sternberg if he wanted to have a shot. "I aimed, pulled the triger and was damned lucky. I hit the can dead smack in the middle and knocked it off with the first shot. The officer looked at me like, wow, 'this is dead eyed Dick.' I gave him back the gun and said 'It's a good gun.' I wouldn't shoot again because I'd miss. I was lucky and I happened to hit it but it was an accident."

IV. The Arms Cache

Rosenthal came up every Monday and Tuesday to teach the campers marksmanship. At the same time, under the pretext of cleaning their guns, he had the weapons tested at the police ballistics laboratory. But he had not been able to discover JDL's arsenal where all the guns were stored.

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In June, during one Sunday when Oz-A had gone up for weapons practice, Rosenthal had overheard Teddy Mark talking about the arms' chache in Hershkovitz's apartment. Hershkovitz ordered Mark to be quiet and the subject was dropped. But since then Rosenthal had not learned more.

The second week in July, Rosenthal's luck changed dramatically. "I'm kind of proud of it," he said. "It is something that happens perhaps once in the career of a law enforcement officer and then, not even to every officer."

Detective William Gormey, Rosenthal's superior, ordered him to go to the JDL office. Gormey had arbitrarily picked Friday as the day and said "just go." Rosenthal felt it wrong, since he had no real reason for going. Nothing was going on. Nevertheless, he reluctantly set out, going first to Abercrombie and Fitch, where airgun targets were on sale. Rosenthal bought a thirty dollar target, for five dollars and using it as a pretext for being in the area, headed for JDL's office on 42nd Street. (At the end of June, JDL left their 156 Fifth Avenue office for the 42nd Street one.) Hershkovitz and his wife were just leaving and Rosenthal asked them where they were headed.

"To the camp," they replied.

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"An idea started to formulate in my head," Rosenthal later said. "I knew the weapons were kept at his residence and he wasn't going to be home for the weekend. I went upstairs to the office. Neil Rothenberg, Sheldon Davis and Renee Brown were there. I said to Rothenberg that Cohen wants some handguns and ammunition brought up to the camp. This was a lie-well actually it wasn't a lie. I kind of projected what Cohen would want me to bring up. Neil said: 'Oh Jesus, Avraham just left.' I said I'll pick it up and Neil gave me the keys to Hershkovitz's place. 'I'm not sure where it is,' I told Neil. 'Well I'm not sure either. Call up Bieber and he'll tell you.'"

Rosenthal left the office, and after having the keys to Herhkovitz's apartment and to the camp armory duplicated, he telephoned Bieber for Hershkovitz's address. "He lives at 1615 46th Street. But how are you going to get in?" Bieber asked.

"I got the keys."

"Where did you get them from?"

"Rothenberg gave them to me."

"Good, you hang on to them and don't return them to Neil. I don't trust him."

After receiving directions to Hershkovitz's cache, Rosenthal drove to the apartment. He unlocked the door, turned left and pulling a table away from the wall,

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exposed a panel with two wooden knobs. Pulling up on the knobs, he raised the panel to reveal a wall storage area.

"My God," Rosenthal later exclaimed. "There were handguns, brand new high powered rifles, dozens of riot shotguns, tens of thousands of rounds of ammunition, pounds and pounds of smokeless gunpowder and a hand grenade body. I wrote serial numbers down. I couldn't even get them all down, there were so many. I knew that certain weapons were from one lot, so I took 3-4 serial numbers from each lot. The report is a full page of nothing but numbers: how much .45 ammo; how much 30.06; how many shotgun shells; how much powder; how many rifles; what models; what caliber and on and on. I sealed everything up and took a few weapons with me. I went to my house and called my superiors the next morning. I read them the report and the officer who took it down -- I was very proud of this -- said in all his time in intelligence, this was the best report he had ever gotten. That day I brought the assorted weapons that had not been tested over to him; my sergeant was there to congratulate me on it. I was very proud of it. Still am. That was quite a coup."

Monday, Rosenthal drove up to the camp taking the four pistols from Hershkovitz's apartment with him. No one was suspicious but Kahane told him to bring back two

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of the handguns. As an aside, Kahane told Rosenthal that JDL had been succesful in contacting someone in Israel who could either get Uzi or Carl Gustaf sub-machine guns for them.

Rosenthal showed Cohen the four guns and said he had gotten them from the wall compartment. "You haven't seen all the weapons," Cohen said. There was a closet containing more weapons in addition to those in the wall storage area.

V. Crown Heights

Most of the talk that day, however, centered around the previous morning's firebombing attacks in Crown Heights. A fire bomb had been thrown into a second story window of a two family house on Kingston Avenue. (JDL gave karate lessons in the basement of that house.) The bomb bounced off the second story window screen and fell harmlessly to the ground. Witnesses saw three blacks running from the firebombing.

The firebombing was one of a series of provocations by blacks against the Jews of Crown Heights. Most of the political controversy had started months before and centered around an ongoing struggle for power: at stake was control of the Crown Heights Community Corporation, part of the Model Cities Program, which oversaw the disbursement of Federal and municipal money.

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Once a white -- primarily Jewish middle class neighborhood, Crown Heights had changed with the majority now black. Only the Hasidim remained, most of them followers of the Lubavitcher Rebbe, Rabbi Menachem Schneerson, whose spiritual center was in Crown Heights. And although (white) liberals had consistently advocated integrated neighborhoods, it remained for the Hasidic Jews of Crown Heights to be among the very few who followed that ethic. Rabbi Schneerson had long fought for Jews to remain in Crown Heights. Jews felt it fair therefore, to share the control of the community corporation's money. This never happened. On October 30, 1967, elections were held in three schools in Crown Heights to choose neighborhood directors who would control the community corporation. Although no electioneering was permitted near voting places, blacks nonetheless, were up on the stage at P.S. 289, on St. Marks Avenue, haranguing Jews as they came to vote. To get inside was a feat in itself. Blacks were massed outside and before entering the polls, whites had to wade through the cursing throng. Some Jews were threatened with death. A pregnant Hasidic woman was jossled about as she walked into the school.

The Crown Heights Jewish Community Council (JCC) challenged the results of the election, claiming that blacks, brought in from outside the neighborhood, formed

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a human chain to bar voters from entering the polls. On April 3, 1968, six months after the election, George Nicolau, Commissioner of the Community Development Agency, upheld the challenge writing that the charges of:

> intimidation and coercion of eligible voters and use of religious and racial epithets is upheld. Investigation has shown that non-residents of Crown Heights did indeed act in such a manner as to interfere with a democratic election denying eligible voters the right to express a free choice. (Jewish Press, 28 April 1968)

It was the first successful challenge to the anti-poverty program in the history of the City's elections.

In February 1969, elections were again held in Crown Heights. At the last moment, JDL was called to protect the Jewish poll watchers who were afraid to remain alone. People in the Jewish Community Council were apprehensive that blacks would gain control if Jews, fearing their safety, failed to vote.

Kahane met with fellow JDLers the night before the election and together they managed to assemble enough people to patrol the polls. The elections were without incident and when the results were tallied, sixteen of the twenty-four Community Corporation members were Jewish. (Jewish Press, 28 February 1969; Jerusalem Post, 4 March 1970)

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The controversy did not end however; one evening in March 1970 someone called JDL's office and informed them that blacks, led by Robert (Sonny) Carson, had taken over the Crown Heights Community Corporation and were holding Sol Levine captive. Frantic calls went out to all the young activists of JDL and anyone telephoning the office was told to go to Crown Heights. Eli Schwarz went over with Josh Joffe and the Muallem brothers. Avraham Hershkovitz, Larry Amsel, Stuart Cohen and Larry Dickter made their way to Crown Heights from other parts of the city bringing with them all sorts of weapons: knives, clubs, guns, and the by-now standard nun chucks.

One JDLer thought of throwing in some vomit causing gas. Armed with nun chucks, the JDLers would charge the blacks as they attempted to escape the gassed office.

"You're crazy," Schwartz told the others. "Do you know where you are? You have the whole Congo here in Ebbets Field apartments. They'll boil us alive. Let's go inside." Mustering their bravado they entered finding forty blacks confronting them. The small group of JDLers moved to an adjoining part of the room shocked to learn that Levine was black and not Jewish. Other JDLers began trickling in, ending up in the same bad spot. Without any exits near them, there was no way to escape except by again going past the blacks.

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Joffe, an excellent actor, masked his fear and began preparing for the possible confrontation. At the side of the room he found an electric coffee perculator which he immediately filled with water from a nearby sink. He sat next to the perculator as he waited for it to boil.

Holding a cigar, Carson's bodyguard came over towards JDL's side of the room. "You have a light?" he asked turning towards Joffe with a slight wave of his cigar. The JDLers saw the outline of a machete down the black's pants. It was a moment of mutual daring with each contestant in this challenge for power trying to intimidate the other without actually fighting. Joffe accepted the challenge.

"Hey Abe," Joffe said, "you got your lighter?" Muallem came from the other side of the room with his lighter. Joffe took it and examined it in front of the black: on one side was a picture of a Confederate soldier "Johnnie Rebel -- give em hell"; the other side had the flag of the Confederancy. Afterwards, Joffe lit the black's cigar.

"You know," the black said, "I was at a school meeting the other night and some Jewish teacher started talking about the six million Jews killed by Hitler. I told him that if he didn't stop his whining I'd make it six million and one."

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Joffe, a fumanchu mustache outlining his upper lip, gave the black an ugly snarl and his eyes slanted into a mean glare. With his lips curled downwards Joffe replied: "If you said that to me I would have cut off your balls and shoved them down your throat." The black returned to his side of the room.

Carson began a lecture on black pride. Hershkovitz, tilting back his chair, fell asleep listening to Eli Schwartz giving his own lecture on the need to work together and not fight. At one point while talking, Carson walked across to JDL's side of the room and headed menancingly towards Joffe. Still sitting with his feet up on the desk, Joffe anticipated Carson's approach and reaching for the boiling percolator, lifted off the cover and grabbed the handles on both side of the pot. Never pausing in his lecture, Carson continued only a few feet and then returned to his side of the room.

While Carson lectured his black followers, Eli Schwarz delivered his own, and after awhile a dialogue of sorts developed between the two groups. This was strengthened when JDL's head of security, Chaim Bieber, walked in much to the relief of all the JDLers. Carson and Bieber went to a side room to talk privately. "Look, you want to have blood," Carson told Bieber, "you're going to have it." They spoke a few minutes longer, with Bieber finally asking that the blacks allow the JDLers to get

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out. Carson agreed and as they walked out of the room Carson put his arm around Bieber. Eli Schwartz left with a throbbing headache from all the tension.

"If a fight developed there," Cohen later said, "there would have been a bloodbath." This seems to have been no mean threat for a few years later, Carson and five other men were tried for the 1973 killing of a black man. A second man was also shot in the head that same evening and was left for dead on a street corner in Roosevelt, Long Island. The second man survived and testified against Carson.

Rabbi Shalom Dov Gorodetsky, one of the Corporation's leaders elected in February 1969, later explained the takeover. "Wherever there is money, there are groups vying for it. There was a power struggle for positions on the board of directors and Sonny Carson, with forty of his henchmen, wanted to take over the corporation. They sat in the entire day. I went through the entire regular process of review within the Community Corporation and when Carson and his followers did not appear for the meetings, the police were called to bar them from further sit ins. It was all a psychological bluff on his part and when I didn't back down, they retreated. Carson got the message."

Four months later, during JDL's summer camp, three blacks firebombed the house on Kingston Avenue. Minutes

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later, the Jewish Community Council, two blocks away was firebombed. Three blacks fitting the description of those involved in the first firebombing were seen running away. However, unlike the first attack, the Jewish Community Council was extensively damaged.

The JDLers viewed the firebombings within the context of Sonny Carson's previous agitation and held him responsible for it. The Jewish Community Council also housed Operation Belfry, part of the Crown Heights Community Corporation. The anti poverty funds for the program were distributed according to figures of the 1960 census, which showed that of a total Crown Heights population of 211,000, fifty two percent were non white. (New York Times, 21 June 1970) But blacks claimed the Jews were unfairly dominating the program, since Crown Heights had a larger black population that the 1960 census indicated. The firebombing, JDLers claimed was still another attempt at intimidating the Jewish community.

Mayor Lindsay came to inspect the charred Community Council, expressing his "shock and outrage."

"A great deal of effort is being poured into stabilizing the neighborhood. I am sure this was a very small group bent on unstabilizing it. We're putting in our best talents here to work things out. This incident is a setback." (New York Post, 20 July 1970)

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VI. The Quest for a Bomb

Kahane bent on retaliation, and convinced that the culprit was from Sonny Carson's group at the black community council, planned to reciprocate and fire-bomb their community center on St. John Street. When Rosenthal came up to camp with the four pistols from Hershkovitz's apartment, he found Oz-A preparing for the retaliation. Kahane wanted Stuart Cohen to teach them how to construct molotov cocktails and Cohen and Rosenthal went into Woodbourne to buy the necessary materials: gasoline, detergent and tampax for the wicks. They also went to Dau-Son's Sporting Goods and Hardware where a few days before Cohen had purchased two pounds of gunpowder from Dave Brown, the owner. Cohen now wanted some more. Brown told them there was a new state law which required him to have a special permit in order to sell gunpowder. Although he didn't have the permit yet, he would sell it to them anyway.

Returning to camp, the two found Kahane in the office. Kahane wanted Cohen to go to Boston, where he hoped Marvin Antelman, JDL's New England coordinator and the recipient of a Ph.D. in physical chemistry, would teach Cohen about explosives. Kahane asked Rosenthal if he wanted to go along with Cohen. Rosenthal said yes.

That week a JDLer, using an assumed name, rented a

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car. Bieber stole license plates from another vehicle and put them on the rented car and at five in the morning of Friday, July 24th, Bieber, Cohen, Hershkovitz and Sternberg, who was armed with a 9 mm. pistol, drove to the black center. Cohen brought four molotov cocktails which they planned to throw through one of the windows, after breaking it with a brick.

When they arrived at the center, Sternberg covered them with his gun, while Hershkovitz and Cohen ran out of the car and approached the building. It had a wooden door; on both sides were two large plate glass windows. Hershkovitz took a brick, his only one, took careful aim at the window and threw the brick with all his might. The brick missed both windows, hitting the wooden door instead, and breaking into small pieces. Cohen, who stood there with two unlit molotov cocktails in his hands had nowhere to throw them. Both ... ran back into the car and all four sped away. Kahane was very angry when he learned of the foul up.

The JDLers had kept Rosenthal out of their firebombing attempt but he heard talk of it. On Friday afternoon he called up Neil Rothenberg at the office to find out what had happened. Rothenberg said it did not occur because of technical reasons but he didn't want to elaborate over the phone. Rosenthal next telephoned the camp and spoke to Bieber who was more willing to talk. Bieber said

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that within a week another attempt would be made on Carson and this time he wanted Rosenthal in on it.

That weekend, Rosenthal had been planning to go with Cohen to Boston to learn about explosives. Under advice from BOSI, Rosenthal taped his conversations, and wanting to get Cohen to incriminate himself, called him to learn about the Boston plans.

Rosenthal figured that if he put Cohen, who at that time was seventeen, on the defensive, he might get him to talk more.

"Hey listen kid," Rosenthal started off, "you know you're a pain in my ass?"

"Yeah?"

"Have I told you that lately?"

"No, uh-"

"Weren't you supposed to call me last Wednesday?"

"No, I was supposed to leave a message for you in the office."

"You what?"

"I was supposed to leave a message for you in the office. I don't have your number."

"Did you leave the message?"

"Yeah."

"No, you did not."

"Of course I did."

"Now look, I, look -- I'm not going to argue with you."

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"I'm telling you I left a message."

"Alright, but no one gave it to me. . . . What's the message?"

"The message is, it's off." [going to Boston]

"What?"

"It's off."

"It's off? We're not going?"

"Yeah, I'll talk to you tomorrow okay? You know I don't want to talk about it. . . ."

"You don't have to go into detail because we didn't mention anything have we?"

"Yeah."

"So its off period?"

"Yeah, there's a replacement that's scheduled to come up to camp [who will teach them explosives] . . . It's a possible replacement that one day maybe is going to come by the camp and stay for maybe an indefinite period of time. For that reason Meir [Kahane] doesn't feel the other thing [Boston] is necessary. That's exactly how it is."

"That's weird."

"Yeah, it's really weird. Not only that but -- well I'll talk to you tomorrow. . . . We got a case of shotgun rounds which we started on today. We had each kid fire one shot. You should have seen some of these little kids go flying back twelve feet. Debbie is lying in bed right

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now because she thinks she's dead [Rosenthal began laughing] I'm serious. She's in bed. She won't get out of bed. She, because you know she fires unbelievable. We have, we're ordering a lot of stuff from Dau-Son's . . . like I think three 308's [caliber rifles], a lot a lot of shit. You know, a whole lot of stuff. . . ."

"You want me to pick up anything while I'm -- before I come in [from the city?]"

"Uh-huh. Eight inch pipes with two caps -- three inch diameters. . . . In other words caps that can screw on or something, or at least one cap that can screw on."

"Where can I get this stuff?"

"That's a good question."

"I was thinking of ammunition."

"Go to a machine shop."

"Eight inch pipes? That sounds like, that sure does sound like it, [bombs] yeah."

"Yeah." [Cohen laughed]

"I hear you had a problem Thursday?" [the attempted firebombing]

"Yeah, I'll talk to you about that tomorrow."

"I was told already."

"You heard? You heard what happened?"

"Yeah, well Bieber told."

"Avraham [Hershkovitz] fucked up."

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"I don't understand. Did you guys try?"

"Yeah."

"You actually threw?"

"I'll talk to you tomorrow okay? It's one day you know, twelve hours."

". . .Alright. Hy [Bieber] has some ideas for next week and he wants me to be involved in it. Is that why you want the pipes?"

"That's why I want the pipes. [Rosenthal began laughing] and like it's going to be very interesting you know, so just come on up."

". . . Okay. How many [pipes] do you want?"

"Get about three, at least three."

"At least three? Alright I'll try it but I don't promise you anything because I'm leaving early and I'm gonna hit traffic. In fact I know I can't. How can I do it Stuie? I want, I got to leave early to get there on time. We'll look around Woodbourne for it okay?"

"Okay then, Good-bye." (USA v. Cohen, 72 CR 941)

With the trip to Boston cancelled, Rosenthal planned to go up to camp as usual on Monday morning. Bieber called late Sunday night and asked Rosenthal to get five rifles and the Colt .45 from Hershkovitz and bring them to camp. "Keep an eye out among the campers for good Oz-A material," Bieber said.

Rosenthal stopped by the Hershkovitz's on his way

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to camp Monday morning. Both Hershkovitz and his wife were in and they went to a closet next to the secret compartment and gave Rosenthal the guns he requested. Rosenthal thus learned of their second arms' cache.

When he got to camp, Cohen, Sternberg and Rosenthal went to a hardware store in Monticello and ordered the pipes Cohen originally wanted Rosenthal to get in the city. When the three walked out of Monticello Supply Cohen told Rosenthal he had given Mr. Wiener, the salesman, a false camp name. Cohen showed Rosenthal a page from the Black Panther, which illustrated the making of bombs from these pipes. Cohen said he wanted to use a bomb for the black's center instead of molotov cocktails.

Rosenthal and Cohen went to Dau Son's planning to buy black powder for the bombs. Dave Brown, the proprietor, said he'd have some in two weeks. Brown informed Cohen that the three rifles the camp had ordered had come in and he was mounting telescopic sights on two of them as Dave Sommer had requested. Back at camp, Mark Plann, a Viet Nam veteran taught Cohen and Rosenthal how to make napalm by putting soap flakes in gasoline and heating the mixture over a low flame.

On Tuesday afternoon, Dov, an Israeli army sapper, arrived at the camp. Hershkovitz had met Dov in a fellafel store in Borough Park and had recruited him to teach explosives to the JDLers. Kahane was especially

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interested that Dov teach the JDLers how to construct a bomb.

Before Rosenthal left for home, Cohen asked him to call both Chaim Bieber and JDL's office and inform them that Cohen had to be in the city on Thursday. Therefore, it would be a good time to bomb the black community center.

Wednesday, Cohen drove from camp to JDL's office where he met Rosenthal. From the office, Cohen telephoned Bieber who told him to wait until Dov made a bomb before taking any action against the blacks. Cohen, however, had serious reservations about Dov's ability to manufacture bombs.

On Thursday, Rosenthal and Cohen were again at the office. Since Bieber was driving up to the Camp the following day, he wanted to bring gunpowder to Dov, so that the Israeli could make a time bomb to use on the community center. Rabbi Kahane did not want another firbombing attempt, Bieber later told Rosenthal, but wanted them to use a device which would enable them to be far away when it went off. Therefore, Bieber asked Cohen and Rosenthal to fetch him the gunpowder stored in Hershkovitz's apartment. Cohen and Rosenthal drove to Borough Park and Cohen took the fifteen pound red can of Hercules Unique gunpowder out of Hershkovitz's home. From there they drove to Bieber's house in Queens where Neil Rothenberg joined them in planning for the bombing.

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Bieber took the gunpowder from Cohen, and although Cohen argued that a bomb could not be made from that type of explosive, Bieber thought otherwise. In anticipation of the bombing, which probably would not be done until after the weekend, Bieber planned to move all the weapons from Hershkovitz's apartment. Rosenthal offered to help but Bieber said he didn't want anyone knowing where the weapons would be stored.

Monday, Rosenthal again went to the camp where he found JDLers practicing with molotov cocktails at the camp pool. Rosenthal joined them. After while he noticed a light plane circling the area. "It's the State Police," Aaron Rudy explained. They often flew over the camp during such practice. Rosenthal also learned that Dov, who had been in the states for only ten weeks had been unable to make any bombs, and to make matters worse had beaten up some campers. As a result Dov was expelled from the camp.

Russel Kelner and Cohen went to Dau Son's to pick up the three rifles the camp had ordered. Brown was given a check for $598 signed by Sommer and drawn on the account of Camp Jedel. Cohen brought the gun registration forms back with him to the Camp, where in accordance with JDL's policy, ficticious names were used. Sommer signed one form as David Raziel (a famous commander of the Irgun), the other two forms were signed as Manfred Begin (a tongue in cheek version of

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Manachem Begin, the founder of the Irgun) and Tzvi Ben Ami.

On Tuesday, all the JDLers, except for four people left to visit another camp. Seizing the opportunity, Rosenthal stole into the camp's armory and copied down all the serial numbers from the guns. He took the rifles Cohen and Kellner had picked up from Dau Son's the day before and took them to the rifle range, where he collected test bullets for the ballistics laboratory. Cohen had previously shown Rosenthal a shotgun kept hidden under Cohen's bed. Wanting to discover what else was hidden in the room, Rosenthal stole into the JDLer's room and searching it, found four United States Army publications: Guide to Viet Cong Bobby Traps and Explosive Devises; Grenades and Pyrotechnics; Military Pyrotechnics; and Special Forces Demolition Techniques.

After a good day's work, Rosenthal returned to New York City where in the evening he met Kahane and Rothenberg at JDL's office.

"Did you hear about the firebombing?" Kahane asked Rosenthal. "On Saturday Congregation Kesser Torah, at Courtelyou Road and East 23rd Street was destroyed by fire. We definitely have to do something."

JDL was morally responsible for the third fire-bombing, Rothenberg said because they had not retaliated

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for the earlier ones.

Returning to camp the following week, Rosenthal and Cohen tried to make some jellied gasoline for use as napalm. The instructions call for six parts of gasoline to four parts of soap flakes.

"Now the army field manual is very specific," Rosenthal recalled. "The gasoline is placed in a double boiler -- this is for field use of napalm. You have a small flame, the water boils, the gasoline in the double boiler heats up to 212 degrees and the soap melts. It's very effective napalm. Stuie went into town, bought charcoal brickettes, a little boiler, gasoline and Ivory Snow. He came back and we went to the swimming pool. He ignited the charcoal brickettes, got them hot, filled a quart can with gasoline and placed the gasoline over the charcoal -- which at this point was red hot. He waited until it boiled and then threw in the Ivory Snow. Why that did not blow up I I still do not know. That was the most insane thing. I walked about twenty feet away, knowing it could go up but in retrospect, I should have gone home. If that had gone up I would have gone up with it even at twenty or thirty feet away. You know how much energy is in a quart of red hot gasoline? Jesus! His face was over it. That's insane. Oh wow, Christ! How dangerous. We finally put the napalm in bottles and

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threw it. It stuck and burned."

That afternoon Morton Winner arrived at camp. "He was an anesthetist, a dentist and an inept terrorist," Rosenthal said. "He lived on Moshula Parkway in the Bronx. Apparently he had worked in AID or something -- it was a CIA front -- only he didn't even know he was in the CIA. He worked in the Dominican Republic and apparently did some interesting work there like blowing things up, destroying schools and such. But Morton knew little about explosives, only enough to make him a threat to everyone but the guy he wants to blow up."

Winner had been active in JDL before but with the expulsion of Dov his knowledge of explosives became important. Bieber had repeatedly asked him to come up to camp and try to make a bomb and both Bieber and Rothernberg had called him that morning urging him to come up to the camp. Deciding to come he brought with him a five pound container of calcium hypochlorite (normally used for cleaning pools), nitrate, charcoal and a box of magnum shotshell primers. He said that in the Dominican Republic they had made bombs by putting the calcium hypochlorite and organic material in a jar and covering it with a lid that had several holes punched in it. The primers were placed in the holes and the device was placed over a hot flame. When the

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primers detonated the bomb would explode.

Winner took the gun powder, added a few ounces of crushed calcium hypochlorite, punched holes in the bottom of the can and put the shotgun primers in the holes. Sternberg, Cohen, Rosenthal, Rothenberg, and Winner went to a desolate part of the camp to test the mixture. The device was lit and it melted a Coke bottle and part of a galvanized can but it didn't explode. Their attempt at making a bomb that day ended in failure and Winner returned to the city. Winner, a few JDLers joked, was really some loser.

That evening Bieber called the camp from his home in Queens and called off the bombing attempt planned for that night. Besides, explained Bieber, it was Tisha B'av a day of mourning, and it was just as well to postpone the bombing

By the third week in August, Winner had devised something resembling a bomb and the date of the retaliatory attack was set -- August 18th. Rosenthal tried his best to lounge around the office without overly arousing suspicion; in any event he had notified the police of the raid and they were all lying in wait for the JDLers.

Bieber was in the office with Rosenthal when the JDLer mentioned that federal agents were investigating JDL's purchase of the three rifles from Dau-Son's. One

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of the guns that Philadelphia police had confiscated during the 100-mile march had been traced to that store and agents had gone to Dau-son's. The agitated owner telephoned Camp JEDEL and told Sommer about their visit. Sommer called Bieber. There wasn't much that Bieber could do about the investigation and Sommer and Bieber decided to wait and see what developed.

In the meantime, Neil Rothenberg walked into the office carrying a pair of gloves and a set of stolen New York license plates -- 1282VZ -- which he planned to put on his rented Philadelphia car. Cohen, Sternberg and Marlene Segal came back from the movies a few minutes later. The three along with Dr. Morton Winner, who was to make the bomb, planned to go to Crown Heights where Segal was to serve as a decoy while Winner planted the bomb. If Segal was caught, she planned to claim she was a streetwalker who just happended to be standing at that location.

At 8:30 in the evening Winner called and said that he would only get to the office at around one in the morning. Cohen, Sternberg and Segal with nothing to do till then, went for dinner at Bernstein's-on-Essex. Since Rosenthal wasn't invited to the bombing, he left the office five minutes later. But before he left, Schneider went over to him and in a low voice informed him that he suspected Winner was a federal agent. Schneider

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advised caution.

Rosenthal kept police informed of developments. "You can't let these idiots go around throwing bombs. The firebombing of the Jewish Community Council was a terrible thing and was frightening for the community. It is an affront to the entire group and I'm as horrified as the next man. I think if anyone is caught doing it they should be drawn and quartered. I have no qualms about it. But directly above the ground floor offices of the black group are residence of people who had no involvement whatsoever. It is a wooden building. It can go up in a second. And that's assuming the people on the ground floor did it. No one knew for sure. We were not about to let anything get blown up. I mean that would be insane, right? So we'd stop them just before they did it. My function was simply to make sure that the cops knew when these guys were coming."

The police waited until five in the morning but the JDLers never arrived. Rosenthal called up the office the next morning and Sheldon Davis explained to him that they didn't go because Winner had forgotten to bring a critical part for the bomb. They were going to try again that evening and Davis suggested Rosenthal come to the office later that night.

Again, police lay in ambush. Rosenthal arrived at the office wearing a secreted transmitting device which

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relayed his conversations to an unmarked police car parked a block away, where the conversations were recorded.

At 12:30 in the morning, Sternberg, Cohen and Rothenberg walked in.

"Hello fellas, welcome to the party. Marlene [Segal] Shelly [Davis], they're both asleep," Rosenthal said.

"Did Winner call?" Cohen asked.

"Winner called earlier today. He said he'd be here at 12, 12:30."

Wanting to inform the police outside that Sternberg and Cohen were armed, Rosenthal started talking to them about their guns.

"Where's Alex's gun?" Rosenthal asked Cohen."[The] Astra? You guys are dangerous with all these guns laying around . . . [It's] fully loaded, watch it!"

"I know."

"I know you know. You loaded it. It's loaded yo-yo! Give it to me before you blow someone's head off."

"Round in the chamber?"

"Yeah, there's a round in the chamber."

"Now there is."

"Schmuck, give me the gun. You're going to hurt yourself. Let it go; give me the gun. Let it go."

"What do you got, the Astra?" Rosenthal asked turning to Sternberg.

"Yeah."

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"Fully loaded?"

"Yeah, nothing in the chamber."

"Smart; it can go off otherwise. At least it's not rusting to death."

"What?"

"At least it's not rusting to death."

"Why should it be rusting?"

"Everytime I look at these damn things you guys let 'em rust."

"Which ones rusted?"

"I didn't say it's rusted. I didn't say it's rusted. Relax. So what's the situation? Does anyone know what the situation is?"

"Wait for Winner," Rothenberg volunteered.

"Wait for Winner? You know we got fifteen pounds of gunpowder over there . . . What's that? Just gunpowder, Neil? Why the hell do you need more? You've got enough to blow up an army . . . Our friend [at] Dau-Son's is gonna have kittens you know. Didn't Hy [Bieber] mention that the FBI were there?"

"Where?" Sternberg asked.

"At Dau-Son's."

"For what? For what?"

"They wanted to check on the 308's."

"Huly shit!" Cohen interjected.

"Yeah."

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"All the addresses are wrong and everything," agreed Sternberg.

"I know. You guys fucked up all the addresses and stuff. Crime doesn't pay."

"Oh shit!" Cohen repeated.

The four woke Sheldon Davis and told him to watch over their loaded guns while they went to get something to eat. Winner still hadn't arrived upon their return, and as the time went by, Rothenberg grew concerned that Winner might be some sort of police agent. If he didn't come, Rothernberg opposed any further attempts. They all decided to wait until 2 A.M. and when he failed to show up they called Chaim Bieber and informed him of events. Since they were reluctant to talk over the phone Cohen and Sternberg headed over to his house taking Marlene Segal with them . Sheldon Davis remained behind to sleep in the office, and Rosenthal left to report back to the police.

The next day Rosenthal telephoned Davis at the office, and learned that after the JDLers had left, Winner had come to the office with a bomb. He had come late because he had driven in from Vermont.

Monday, August 24, Rosenthal drove to Camp Jedel as usual. He arrived as Sternberg and Levine were preparing to leave for Philadelphia for their preliminary hearing on their weapons violation charge. At noon, Cohen and

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Rosenthal went to Dau-Son's to buy some black powder only to learn that Dave Brown didn't want to sell them any of the illegal gunpowder because of the Federal agents' visit. The agents were interested in Sternberg, Brown said, and knew a lot about him: Alex Plus-One was the name he used for karate tournaments; he had an incorrect address on his driver's license; he drove a red Maverick; and Shelly, who Sternberg sometimes introduced as his wife, was actually not married to him. The agents gave Brown the impression that Sternberg was soon going to be arrested.

Treasury Department agents returned to Dau-Son the next day and again asked questions about Camp Jedel. When Cohen learned of this, he told Rosenthal he planned to get a passport. He was getting apprehensive about the federal investigation, and it was JDL's policy to flee to Israel rather than face a felony arrest.

Winner came to the camp that day to make a bomb, bringing two pounds of Hodgons rifle powder, purchased in Yonkers at Agramonte's Antique and Modern Gun Shop. He had also taken some tubes from the hospital where he worked, with which to make the bomb.

Rosenthal described the bomb's construction. "Winner took a partially filled can of Unique gun powder and took it into the camp office. He was mixing a batch of the hypochlorite by the window. Jerry Goffman, Russel Kelner, Victor Beitner, Cohen and I were there. The office door,

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which opened inward, was closed because we didn't want the campers to see what's going on. I decided to tuck my shirt into my pants. I just picked this time, my pants are open and I'm tucking my shirt in -- so my whole thing is open -- when suddenly I heard pop . . . pop . . . pop, pip, pop, . . . pop, pop. Winner yelled, "Get out of here!" So we all fell on the door at once, but the door opens inward and you had a thousand pounds of guys on the door. Finally, after a great effort we pulled back, got the door open and ran out. The place was just engulfed with smoke.

"What happened? The stuff reacts violently with water. Winner had washed the pan off before he did th mixing but he didn't dry it and it reacted. What insanity!"

Winner continued experimenting with the mixture and eventually came up with five devices, which he tried to detonate. None really worked. And so after a whole summer of trying, Winner still had not come up with a usable bomb.

"At that point I really wanted to see something blow up," Rosenthal recalled. "We were trying for weeks and weeks to get something to blow up. It was incredibly frustrating; I wanted to hear a bang, anything. I came very close to just kind of going off on the side, taking a little can, filling it with powder and seeing if I could

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blow it up myself. But I knew I couldn't do it. That would be a provocateur type of action. But really I wanted to see something go up.

"Stuart Cohen got disgusted and said screw it, give me the pipe. He got the pipe from Winner and filled the pipe with smokeless powder. Then he took one of Winner's aluminum tubes and filled it with black powder, put the tube into the pipe and put a fuse in and then snugged the cap into the pipe. We were all standing around Cohen as he was doing this. As he turned the cap onto the pipe I heard crunch, crunch, crunch -- powder granules from the bomb had gotten into the threads. The bomb squad later told me the damn thing should have gone off; he would have wiped us out, the building and half the camp.

"We took the bomb to the far end of the camp and put it under a large rock weighing 600-700 pounds. Winner lit the fuse, we all took cover thirty yards away and then there was this enormous earth shaking explosion and literally half the rock disappeared. Winner had said never put smokeless powder into a pipe. It wouldn't work. He was wrong. It worked beautifully."

Sternberg and Levine returned from Philadelphia later that afternoon and Cohen informed them of his successful bomb. He also told Sternberg about the federal investigation and Sternberg grew very upset. The only way they could have gathered all that information, he

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said, was though a highly placed informer. He too planned to get a passport.

The camp season ended that week and the JDLers had to decide what to do with the guns. No one wanted to leave them around the camp where they could be stolen, so they agreed to store them at Bieber's. Rosenthal and Bieber loaded the weapons -- eleven rifles, five shotguns, six pistols and hundreds of rounds of ammunition -- into a car and drove to Queens where they placed the guns in Bieber's basement.

Bieber told Rosenthal that he didn't trust Winner. There was something wrong with him although he couldn't put his finger on it. The ironic part, Bieber said to Rosenthal, was that Winner himself was suspicious of Rosenthal.

Bieber thought of starting an internal security group and asked Rosenthal to get some books on the subject. Bieber toyed with the idea of contriving a bomb plot and letting Winner in on it. If any JDL was arrested, it would prove beyond doubt that Winner was the informer.

The last Monday in August, Rosenthal drove up to the camp. Although the camp had ended, Oz-A members were using the facilities and all the regulars were there. Kahane was at the camp also and Cohen and Rosenthal wandered into his office. Cohen told him of his

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successful bomb. Kahane was delighted and asked him to make another one so he could see for himself how well it worked. While talking however, Kahane received a telephone call informing him that his brother was to arrive that evening from Israel, and the bomb's construction was postponed until the next day.

Cohen and Rosenthal whiled the time away by going to Dau-Son's where Cohen brought two boxes of ammunition which Brown listed on the sales bill as "mops."

When Kahane returned from New York, he told them about his conversation with his brother, an assistant to the Minister of Religious Affairs in Israel. Throughout the summer Rosenthal had repeatedly heard rumors about a shipment of Uzi submachine guns to be sent in a crate marked: "Religious articles -- talleisim and tfillin." In the camp discussion, Kahane verified JDL's interest in those weapons. His brother, Kahane said, had been able to locate two hundred Karl Gustav submachine guns which were stolen from the Israeli army and had approached Menachem Begin, a member of Knesset, asking for his assistance in getting the weapons to the States. Begin had refused. The original idea of shipping the weapons as religious articles, Kahane's brother said, would not work because custom officials would check the crates. Kahane was told he himself would have to go to

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Israel to acquire the submachine guns.

Later, Cohen made a second bomb similar to the first. Kahane, Rosenthal, Schwartz, Rothenberg and Sternberg went to the back of the camp and the bomb was detonated. "Richie Eisner saw us going back there but we wouldn't let him come up," Rosenthal said laughing. "But he did confirm what I saw." Kahane was very pleased and suggested to Cohen that he serate the outside of the pipe to make it more effective. Rothenberg and Schwartz picked up pieces of the bomb as souveniers. Rosenthal also took a piece home, not as a momento but as evidence for the police department.

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CHAPTER VII

AN 'EYE FOR AN EYE,' A HIJACKING FOR A HIJACKING

I. Arab Terrorists

All talk of bombing the center in Crown Heights was abruptly cut off when Leila Khaled a veteran Arab hijacker and Patrick Arguello, a member of the Popular Front for the Liberation of Palestine (PFLP) hijacked an El Al plane.

Khaled described the hijacking.

> Patrick seemed a little frightened as El Al finally took off around one thirty. . . . At one fifty five, we noticed that someone was watching us from the back of the plane. I told Patrick to stay still. I turned around and looked directly at the man for a minute. He was in civilian clothes. When he saw that I was watching him he shyly looked the other way. At that moment Patrick prepared his hand grenade and pistol and I pulled the safety pins off my two hand grenades. . . . (Khaled, 1976:188)

"The man suddenly leapt from his seat with a strange sort of animal bellow," Fay Shenk, a passenger on the plane later told reporters. (New York Times, 7 September 1970) Khaled and Arguello rushed to the front of the plane. Stewards blocked their path but Khaled threatening to blow up the plane if they attacked her, displayed the two grenades and dropped their safety pins to the floor. With Arguello covering her, Khaled moved forward through a

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passageway. A locked bullet-proof door barred them from entering the cockpit and they banged on it demanding to be let in.

The plane had two security men on board, but in a breach of the airline's security regulations, Captain Uri Bar-Lev permitted one of them to enter the cockpit. The locked door barred the hijacker from entering the pilots' cabin but it also prevented the security man from helping his partner stop the attack. However, in a prearranged move to throw the hijackers off balance, Bar-Lev set the plane into a steep dive. "I thought the plane was disintegrating," Khaled wrote. Shooting began: Shlomo Vidor, an El Al steward, was badly wounded in the firing but Arguello was killed.

"She has two grenades, don't shoot her," someone screamed. Men wrestled with Khaled and after prying the grenades from her, tied her hands and her feet with wire. Captain Bar-Lev radioed Israel and was instructed to return with the hijackers but he flew to London's Heathrow airport when a doctor on board said Vidor would not survive the return trip to Israel. Officials of Scotland Yard boarded the plane and demanded custody of Khaled. The captain told them she was his prisoner, captured on Israeli property. British officers attempted to seize her and a tug-of-war developed. The Israelis pulled her legs in one direction. The British pulled her arms in the

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other direction. Eventually the Israelis relinquished her.

Two other airplanes were hijacked and forced to land in a remote dessert airstrip in Jordon. Jewish passengers were separated from the rest and were held in various parts of Amman.

In New York, members of JDL felt compelled to act. Malcolm Lebowitz, JDL's Brooklyn coordinator, told Rosenthal the day after the hijacking, that there would be some form of extremely serious retaliation.

It was not the first time, JDL had reacted to Arab terror in the Middle East. Their first action against the PLO occurred after the 1969 summer camp. Their second retaliation took place in May 1970 when a bus carrying Israeli school children was attacked by Arab terrorists on a desolate stretch of road near the Lebanese border. The first round hit the front of the bus and killed the driver. Hava Yorev, a twenty-three year-old kindergarten teacher, watched as his limp body draped over the steering wheel swayed from side to side. The bus continued aimlessly down the road for about 200 feet before stopping. Hiding in a clump of bushes on the Lebanese side of the border, the eight terrorists fired three more rockets at the crowded school bus. The blasts threw the kindergarten teacher from the bus. "I saw children lying all over the road. I was afraid to

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move. I didn't know what would happen next. I didn't know what to do." (New York Times, 23 May 1970)

No one escaped unhurt. Twleve were killed, eight of them children. Forty others were wounded.

The attack caused horror and bitter anger throughout Israel. In New York, the JDLers who heard radio reports of the attack, felt they too should act. That Friday afternoon, Nimati Jauoni, a secretary for the Palestine Liberation Organization -- on Second Avenue near 42nd Street -- was typing at her desk when she heard a knock on the door. She looked through the peep hole and saw a black man. The black, a JDLer and a convert to Judaism, aroused little suspicion and she let him in. Against the wall, however, hidden from her view were other JDLers and when she unlocked the door they stormed in. Jauoni rank back to Sadaat Hasan's office where Hasan, a PLO executive, barricaded the door while Jauoni called 911, the emergency police number. Jauoni recalls: "My message didn't seem to get across. Then the men broke down the door and two of them began to beat Hasan with clubs [nunchucks]. The beating lasted six or seven minutes, I think. There was lots of blood. In fifteen minutes the men were gone." (New York Times, 23 May 1970) While the two beat Hasan, others wrecked all the offices in the PLO suite. When they left, Jauoni called the police again and they responded within minutes. Hasan

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was taken to Bellevue Hospital where he received seven stiches to close a scalp wound. Arab diplomats said he also suffered a broken hand.

A second group attacked M.T. Mehdi and Ghazi Khankan at their office, the Action Committee on American-Arab Relations, on Lexington Avenue and 44th Street. Left behind at each office was a paper bearing the message: "'An eye for an eye' (The Bible) for murdered Jewish children . . . Never Again!"

A third group headed for the Lebanese Consulate, but Rosenthal, learning of their plans, called BOSI and warned police of JDL's action. When the League got there they found police stationed in front of the building and they had to abandon their plans. Their suspicions were aroused, however, because when someone had gone a few minutes before to check the building out, he had found the Mission clear of police.

On Saturday Mehdi and Khankan told reporters they intended to arm themselves and "shoot to kill" if attacked again. Mehdi demanded a grand jury investigation of the JDL and called Kahane "either criminally responsible for the attacks or criminally insane." (New York Times, 24 May 1970) He said his accusations were based upon circumstantial evidence: statements by Kahane; JDL's record of activity;and telephoned threats by people claiming to be League representatives.

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Kahane when asked if JDL took credit for the attack replied: "If we did, we'd be open to all sorts of problems. We obviously can't. (New York Times, 25 May 1970) In Jordan, Yasir Aragat, head of the Palestine Liberation Organization, warned of retaliation against Americans in the Arab world if the United States didn't prevent such attacks. "The Palestine Revolution cannot keep silent or accept such crimes. The opportunities of retaliation are deep and wide." (New York Times, 24 May 1970)

Three months later, when the JDLers heard of the hijackings they decided to again respond. Bieber, Kahane and Jerry Eisenberg, telling Rosenthal to stay behind, went to Eileen Garfinkle's apartment on West 55th Street to discuss JDL strategy. After a number of discussions in Eileen Garfinkle's apartment, the JDLers decided to hijack an Arab plane flying over Europe and divert it to Israel. Avraham Hershkovitz and his wife, Nancy, were selected for the hijacking. Hershkovitz had planned to return to Israel at the end of the summer but Kahane had persuaded him even before any of the Arab hijackings to remain in New York a few more months. Now however, since Hershkovitz planned to leave the States anyway, he became their choice.

Hershkovitz's background was unusual. He was

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originally attracted to JDL's karate classes. He walked into the League's office one day in 1969 and asked Renee Brown if he could work in lieu of paying for the karate class. He began to help out in the office and after awhile became one of Kahane's trusted members.

Philip Edelbaum, who served as a lawyer for Hershkovitz, later described his twenty-six year-old client in these terms:

> He was born in a concentration camp in Europe. His life was only saved by his mother's posing as a Christian and claiming her son was a Christian. And even that didn't convince the Nazi authorities. They said that her husband was Jewish and therefore they would kill the baby. She finally cried: "At least let him be christened before he dies," and this won the hearts of the Nazis. They let the mother and son go.
>
> He was in Hungary when the war was over. After the war he spent several years looking for his father in Germany. They finally found out his father was killed in Auschwitz when he was approximately eight days old. He was sent to a DP camp for several years. He actually has never had a childhood. He came here in 1950 . . . a few years ago he emigrated to Israel and became an Israeli citizen although he was a citizen of the United States prior to that. (USA v. Avraham Hershkovitz, 70 CR. 741)

"Hershkovitz was a strange fellow physically too," Rosenthal said. "He was six feet tall, overweight, poorly muscled, invariably unshaven and lethargic. It was difficult to upset him."

Nevertheless, despite Hershkovitz's background and despite his poor showing in Crown Heights, Kahane decided

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to use him. But since Hershkovitz was to take part in the hijacking, the JDLers were forced to find another location for storing their weapons. Until then, the weapons had been stored at the homes of Bieber, Rosenthal and Hershkovitz. Since the other JDLers feared having their homes searched if they were tied in with the hijacking, they were all reluctant to have the unregistered guns in their premises.

Kahane therefore, decided to rent an apartment in Brooklyn and store their weapons in it. The scheme was keptsecret from almost all the JDLers and only the most active and trusted members were involved: Bieber, Joffe and Garfinkle.

There was some debate among the JDLers over the advisability of storing their guns in an empty apartment. Bieber thought it advisable that someone reside in the apartment but they abandoned the idea as too risky because the police could always search the apartment. With an unoccupied apartment, the stored guns could not be directly linked to the League.

In mid-September, Eileen Garfinkle, using a fictitious name and five hundred dollars Kahane had given her for the purpose, telephoned a rental agent, Mrs. Brodsky, and through her, rented apartment C4 at 4702 15th Avenue in Borough Park. Garfinkle came around the next day and requested the key to the apartment from Mr. Sanchez, the building's superintendent.

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She came back about four days later with Josh Joffe and both inspected the apartment. Sanchez was the only person who saw Garfinkle on both these occasions. No one, however, saw the JDLers enter and store the guns in the apartment's closet.

Later that week, Joffe took away Rosenthal's hand gun that JDL had issued him saying that they were rounding up all of JDL's weapons. Bieber even told Dennis Forman to drive Rosenthal home so all the weapons at Rosenthal's house could be brought to Bieber. Izzy Danziger and Teddy Mark arrived at Rosenthal's aparment and took the two rifles and three pistols Rosenthal had. All the weapons were stored in the Borough Park apartment.

Rosenthal by then was not trusted. The investigation of Alex Sternberg by federal authorities and the questioning of Dave Brown at Dau-Son's had further aroused JDL's suspicions. Eli Schwartz, for example, asked Rosenthal why he never brought his wife down to any JDL activities. Schwartz had met every other JDLer's wife except for Rosenthal's.

Rosenthal comments: "I was completely trusted until September of '70. Then some idiot, some total moron, told them they saw me going into Police Headquarters. Well in fact I never went near Police Headquarters. And so they figured that I was a cop for all the wrong reasons.

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None of their suspicions was valid. For example, I drove Sammy Weissblatt home. My car was acting up. I had a new system put in my Volkswagon carbeurator; it wouldn't idle and kept on dying on me. I went to Sammy's house and played with the rear of my car for about three or four minutes. Well Sammy came back the next day and told them that I deliberately stayed to get his address. I had his address,his date of birth and his home phone number six months before that. So I didn't stay for that reason. It was completely inaccurate, but they still thought I was a cop. However, I hung around and they kind of lost that suspicion after a-while but they never did trust me as much as they used to."

Kahane was apprehensive that if they threw Rosenthal out they wouldn't know who the Police Department would replace him with. At least if he remained they would know who the undercover agent was and they could exclude him from illegal activities.

Yet given their suspicion, what was odd was the way the JDLers allowed him to stay around even in the most sensitive situations. For example, while the meeting at Garfinkle's apartment was taking place, Joffe, planning to make a bomb, called the office and told Rosenthal to bring them two electrical fuses. He told Rosenthal not to come up to the apartment but they would meet him downstairs. If Rosenthal was suspect, why include him in the first place?

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In anticipation of JDL's retaliation, Kahane placed an advertisement in the New York Times of September 11th. It read:

> ARE YOU SHOCKED AT ARAB AERIAL BLACKMAIL?
>
> You shouldn't be. For years the world has condoned and encouraged these criminals. In Arab lands these fanatic outlaws are heroes and are financed by the Arab governments. Those governments must bear full responsibility for this. . . . The airlines have failed to boycott the Arab states, an action that would have brought a swift end to terror. They cannot escape censure, either. . . . All the above parties, by surrendering to blackmail and criminality are accomplices to the terrorist acts against innocent people. The results of this disastrous moral bankruptcy will inevitably be: 1) The further murder of innocent people by terrorist insanity. 2) A vast ursurge in Arab terror. 3) A blow to tourism in Israel. 4) A boost of Arab morale and a growing unwillingness to negotiate for peace. Surrender is self defeating. The only language that savage criminals understand in "An eye for an eye." You can help implement this policy. Support the Jewish Defense League.

Saturday night, Rosenthal went over to Hershkovitz's apartment to help clean the weapons stored there. He noticed fourteen shotguns, ten of them still unpacked. In addition, Hershkovitz had three other rifles, three pistols, a defused hand grenade body, ammunition and about thirty pounds of assorted gunpowder.

Hershkovitz told Rosenthal that after the Arab hijackings, JDLers had gone to Hasan's PLO office but found it empty. Instead, they stole some files and broke their teletype machine. JDLers in Montreal, however, had firebombed three Al Fatah meetings. Hershkovitz

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added that he feared the police would seriously crack down on JDL after their next action.

On Monday, September 14, JDL was in the midst of planning for retaliation against the Arabs when the Treasury Department's Bureau of Alcohol, Tobacco and Firearms (ATF) planted an undercover agent within the League. The ATF was responsible for enforcing the Gun Control Act of 1968 and all weapons violations were investigated by them. In fact, it was ATF agents who had gone to Dau-Son's to investigate Alex Sternberg although Dave Brown, the owner, had incorrectly spoken of them as FBI agents. Unaware that New York police had already planted at least two undercover agents in JDL, the ATF had one of their men join, using the assumed name, Mark Gold.

Rosenthal described Mark Gold's arrival in JDL:

"I met Mark [Gold] the first day he came into the office. I knew he was a cop -- instinct. By this time I was getting pretty good at this. Mark came up and let Eli [Schwartz] talk him into joining which I thought was really funny. I talked to Mark that day. He said he drove a (non-medallion) cab in Suffolk County. I said oh yeah? He told me he had a nickel plated Walther PPK pistol -- a .380 -- a two and a half inch model nineteen. It happens that I have those two identical guns and I said oh yeah? We went on and on.

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Mark was my size, a big guy. He was not insane, so right away I knew he had to be a cop."

Mark Gold drove Rosenthal home that night. Neither let on to the other that they were undercover agents.

On Thursday, September 17th, Harry Pearl, JDL's administrative director; Christina Canziani, a convert to Judaism and to JDL; Seymour Margolis, a Montreal JDLer; and the Hershkovitz's went to the United States Department of State Passport Agency at Rockefeller Center, where in an elaborate scheme to obtain false passports for the Hershkovitz, all five swore to false affidavits: Avraham Hershkovitz and Harry Pearl swore Nancy Hershkovitz was Nancy Joan McGovern of 345 West 57th Street; Harry Pearl swore Seymour Margolis was Ronald Legeau and Avraham Hershkovitz was Gordon Joseph Rider of Los Angeles; Avraham and Nancy Hershkovitz swore Christina Canziani was Dolores Ann Vessa.

Four days before the hijacking, Eileen Garfinkle's roommate called Eileen at the League's office; the call left Eileen extremely agitated, and she went over to Bieber, Cohen and Joffe and spoke to them. Rosenthal was in the office but he wasn't included in the conversation.

The call was the start of one of the most bizarre incidents ever to occur within JDL. "The incident was really a strange one," Rosenthal conceded. "It was surrealistic." Twenty minutes after the call Rosenthal

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heard "incredible screaming coming from the elevator shaft. Eileen's roommate was in the presence of two men and was yelling and screaming at the top of her lungs." Eileen took her into a room and tried to calm her. The JDLers asked the two strangers, what had happened, but the two weren't sure. They had passed her as she was running in an hysterical state across 42nd Street. She was almost hit by a car so they helped her and took her up to where she was going.

Rosenthal gave Steve Lang $2.00 and told him to buy some brandy which they gave to her. "She kept on screaming for twenty - twenty five minutes," Rosenthal said. "I can't describe the horrible sound that was coming out of the girl. I had no idea what happened. All I knew was that I had an hysterical female on my hand."

After half an hour she was calm enough to tell Garfinkle what happened. Avraham and Nancy Hershkovitz were in her apartment when Hershkovitz, in the presence of his wife, attempted to sexually assault her. "For some reason they were angry with her and wanted her to submit," Rosenthal said. "Eileen told me this later, so it's second hand and a conglommeration of everything I heard." Garfinkle's roommate picked up a knife to defend herself, ran out of the apartment and came over to the League's office. The whole thing was hushed over. "I have no idea what went on there," Rosenthal said, "but

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it was very traumatic for her. She was never quite the same after that as I recall, and after awhile she dropped out of JDL."

On Sunday, September 27th, Avraham and Nancy Hershkovitz were driven to Kennedy International Airport, planning to board a 10 P.M. BOAC flight to London, where with the assistance of Seymour Margolis and Christina Canziani, they were to hijack an Egyptian plane bound for Cairo and divert it to Israel. Using cash, the Hershkovitz's purchased their BOAC tickets at the airport. Hidden in their clothing, each was carrying two loaded pistols that Laurie had purchased two weeks before. Avraham and Nancy planned to use two of the pistols while the other two were for Margolis and Canziani in London. Nancy Hershkovitz taped a hand grenade to her thigh, concealing it under her skirt. JDLers scrutinized them a final time in the airport toilets to make sure that none of their weapons were showing. As the Hershkovitz's boarded the plane JDLers stayed around to watch.

Nancy Hershkovitz was cleared through and she went down the corridor to wait for her husband. Avraham Hershkovitz attempted to go through also, but since only eighteen days had passed since the Arab hijackings, airline security guards were still wary of further incidents. Peter Murphy, one of BOAC's security guards, found

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Avraham Hershkovitz suspicious and stopped him. Nancy Hershkovitz saw this but instead of continuing to the plane and possibly abandoning her weapons womewhere, she returned to her husband. Federal marshals were called and they searched the couple. The weapons and the hand grenade were discovered. (The sight had a great impact on one of the officers. Years later he told a lawyer that he still could not get over the juxtoposition of her "angelic face," and the grenade taped to her thigh.)

Under questioning, they did not admit to anyone but Rider and Mcgovern as their passports stated. Authorities however, found Hershkovitz was carrying a check drawn out to him and signed by Kahane and he eventually admitted his identity. It took hours of interrogation before Hershkovitz admitted his plans and then only after authorities had threatened that if he didn't cooperate, his nineteen year old wife would be sent to the Women's House of Detention in Manhattan where she most likely would be attacked by other inmates. "They drew a lurid picture of lesbian attacks," Simon Chrein, Hershkovitz's Legal Aid Society lawyer said, "and thereafter Mr. Hershkovitz made a statement." (New York Times, 29 September 1970)

The Hershkovitzs were arraigned in front of United States Commissioner Max Schiffman who, pending a grand

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jury, held each of them in lieu of a quarter of a million dollars bail. Hershkovitz "was impassive at his arraignment, but his wife, a small woman wearing a red and white head scarf . . . appeared on the verge of tears."

Federal agents obtained a search warrant and went to the Hershkovitz's sixty five dollar a month apartment. The Times reporter described the chaotic room;

> Heaps of clothing lay in a corner, a package of ice cream was melting in the refrigerator and goblets and silver that appeared to be wedding presents lay in open packages. Among the scattered papers in the room was a notice from a bank that a check for $159.77 made out to the couple on August 17, 1970, by the Jewish Defense League had not cleared because of insufficient funds. (New York Times, 29 September 1970)

The Hershkovitzs did not implicate anyone else though. Seymour Margolis and Christina Canziani were waiting in London for the Hershkovitzs when news of their arrests reached them. They stayed in London for the two days of Rosh Hashana, but on Sunday, October 4, they flew to Israel entering the country under their false passports.

The JDLers still planned to retaliate nonetheless. On Tuesday evening, October 6, Rosenthal came down to the League's office, only to notice Joffe, Garfinkle and Cohen leaving. He did not see them for the rest of the evening.

At 11 P.M. a bomb heavily damaged the PLO's New York Office. Minutes before, a young man carrying an

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attache case, had entered the building near 40th Street and had asked the elevator operator to take him to the third floor. He went to Room 311, the PLO's office, which was unoccupied at the time and left his attache case containing the bomb outside the door. A cleaning woman spotted him heading back to the elevator. Seeing his impatience, she showed him where the stairs were and he hurried down them.

The bomb went off ten minutes later extensively damaging the PLO office. A woman telephoning UPI announced: "The PLO office at 101 Park Avnue has been bombed. Please take down the following message: Hijack blackmail freed seven terrorists. Never again!" The blast knocked holes in the walls and blew out windows and doors. No one was hurt although the fifteen cleaning women in the building at the time of the explosion were treated for shock and sent home.

The elevator operator and the cleaning woman later described the bomber to the police as a man in his early 20's, about 5 foot 6 inches tall, 150 pounds, wearing a military like green khaki jacket and having an Afro haircut. (The week before, Rosenthal had seen Eileen Garfinkle give Cohen an Afro wig.)

At a news conference the next day, Mohamed Mehdi of the Action Committee on Arab-American Relations offered a $5,000 reward for information leading to the

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arrest and conviction of any JDL member responsible for the bombing of the PLO office, but only $1,000 if the bomber was an "average sick person" and not a JDLer. (New York Times, 9 October 1970) JDL too offered a $1,000 reward for information on the PLO bombing, and if the bomber was an Arab, JDL would pay $5,000. (JDL Newsletter, 19 November 1970)

Arrests though were not long in coming, although not for the bombing. Harry Pearl was picked up the day after the bombing. From Hershkovitz's passport application, Federal investigators had been able to unravel those who assisted him in obtaining his false documents. Pearl, JDL's twenty-four year-old administrative director, was charged with giving false statements to the Passport Agency. Margolis and Canziani, who had fled to Israel, escaped arrest.

The JDLers were afraid more arrests would take place. They had neglected to file down the numbers on the guns that the Hershkovitzs had carried and through the serial numbers, the Federal government could trace the guns to Laurie. Bieber spoke to Laurie the day after Pearl's arrest and told him that according to their pre-arranged plan, he had to leave for Israel. On October 11, Laurie left on a TWA flight for Tel Aviv, his passage having been authorized by Kahane. Back at the office, Renee Brown was told to

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forget she had ever heard the name Gil Laurie.

The attempted hijacking was poorly conceived. "Hershkovitz was so inept, he couldn't throw a brick straight," Bertram Zweibon later commented. Furthermore, on his passport application Hershkovitz listed his name as Gordon Joseph Rider, but to the question, "In case of emergency please notify": he answered "Avraham Hershkovitz (friend)" and listed his own address. It seemed highly unlikely that Gordon Joseph Rider of Los Angeles should have a friend in Borough Park by the name of Hershkovitz, let alone that he should be the first to be notified in case of accident. Hershkovitz was incredibly stupid to link his name to a false passport application.

Moreover, Hershkovitz never bothered removing all identification from himself and after a careful search of his clothes, police found his name on a bankslip and on Kahane's check.

However poor JDL's choice for the mission was, the hijacking appeared to be even more untenable. The situation in Jordan had changed drastically by the time JDL attempted the hijacking. Their plan to hijack an Egyptian plane was an attempt to have Cairo exert pressure on the guerrillas to release the hostages. But this too was questionable for it was doubtful that any Arab state had control over the guerrillas

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especially at the point during the Jordanian civil war.

They planned to divert the Egyptian plane to Israel. This too was poorly conceived because Israel had long called for the severe punishment of hijackers. Israel would have had little choice but to punish them severely.

Years later, Kahane said that Hershkovitz really attempted to hijack the plane on which the British had put Leila Khaled on. (As part of the international negotiations, the British agreed to release Khaled and in return, the terrorists agreed to free the British plane and its passengers.) While this plan seems much more rational, it too was patently impossible. Khaled was brought to the airport under the tightest of security and flown aboard a Royal Air Force plane to Cairo. How Hershkovitz, his wife, Margolis and Canziani were to board the plane was never answered nor did Kahane explain how they would find out when the British would release Khaled. It seems, therefore, that Kahane was trying to explain away a very poorly conceived hijacking, with a plan -- that although more sensible -- was impossible to carry out.

II. Black Panthers

In January 1970, nine months before JDL's hijacking attempt, Mrs. Leonard Bernstein stunned League members

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by hosting a rather bizarre cocktail party for the Black Panthers. "This was not a frivolous party," Mrs. Bernstein told reporters, "but a chance for all of us to hear what's been happening to the Panthers. They've really been treated very inhumanely." And so gathered at the Bernstein's Park Avenue duplex, amid costly furnishings and baroque flower arrangements, were white upper class liberals and Black Panthers, awkwardly examining each other. (New York Post, 15 January 1970)

Mrs. Bernstein invited Donald Cox, a Panther field marshall and amember of the central committee, to explain the upcoming trial of twenty two Panthers. The blacks had been indicted on charges of plotting to murder policemen, bomb Manhattan department stores, police stations, railroads and the New York Botanical Gardens. Thirteen of the defendants unable to meet the high bail, were still in prison.

"Now about your goals," Leonard Bernstein, the famed orchestral conductor, began. "I'm not sure I understand how you're going to achieve them. I mean what are your tactics?"

"If business won't give us full employment," Cox answered, "then we must take the means of production and put them in the hands of the people."

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"I dig absolutely," Bernstein replied. (Curtis 1976:107)

At the end of the party, Bernstein himself pledged his earnings from the next concert which he was sure would be a four figured number. All told $10,000 was raised for the Panther cause.

The fund raising party received great publicity. With so many urgent problems confronting Jewish city dwellers, many caused by anti-Semitic and anti-Israel Black Panthers, it was incredible to Kahane that Leonard Bernstein could have raised money for them. Incensed, Kahane assembled a press conference and displaying various anti-Semitic literature published by the Panthers, announced that JDL was going to disrupt Bernstein's next concert, the earnings of which were pledged to the Panthers. "We defend the rights of the blacks to form defense groups," Kahane told the assembled reporters, "but they've gone beyond that to a group that hates other people and that's not nationalism, that's Nazism." (New York Post, 21 January 1970)

Before the planned disruption, Kahane received a hand delivered letter from Bernstein. Despite the Panthers' opposition to Zionism of which Bernstein was aware, Bernstein explained that he was dedicated to protecting the civil rights of all people. "I find

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it deplorable and painful," he concluded, "that I should be placed in a defensive position by fellow Jews when there are so many important issues on which we should be working together." Plans for the protest went ahead anyway. "With no hope of changing Bernstein's mentality," wrote Kahane, "we wanted to make sure he would be burned so badly that he would never again do such a thing." (Kahane, 1975:200)

On the day of the protest, Avraham Hershkovitz, one of the few full time JDL workers, called trusted protesters and asked them to bring their nun chucks along. They were all convinced the Panthers would confront them. When Abe Muallem called the office for information about the planned demonstration, Rosenthal answered the phone. "Tell him to bring his nun chucks," Kahane yelled in Rosenthal's direction, "only make sure he has it well concealed." Someone brought about a dozen nun chucks into Mallenbaum's office and these were later distributed to the protestors. The JDLers were so convinced of a fight that when one walked into the office and confided that he had been thrown out of his house without anywhere to sleep that night, Hershkovitz confidently reassured him not to worry since he'd probably spend it in jail anyway. Josh Joffe phoned the office and Hershkovitz, who spoke to him, put the phone aside and asked Mallenbaum to find Kahane and ask him if Joffe could bring the "item"

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(a shotgun, but because they believed the phone was tapped they spoke in circumlocution). Mallenbaum told Hershkovitz that only Rabbi Kahane had the authority to permit it and he had already said no. When told this by Hershkovitz, Joffe refused to accept the answer. "Tell Mallenbaum it's urgent," Joffe said to Hershkovitz, "and tell him to find Kahane," Mallenbaum went looking but Kahane could not be found.

The JDLers were not the only ones concerned about the demonstrations. Rosenthal tipped off the police and they were out in full force. Kahane's mother, who volunteered to help run the office kept on receiving calls from the police for more information on the demonstration.

When it finally took place, however, the hour's demonstration was anti-climactic and was without incident. Kahane, Mallenbaum, Hershkovitz, Joffe, Muallem, Schwartz, Rosenthal and half a dozen others picketed inside police barricades set up opposite the entrance to Lincoln Center. Inside Philharmonic Hall leaflets were thrown from the balcony. What surprised the demonstrators the most, however, was the absence of any confrontation with the Panthers.

Supplementing JDL's demonstration, was an advertisement Kahane composed for the New York Times of January 20th.

"What Do You Dig, Lenny?" Kahane asked in the

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advertisement. Below it appeared two cartoons from the Black Panther Coloring Book, one showing blacks murdering "the white store owner that robs black people." The other was a black child killing two white policemen who were depicted as pigs.

> Beautiful, Lenny, just beautiful. It's right in line with the latest intellectual game, "Love the Panthers." We especially loved your line: "I dig absolutely." . . . You sure do, Lenny baby, you sure do. In fact you . . . dig it -- and democracy's grave! Lenny we'd love for you to hold another party. This time invite us. So we can tell you about things like Panther extortion of merchants, threats to teachers, the poisoning of children's minds, the plans for murderous revolution. And Lenny baby, we'd even explain that you and the beautiful people can't really buy security for yourselves. We might even have a load of other suggestions for fun parties that you and the other beautiful people could consider. Like raising money for the poverty stricken Hassidim of New York or like helping the poor and elderly trapped in nightmare neighborhoods to escape. . . . In any event, regards to the wife. We hope she doesn't feel we've treated you too inhumanely. . . .

John Furey, the Times manager of advertising acceptability, refused to publish the advertisement, unless -- in the words of Kahane -- it was "toned down" and the "cartoons of the Black Panther coloring book . . . deleted because . . . [they] were too bloody. . . ." (Jewish Defense League v. The New York Times)

David Caplan, a member of JDL's executive board, sued the Times for $60,000. A physicist turned lawyer, Caplan brought proceedings against the Times in federal court. Caplan's basic problem in the case which was

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argued more than a year and a half later, was to demonstrate that the Court had jurisdiction over the matter. In a tricky argument he used the Civil Rights Act to show that JDL's "constitutional, statutory and common law rights" were violated when the Times imposed upon it "a more stringent standard of acceptance of editorial advertising than upon those with whom the paper agreed."

In addition, by rejecting the advertisement, Caplan argued, the paper was contradicting its own previous position. The Times in another case (New York Times v. Sullivan) had petitioned the Supreme Court that it should be permitted "to carry editorial advertisements [which] is moreover, an important method of promoting some equality of practical enjoyment of the benefits the First Amendment was intended to secure. . . ." The Supreme Court, in siding with the Times adopted almost verbatim the quotes from the Times brief. Now, in rejecting JDL's editorial advertisement the paper was contradicting its legal position before the Supreme Court.

In a novel argument, Caplan also used an affidavit of Max Frankel, the Times Washington Bureau Chief, submitted when the Times was defending its publication of the Pentagon Papers. In it Frankel said the paper was "The Fourth Branch of Government." "As such," Caplan argued, the Times "is subject to the constitutional limitations of State and Federal governments. . . ." And although

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the paper purported to have equal standards of acceptance for all advertisers, the Times, Caplan concluded, had "illegally agreed and conspired to impose a more stringent standard of acceptance" to material submitted by JDL "than imposed upon those whose philosophy is consonant with" the Times.

The Times countered that their policy with "respect to the acceptance or denial of advertising was set forth in an editorial published in the Times of December 28, 1961, long before JDL submitted its advertisement. And despite the paper's strong disagreement with JDL, the Times had published six of its "highly controversial" advertisements including two after the one it rejected. The Times, Furey explained, would not publish the advertisement unless the New York Post and the Black Panther party consented to the use of their material. Since certain passages "violated the advertising acceptability standards of the Times" the paper also requested they be modified. When the League declined to obtain the consents or to alter the text the Times refused publication.

Caplan disputed this explanation. In the Sunday Times of June 29, 1969, (Section IV, p. 7) the paper itself had published two cartoons, one identical and the other similar to the illustrations JDL had taken from the Black Panther coloring book, "so that the

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requirement of the Times that the Jewish Defense League obtain copyright consents from the Black Panthers was sham and frivolous." In addition, Caplan tried to demonstrate from other ads the Times published that "the advertising standards of the defendant are of relatively low level; and the refusal to print the editorial advertisement submitted by the plaintiff Jewish Defense League was based upon considerations other than such acceptability standards. . . ."

Floyd Abrams, counsel to the Times, in an affidavit contended:

> In its complaint, JDL attempts to demonstrate that the decision of the Times not to publish the proffered advertisement in the form submitted constituted "state action" -- a necessary predicate for the commencement of an action under any conceivably relevant sections of the Civil Rights Act. According to the JDL, the position of The Times . . . with respect to publication of the Pentagon Papers itself demonstrates that The Times is, of all things a branch of government! This contention . . . must be of interest and no little surprise to the government personnel who fought to prevent publication of the . . . Pentagon Papers.". . .
>
> To say the very least, it [Frankel's affidavit] does not lend support to the bizarre contention that action of The Times is "state action." By its terms, it relates to the "cooperative, competitive, antagonistic and arcane relationship" between "a small and specialized corps of reporters and a few hundred American officials. . . .

The paragraph referred to by the JDL reads as follows:

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> For the most part the press obtains significant information bearing on foreign policy only because it has managed to make itself a party to confidential materials, and of value in transmitting these materials from government to other branches and offices of government as well as to the public at large. This is why the press has been wisely and correctly called the Fourth Branch of Government. (Frankel, United States v. New York Times, 71 Civ. 2662; SDNY)
>
> . . . the sentence . . . lends no support whatever to the contention that The Times is in fact a branch of government.

Abrams moved that the Court, in accordance with the Federal Rules of Civil Procedure, dismiss JDL's complaint because the decision not to print the advertisement did not involve "state action" and therefore the Court had no jurisdiction in the case. In any event, the Times decision was "constitutionally protected by the First Amendment." The Court upheld the Times and the case was dismissed.

The issue of the Panthers did not go away however and when one Black Panther newspaper charged that "Zionists Abbie Hoffman and Jerry Rubin" (Black Panther, 25 April 1970) had betrayed Bobby Seale in the 'Chicago Eight' conspiracy trial, Kahane decided to confront the Panthers. "If Rubin and Hoffman were Zionists," Kahane (1975:202) wrote, "the JDL was the Bulgarian Socialist International." By calling any person of Jewish origin a "Zionist" the Panthers had illustrated they were "a vicious anti-Semitic and racist group." "There is irony," a

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JDL press release read, "in the fact that Rubin, Hoffman and other militants, whose paranoid attempts to escape their Jewishness led them to support the anti-Jewish Panthers, are now themselves the victims of . . .[it]." (JDL Press Release, 5 May 1970)

The League announced they were going to demonstrate in front of the Panther's Harlem headequarters. The news was startling. Harlem, to the Brooklyn Jew, was a dangerous world, the other side of an uncrossed border. More than the actual danger, was the psychological fear Jews had of the Panthers; Kahane was determined to put an end to this. Before making the decision, however, Kahane himself went to check out the Black Panther headquarters. Walking inside with bared head he asked for some literature and saw how few people there were in the office. More important, no weapons were visible and with this knowledge he called for a demonstration.

At ten o'clock, one Thursday morning, over fifty people -- some armed with handguns -- crowded into a rented Hertz truck and drove to the Panther's headquarters, "We didn't take the subway," Eli Schwarz explained, "because they could pick up off individually before we even had time to mass. With a truck we all arrived together."

"Following a well rehearsed plan," Kahane wrote, "the biggest and toughest looking [JDLers] stood grimly, unsmiling, eyes straight ahead and arms folded in front of their

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chests -- an obvious take off on the Panther tactic that had successfully created an image of toughness and danger." (Kahane, 1975:202)

The first indication the Panthers had of the demonstration was when someone from the press called for a statement. The Panther who answered the phone knew nothing about JDL's presence.

Because of poor timing, JDL's demonstration received little publicity. The week before, President Nixon had announced that the United States would intervene directly in Cambodia, and the anti-Viet Nam war movement found a new rallying point. The day before JDL announced their intended demonstration, four youths were killed by National Guardsmen at Kent State University. The funeral of one of those shot coincided with JDL's demonstration and no newspaper covered JDL's Harlem activities.

But the Black Panther wrote about the demonstration.

> While the majority of these racist pigs set up a picket line and marched around in front of our office about three or more of the larger swine had the gall to try and force their way into our office. A fight ensued and the brother Bashir, was attacked by twelve of these zionists along with pigs from the Tactical Police Force. By this time other Panthers had arrived and the racist dogs were turned back by the brothers who righteously defended the office. . . .
>
> The racist Jewish Defense League, aided by the fascist NYPD cloaked this provacative attack against our office under the alleged accusation of "anti-Semitic literature" being printed in our newspaper. This is a bald lie. It must be pointed

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> out that the Black Panther Party is not anti-Semitic. In fact we are in total support of the people of Palestine's righteous struggle against Zionist imperialism. . . . We are anti-Zionist expansion in the Arab world and Zionist exploitation here in Babylon, manifested in the robber barons that exploit us in the garment industry and the bandit merchants and greedy slumlords that operate in our communities. (The Black Panther, 19 May 1970)

Responding, Kahane wrote that the Panther's newspaper made:

> us seem like the most vicious and dangerous group on the American scene. We blessed them because if Black Panthers were afraid of the JDL, then black hoodlums everywhere would think twice about acting against Jews. And that was precisely our purpose. (Kahane, 1975:203)

Hertz called the following day requesting the League not to use their trucks again for such purposes. By coincidence, in Washington, that day, a House Appropriations subcommittee released testimony by the Director of the FBI, J. Edgar Hoover, condemning Leonard Bernstein for making "substantial contributions" to Black Panther legal defense funds. (New York Post, 8 May 1970)

The Panther issue emerged again seven months later when members of the Hebrew Student Union of the High School of Music and Art invited the League to send a JDL respresentative to address them during their club hour. In February 1971, Eli Schwartz, by then chairman of the League's Youth Movement, went to speak to them, accompanied by Larry Amsel, Ari Ilowitz and Sheldon Seigel.

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As Schwartz spoke, he was heckled by a few blacks who demanded to know why JDL had "broken" into the Black Panther headquarters the year before. Schwartz effectively managed to silence them with his retorts but at the end of the period a group of blacks walked into the room and blocked the door. Most had come from George Washington High School to help form a black caucas at the Music and Art School. Larry Amsel, who was sitting in the back of the room, thought that they were part of the next class.

Eli Schwartz was quicker in assessing the situation. Six feet tall and weighing over 200 pounds, he pushed his way past them. Sheldon Seigel and Gerald Gissinger, the twenty-three year-old social studies teacher who was supervising the meeting, followed Schwartz into the hallway. Once there, a wild melle erupted.

Seigel ran into another classroom and a few blacks, instead of pursuing him, kept the door closed, keeping Seigel captive. Meanwhile, Schwartz managed to get his back to the wall so he wouldn't be attacked from behind by the four blacks circling around him. Gissinger was not as fortunate; within the first few moments he was thrown to the floor. Out of the corner of his eye, Schwartz saw one black take a flying jump and land with his two feet on Gissinger's head.

"It took a few seconds to figure out what was going

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on," Larry Amsel said. "As I came into the hall I saw four guys in a wide circle around Schwartz. A chair came flying through the glass door at me." Seigel had thrown it through the glass in the door so that he could get out of the room.

Someone pulled the school's fire alarm and when the attackers fled Schwartz helped the bleeding Gissinger off the floor. The weight of the black landing on Gissinger's head had forced his mouth against the floor, breaking off a few of his teeth.

When the police came they tried to calm everyone and send them home. "Are you crazy?" Schwartz demanded. "This man is in shock and you want to send him home?" The police called an ambulance and Gissinger was taken to Knicker-bocker Hospital.

Schwartz reported the incident to Kahane who had just returned from London, having been deported there by Brussels police. The next day, about eighty JDLers rode in a truck to the school on Convent Avenue and 135th Street. Piling out, they demonstrated noisily for about an hour.

JDL's confrontation with blacks continued. In May 1971, Kahane went to Brooklyn College for a rally. The day had been designated as Soviet Jewry day, and as planned, Kahane came at noon to address students at the quadrangle. His speech was familiar -- militant

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action for the cause of Russian Jews. After his speech however, a student came up to him and told him that five days before, a black student had pulled the plug out of the jukebox while a Jewish student was playing an Israeli record, ba'shana ha-ba'ah, (a popular Israeli song used also as background music for an El Al commercial.) As there were few Hebrew records to chose from -- most were soul music -- the student had repeated the song a number of times. Annoyed at the repetition, a black student asked they cease playing it. When they played it again, he got up and pulled out the plug. The plug was put back in. The next day the record was found broken. There was also some talk that a black student had pulled a cap pistol on a white student, although the white didn't realize it was a toy gun.

Hearing this, Kahane decided to go to the cafeteria of the Student Union Building where the jukebox was located. Seating within the room evolved such that blacks sat on one side of an unwritten line, while whites sat on the other side. Less to do with outright segregation, the arrangement developed from friendship patterns at the commuting college. Since most students retained ties with high school acquaintances, blacks sat with blacks, white with whites.

Showing that Jews would not be intimidated, Kahane with about forty followers crossed this invisible line.

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If the Hebrew record can no longer be played, Kahane announced, "we'll give a live performance." With that he started singing. The others joined in. The fifteen blacks who were in the cafeteria continued sitting and playing cards but soon afterwards, they left. Other blacks came and the JDLers soon were outnumbered. One black threw a chair at them. "Chairs started flying," Alex Sternberg recalled. "Within minutes the place was absolutely wrecked. I saw people smashing chairs apart so that they could get a chair leg or table leg to use as a club. We were able to beat back the guys from the cafeteria."

Soon afterwards, the JDLers left the cafeteria for the quadrangle where they found blacks milling on one side. "It looked like there were hundreds and hundreds of black kids," Sternberg recalled. "They started throwing rocks at us and then they charged. When we saw 800 guys charge us, we did a 'strategic withdrawal' into Boylan Hall. Forty against 800 is not my kind of odds except if I'm among the 800. We held the doors closed but suddenly we realized that the guys who were trying to burst through the doors were not black kids but were police. We released the doors and ran out the building."

With the police on campus, quiet was restored. Ironically, it was the first anniversary of the Kent State deaths, but there wasn't any antagonism towards

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the police this year. At issue was black-Jewish harmony. "Open enrollment doesn't mean blacks can exclusively listen to soul music," Sternberg later said. "It means that everybody has the same right to listen to records of their choice."

Kahane left the campus for JDL's office. But there was a question whether the Student Union Building would be opened that evening for the planned showing -- to coincide with Soviet Jewry day -- of the "Fixer" and "Let My People Go." A college official told Templeman the building was closed. "I have a message from Rabbi Kahane," warned Templeman, who had not spoken to Kahane but was making it up himself. "If the building is not opened tonight for the showing of the films," Templeman told the official as a New York Post reporter stood by, "you might as well not open it again, because the first day it is opened, we'll take it apart brick by brick." (New York Post, 4 May 1971)

Templeman went to phone Kahane at the office. "I just made a statement in front of a New York Post reporter," Templeman said as he informed Kahane what happened.

"Yossi, why did you do such a crazy thing like that," Kahane said, "How will it look when our bluff is called?"

"Meir, I just made the statement and I hope you back me up."

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A half hour later the college official informed Templeman the building would be opened. Templeman informed Kahane that the threat had been effective. This time Kahane praised him for his good work.

At four in the morning though, the police and a Corporation Counsel lawyer came to Kahane's home and served him with an injunction barring him or the Jewish Defense League from "congregating or assembling within or adjacent to the campus or buildings." The order notwithstanding, Templeman the following day led nearly one hundred JDLers around the outer rim of the campus, finally stopping at Gershwin Theater across from the Hillel Building, where Templeman spoke of Brooklyn College's president John Kneller. "There's a new word around here: Knellerism. He looks around and sees which group is going to take over his office and he invites them in. . . . But now we're saying we're here and we shall not be moved. . . . We're no longer the goodie goodies." (New York Post, 6 May 1971)

Despite Templeman's rhetoric, the crowd dispersed quietly.

III. The Ku Klux Klan

In March 1971, Chris Borgen, a newsman for WCBS Television, reported on Ku Klux Kan cross burnings in Hightstown, New Jersey, causing fears that the Klan might

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be gaining strength. Again the JDLers decided to respond. Although the Klan was not yet a threat to the Jewish community, the JDLers thought their cross burnings were forboding enough to warrant opposing symbolism. And so a demonstration was announced for Sunday, April 4th, by coincidence Palm Sunday. Eli Schwartz, National Youth Chairman, drove to Hightstown the Wednesday prior to the demonstration and surveyed the town, mapping a route for the march.

At noon on the day of the rally about seventy-five JDLers gathered at the office. Assembling the group on the roof outside their third floor headquarters, Schwartz told them the march was "planned as a peaceful demonstration." But he warned them to conceal their pipes, hammers and bats that they were bringing along, lest the police interfere with their demonstration. "Hightstown is the focal point of Klan activity," Schwartz concluded, "so in the interests of law and order we're coming down to show them what the Klan is all about and that we will not stand around and take it." He was cheered.

Outside, a reporter for NBC stopped him. "Our men are going down to Hightstown unarmed, no matter what you see here," Schwartz obligingly spoke into the microphone.

"I noticed some of the boys carrying baseball bats and hammers," the reporter countered. "What can they

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be used for?"

"Baseball and carpentry," Schwarz unhesitatingly replied. (Richards, 1971)

New York City Police had given advanced warning about the demonstration to New Jersey police. Hightstown Police Chief, Lawrence Archer, had mobilized his entire fourteen man department for the march and had requested assistance from surrounding towns. Some forty additional policemen responded. Federal agents came, sixty State Police were standing by and the National Guard had been notified. The New York City Police Department even sent along one of their detectives, "Joe Beattie," (a pseudonym) to observe the demonstration.

The JDLers set out for New Jersey a few minutes after 1 P.M. About thirty who didn't have car rides, climbed aboard a large rented yellow truck ("Move it yourself with Ryder"). Other cars and a blue Volkswagon bus joined the procession. Many cars sported bumper stickers proclaiming in flourescent red lettering, "Never again," and "Free Soviet Jewry." A cardboard sign, "Save Soviet Jewry," hung on the side of the Volkswagon bus. The column halted several miles from the Lincoln Tunnel and all the drivers were instructed to put on their headlights "so everyone will know where we are going." If the bumper stickers had not adequately identified the JDLers, their headlights certainly did.

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New Jersey State Police halted the procession a few miles later. Using the excuse that the van was unlawfully carrying passengers, they ordered it to the side of the road. All the other cars pulled over also. The troopers informed the truck driver it was unlawful to carry passengers in the back of the vehicle and gave him a ten dollar fine. More problematic were the thirty five displaced passengers. Twenty of them were parcelled among the available cars. The State Police drove the remainder to the nearest interchange, where they were to be retrieved. Sam Wattenstein, one of the "older" teenagers stayed behind to take responsibility of the group. (A few hours later, when no one came to pick them up, they hitched their way back to the city.)

The procession left the New Jersey Turnpike and headed towards Hightstown. Police feared violent clashes between JDL and the Klan. A few hours before, local police had arrested Paul Woldanski and his two companions as they were driving around with a German shepard dog and a sign reading, "The hell with fighting the war over Nam. We have commies right here in our own back yard. Save our land, join the Klan." The three were charged with carrying leaded gloves and a tear gas pen. A professed Klan member, Woldanski had previously

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been charged with six cross burnings. As he was being led to the police station, he told reporters, "Don't forget, there's 500 Jews coming in and they're locking me up." (The Trentonian, 5 April 1971)

The JDL column approached Hightstown. On the road just outside the town, police again halted the motorcade and began searching the cars. Eight JDLers, including Izzy Danziger and Morris Schwartz were arrested for possessing various items such as chains, bats and pipes. The two were released on $100 bail each; the other six, all minors, were released in the custody of adult JDL members.

By 2:30 P.M. most of the JDLers had reached Hightstown. Main Street, typical of Sunday afternoons in other small towns, was mostly deserted and quiet. The grocery, clothing and other stores were all closed. The column of JDL cars drove down Main Street and up Grant Street Park. At Grant Park, the JDLers left the cars and sat around on the grass while the vehicles went to retrieve those still left at the interchange. A chant began at the Park, "What do we want? The Klan! How do we want them? Dead." After a number of repetitions, the chant was abbreviated, "Klan dead, Klan dead." Later another chant was substituted. "We are Jews, we couldn't be prouder. If you can't hear us, we'll shout a

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little louder." Attracted by this unusual Sunday diversion, curious bystanders gathered at the Park.

At 4 P.M., after considerable delay, Eli Schwartz standing on a tree stump in the Park began the rally.

> The Jewish community in Hightstown is afraid. They have closed their stores down. They have been threatened. First there were Brown Shirts, then Black Shirts. They they burned books. Jews remained silent then. I speak of the criminal silence we have come here vociferously to dispel. We are not the Jews of silence. Hate groups will be snuffed out. Our motto applies to all people who have faced Klansmen and their supporters -- Never again will we not fight back. Never again. (Trentonian, 5 April 1971; Richards, 1971)

Cries of "never again" echoed Schwartz's vow.

Schwartz began the semi circular march through the town. Police, four to a car, dressed in riot gear and armed with shot guns, patrolled the town. But the JDL march, if anything, was a staged event filled with humor. A white sheet on which a large star of David had been painted, covered the leading JDLer who was guided along at the head of the procession. Signs followed; "Hell to the King Kong Killers From the JDL"; "JDL Dry Cleanrs -- twenty-five cents a sheet"; "Children Hide Under Their Beds and Klansmen Hide Behind Their Sheets"; "You Don't have to be Jewish to Oppose the Klan," an obvious takeoff on a New York advertisement "You don't have to be Jewish to Love Levy's real Jewish rye bread."

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Schwarz stopped in front of the local newspaper building, the Hightstown Gazette, that had been vandalized by the Klan because it did not publicize their activities. Applauding the Gazette's editors, he said, "For the Klan we have a pithy message, Never Again." They continued through a black neighborhood. Many local residents joined and JDLers did a brisk business selling "Never Again" buttons.

"We will proceed now," Schwartz said at the end of the one mile route, "to the park where our friendly Klan member will leave his robes and we will show what we intend to do with the Klan." At Grant Park, the youth removed his sheet. Amid cries of "Burn the Klan," a match was lit and the sheet began to burn. "Right on, brother!" a black exclaimed as he took the sheet and carried it away.

"They can burn crosses," Schwartz said, "they can threaten us, but they can't scare us. They're not so big without their sheets to hide behind. If they want trouble we'll give it to them." After thanking those in the community who joined the demonstration, Schwartz told the JDLers to return home.

Rosenthal drove back with Sammy Weissblatt and a few others. Along the way, they stopped at a Howard Johnson's just as two Air Force reserve officers, returning from McGuire Air Force Base, were getting out of their car.

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Weisblatt bumped into one of them. Words were exchanged and before long, Weissblatt and the Air Force sergeant got into a fight.

"The sergeant knocked Weissblatt on his ass," Rosenthal said. "When a bunch of JDLers came around, the sergeant pulled out a badge and identified himself as a New York City policeman [returning from a weekend with the Air Force Reserves]." The JDLers backed away and the two reservists left.

"By the way," Rosenthal said. "I met the guy about three years later in the elevator of the Police Academy and we had a big laugh over the whole thing. He said there was only one guy that he had been worried about and that was the big guy. That was me," Rosenthal said laughing, "and I had no intention of getting involved."

IV. The Italians

On Thursday, March 11, 1971 Rosenthal visited JDL's 42nd Street office. Larry Fine who was there, was very agitated. He was telephoning active JDL members and instructing them to rush over to the League's Jewish Identity Center (JIC) in Borough Park.

"What's going on?" Rosenthal asked. Fine explained that he had just been notified that several Italians had attacked people at the JIC and had threatened to

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burn the building down.

Fine called Jerry Zimmerman, a member of the Italian-American Civil Rights League and told him of the incident. Zimmerman tried calling Joseph Colombo but was told by Colombo's secretary that he was protesting in front of the FBI office demanding the Bureau stop harassing him. (Although the FBI's COINTELPRO -- counter intelligence program -- against left wing groups had become widely known, such practices were apparently used also for suspected members of organized crime). As a result, Zimmerman told Fine that if need be, Colombo would come down to the JIC in the morning. In the meantime, Zimmerman advised Fine to go to the JIC and tell the Italian individuals that someone with "respect" would be down to settle the matter.

Fine and Rosenthal arrived at the JIC at 7 P.M. About fifty JDLers were there participating in a Purim party and from them Rosenthal found out what happened.

The partying crowd had grown noisy and a neighborhing Italian, distributed by the noise came by to ask them to quiet down. "Go fuck yourself," a drunken JDLer told him. Incensed at the insult the Italian returned with eight friends armed with lead pipes hidden under their clothes. Sam Wattenstein, unaware they were carrying lead pipes, went to talk to the Italian to

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placate him and apologize for their drunken member. Instead, the Italian punched the side of Wattenstein's face, ripping it open with his ring. Caught by surprise, Wattenstein was immediately felled. While he was down, he was hit with the pipes. Others went to his rescue but they were no match against the lead pipes. The Italians left after a minute or two but the damage was done. Wattenstein, the most severely wounded, and a few others were taken to the hospital.

When Rosenthal saw the JDLers planning retaliation, he surreptitiously went around the corner and called for police reinforcements. Police from the 66th Precinct responded. One of the police saw a person on the roof of the JIC and using that as a pretext wanted to enter the building. Jerry Eisenberg barred his entrance and insisted the policeman obtain a warrant before he entered. Additional patrol cars arrived. One policeman ticketed Sternberg's car which was parked near a fire hydrant. The ticketing angered the JDLers and they exchanged words with the police. A JDLer told an officer to "fuck himself" and if the police were not careful, JDL "would burn the neighborhood down." Tempers eventually calmed. Later, Fine told Rosenthal he believed the police were frightened of JDL; that was good he thought.

Saturday night, (March 13) Rosenthal called Neil Rothernberg to inquire about a ride to the Albany

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Soviet Jewry demonstration planned for the next day. Rothenberg also mentioned that Kahane had decided to retaliate for the Italians' attack at the JIC. Kahane wanted the Italian's "store window broken, his store burned down and the man beaten to death."

Rosenthal commented that this might strain JDL's tentative alliance with the Italian-American Civil Rights League. Even worse, JDL's building might be destroyed in revenge. Rothenberg agreed that Rosenthal's objections were valid but said Kahane had made up his mind and despite the objections, Kahane planned to retaliate the following week, sometime between the 15th and 18th of March.

Rosenthal discussed the retaliation with Kahane for the first time when they were returning from their March 14th rally in Albany. Harry Pearl drove Kahane, Rosenthal, Cohen and Garfinkle back from the capital. In the car, Kahane said he wanted the Italian beaten up badly and if he or his friends attempted to retaliate they would be killed. Kahane repeated this a few times. Cohen and Rosenthal opposed the plan but Kahane was adament. In case any of the Italian's friends attempted to assist him, Kahane wanted twenty JDL members available for the beating. It was a matter of image Kahane explained; JDL must never lose a fight. The best time for the attack, Kahane thought, would be the following

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Tuesday afternoon, March 16th. Schwartz, Cohen, Rothenberg and Rosenthal all expressed their reservations to Kahane about the plan but Kahane refused to yield.

The fight also convinced Kahane that JDL must immediately acquire riot shotguns for storage at the JIC. Accordingly, he asked Rosenthal and Cohen to buy a few for the League. Rosenthal, however, was carefully instructed by his superiors not to purchase any guns for JDL. He, therefore, had to look for an excuse to get himself out of the job. The following day, at 5 P.M. Rosenthal called the office and spoke to Eli Schwartz. He told Schwartz that he had called Agramonte's Gun Shop and learned the store closed at six. It would be impossible for them to go there that evening to purchase riot shotguns.

An hour later, Rosenthal arrived at the office. He and Cohen went to a nearby restaurant and discussed the attack on the Italians. Cohen decided to have Danziger 'case' the area the next day and note all the Italians' movements. The actual attack, Cohen planned, would occur on Wednesday afternoon.

Cohen and Rosenthal drove to Bieber's home to discuss the attack. Cohen thought the Italian should suffer a significant wound such as a broken arm. Bieber added that the Italian should be warned that if he attempted

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any retaliation, his store would be blown up. Before the meeting ended, Bieber arranged to meet them both the following night to go over the final details for the attack. "Get all the big JDLers together," Bieber advised.

Tuesday afternoon, Cohen told Rosenthal he didn't think it necessary for them to speak to Bieber. Cohen unsuccessfully tried to call Bieber to tell him they weren't coming over. Since Rosenthal had to go to the JIC to receive marshall training for the March 21st Soviet Jewry rally, Cohen told him to call after the training to get all the details for the attack planned for the following evening.

At 9 P.M. Rosenthal called Cohen but no one answered at the 42nd Street office. Wednesday afternoon, Rosenthal went to the office. Cohen was there and informed Rosenthal that the evening's attack had been postponed a day. Cohen explained that late the previous night, he had spoken to Bieber and Bieber thought it would be a tactical error to carry out the attack in Borough Park. Cohen said that Gary Fishman and a few other JDLers were watching the Italian's movements. In the meantime, they had learned that the Italian, whose first name was Jimmy, was a "hood."

Rosenthal returned the next day -- March 18 -- for the attack. Cohen showed him a new riot shotgun that he

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and Sheldon Siegel had purchased that day at Nassau, at Charles Greenblatt. Cohen said that they would take the shotgun, loaded with buckshot, along with them as a backup. However, they only intended to break Jimmy's arm. Cohen showed Rosenthal how they would do it. (Cohen couldn't come along because he was leaving for Washington where he would be an advance man for Sunday's rally.)

At 5:10 P.M. Herb Schneider took his car and headed for Jimmy's. With him were: Rosenthal, Bieber and Gary Fishman. Siegal followed in his Volvo. En route, Rosenthal loaded the shotgun. Fishman said Jimmy, who lived at 40008 New Utrecht Avenue, drove a black Cadillac, which would make it easier for them to recognize him when he came home.

The five arrived an hour later and waited at the JIC, next door to Jimmy, for him to come home. The Italian arrived at 7 P.M. Minutes later, Jimmy left his house. Bieber, Rosenthal and Herb Schneider headed towards him. However, Bieber called off the attack when he noticed the Italian was accompanied by two other people.

The five waited until 11 P.M. for Jimmy to return but the three hour wait proved futile. When Jimmy failed to appear, Bieber postponed the attack for the following week. In the interval, he directed Gary Fishman to

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follow Jimmy to get a better idea of his movements.

Rosenthal coments: "you know you get into situations which are so embarrassing and dangerous. I had no desire to get into a fight with the guy. It's repulsive to me for three guys to assault a fellow and beat him to a pulp. I don't know what I would have done if we went through with it. That would have been a gross situation. Seigel had a shotgun and he was supposed to protect us in case Jimmy's buddies came around. Can you imagine? Five dead bodies at New Utrecht?"

The assault on Jimmy was postponed a number of times. It was finally resolved in April 1971, at an Italian-American Civil Rights League (IACRL) demonstration held outside the Manhattan FBI offices. Larry Fine joined the IACRL rally as a representative of JDL. Joseph Colombo was there and he told Fine he had spoken to Jimmy and to individuals at the IACRL office near the JIC. Colombo instructed them that he didn't want any trouble with the JDL. Wattenstein's hospital bills were paid and afterwards instead of renting vehicles, JDL got free use of them from Jimmy.

V. And the Puerto Ricans

In 1970, Yom Kippur, the most awesome and solemn holiday in the Jewish calandar, was on Saturday, the

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10th of October. In Borough Park, as the fast day was drawing to a close, about fifty young Puerto Ricans attacked Adath Sochochow, a tiny Orthodox congregation on 14th Avenue and 38th Street. The tiny single story cement block building had no markings on the outside and to a stranger, the exterior looked more like a small industrial plant.

Two of the Puerto Ricans attempted to enter the synagogue but were kept out. When several of the men tried to leave the synagogue they were pushed around and pommeled by the Puerto Ricans. Women went to their aid and they too were beaten. As a result, six congregants were hurt, suffering cuts, bruises and bloodied faces. "We went back in and locked the doors," a woman said, "and they began throwing rocks and sticks through the windows." (New York Times, 12 October 1970) The few small windows of the synagogue were just below the roof line, but one of the attackers managed to heave a garbage can through one of them. To avoid the flying glass, some took shelter under wooden benches. By the time police arrived, the Puerto Ricans had fled.

The attack was part of the continual friction between neighborhood Puerto Ricans and Jews. Ten years before, when the congregation had moved from the lower East side to Borough Park there were few Puerto Ricans but since then the Spanish population had increased and the blocks surrounding the synagogue had turned into a

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Puerto Rican enclave. The Puerto Ricans continued to harass the Jews although it subsided somewhat after 1967, when because of dwindling numbers, the synagogue had leased its original building to a community mental health clinic constructing the tiny cinder block synagogue next door.

Kahane was incensed. He spoke to Eisner the day after the attack and said JDL should get hold of some Puerto Ricans there and force them to reveal who the attackers were. On Monday afternoon in a counter show of force seventy-five JDLers massed and for an hour walked up and down 38th Street.

A week later, Samuel Weissblatt called Rosenthal and told him that two Jewish workers had been shot in Borough Park. Kahane wanted to patrol the area that evening and requested that Rosenthal along with all the other JDLers assemble at the League's office.

Joffe went to the apartment to get guns. Unknown to the JDLers, however, the radiator in their arm's cache had begun to leak water three days before. The apartment of course was unoccupied and none of the JDLers knew of the leak. When the water seeped through the floor the neighbors below complained to the superintendent. Not having the keys to apartment C4, Sanchez called the building's landlord for advice and she informed him to call the police and enter the apartment in their presence.

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He did and officer Boefer responded. Boefer climbed up the fire escape with Sanchez. Gates on two of the windows barred their entrance, but a much smaller window remained open. Boefer told Sanchez to enter the apartment through the smaller window and let him in through the unlocked door. Sanchez opened the window with a screw driver and crawled through. He was surprised to see the rented apartment barren. "I go inside and inside the apartment no furniture, no nothing," he later testified in court. [USA v. David Somer and Stuart Cohen, 72 Cr. 941] Sanchez went to open the door, but even from the inside the lock could only be opened with a key, and so he had to remove the lock before Boefer could enter. The apartment appeared unoccupied and with his suspicions around, Boefer began searching it. When he opened the closet he found the guns JDL had stored there. Boefer called for assistance and Patrolmen Hogan and Shedlick came. In all the police found fifty seven rifles, sixteen handguns, over ten thousand rounds of assorted caliber ammunition, six pipes for making bombs, one hundred ninety pounds of gunpowder, one blasting cap, and five yards of fuse. In addition, there was a list of JDL people to telephone in case an action was going to take place, anti Arab and anti-Black Panther literature and floor plans of some United Nations Missions.

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The Bureau of Special Services (BOSI) was notified and they put the apartment under surveillance, hoping that some unsuspecting JDLer might visit.

Joffe who went to get guns for the Borough Park patrol was the first to visit. As he got near the apartment, however, he noticed men sitting in parked cars near the building's entrance. Street wise to the point where some people even described him as paranoid, Joffe noticed the men and realizing the apartment had been discovered, left immediately and telephoned Bieber. "You got to pick me up," Joffe said, "I was in a dice game and I was stripped of everything I had." Bieber understood Joffe's guarded language and realized the weapons were discovered.

No JDLer went near the apartment and after a three day stakeout the police gave up. The next day the Daily News reported about the arms discovery but since the police could not immediately link the weapons to JDL, the News wrote only that the arms were linked to a "terrorist gang." (21 October 1970) However, the News carried a story that was completely untruthful. It wrote:

> The Bureau [of Special Services] received a tip that militants in the area had secreted several caches of arms, including one in the 15th Avenue apartment house. With just that vague information to go on, the Bureau had two uniformed patrolmen sent to the house, a six story building housing fifty-six families. They checked it out on the pretense there had been a complaint of a gas leak. (21 October 1970)

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One may assume that the police, frustrated by their inability to apprehend anyone in their stakeout, decided to create some dissension within JDL and instead of admitting to the fortuitous radiator leak, they incorrectly informed reporters about a non existent tip.

Nevertheless, the League's patrol in Borough Park went on as planned. Thirty JDLers came to the office that evening. Most of the JDLers were armed with pipes. Joffe (carrying a hatchet) informed them of the strife in Borough Park, and began organizaing car patrols: some JDLers, acting as decoys, would walk the streets inviting attack, while the others in the car would cover them. Rosenthal rode in Joe Alster's car together with Izzy Danziger and Murray Elbogen; for two hours they patrolled 46th Street, between 8th and 12th Avenues. Nothing happened and at 10 P.M. they moved to 38th Street and 14th Avenue, where Adath Sochochow was situated. That street proved to be uneventful and fifteen minutes later, the JDLers moved to 36th Street. There, they patrolled for another quarter of an hour. At 10:30, after two and a half hours, the JDLers ceased their patrol and disbanded.

The day after the patrol, Rosenthal read about the discovery of the arms cache and tried to find out more about it. He called the JDL office and spoke to Eli Schwartz. It proved unproductive and Rosenthal decided

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to go down to the office and listen in on the conversations. He did so and found Sheldon Davis and Gary Fishman in the office. Suspicious of Rosenthal, Davis told him he didn't even think Kahane was aware of the arms discovery. Fishman, however, said he heard Kahane speaking about it over the phone, whereupon Davis added that he didn't think the weapons belonged to JDL because had never seen Kahane as happy as on that Wednesday. Four days later, David told Rosenthal the arms were definitely not JDL's.

However, at a demonstration against Bella Absug three days later, Sommer told Rosenthal his friend, a weapons dealer, had sold to JDL the shotguns found in the arms cache. His friend had just phoned him that detectives from the 66th precinct had been to his store making inquires about the shotguns. "Be careful," Sommer warned Rosenthal.

A week later, Eli Schwartz went to Rosenthal's apartment, in order that Rosenthal might repair a Winchester rifle. Schwartz also had a Beretta Minx .22 caliber pistol which Rothenberg had taken apart but coudn't manage to put together again. Rosenthal assembled the pistol and showed Schwartz how to fix the rifle. While doing so Rosenthal brought up the subject of the arms cache voicing regret that all of JDL's weapons were discovered. "Not all," Schwartz added. Rosenthal though learned little more about the arms cache.

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Eisner tried to learn his best also. Suspicious of Rosenthal, Eisner asked him whether the Colt .45 pistol found in the arms cache was Rosenthal's own property, or whether it was a JDL weapon. "Were your finger prints on any of the weapons in the arms cache?" Eisner asked Rosenthal. However, none of the undercover agents made anymore progress.

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CHAPTER VIII

BOMBS AND DIPLOMACY

I. Leningrad Trials

In November 1971, the Soviet Union planned to bring to trial, eleven Jews accused of attempting to hijack a plane from Leningrad to Israel. The trial was one of a series involving twenty nine people all but two of them Jews. Besides the eleven, an additional eight were to go on trial in Leningrad, four in Riga, and five in Kishinev. The Jews were being prosecuted for their desire to go to Israel and for their activities to strengthen Jewish culture in the Soviet Union. Charged with "anti-Soviet organization and activity" the KGB, the Soviet Secret Police arrested them and searched their homes. Many Hebrew books and letters from friends in Israel were seized and confiscated by the police.

Anticipating the start of the trials, Kahane planned to have a "spontaneous demonstration" outside the Soviet Mission to the U.N. As part of the carefully orchestrated "spontaneous demonstration," two JDLers were to drive through the police barricade and into the Mission fence. Through this breach in the barricades, other JDLers were then to enter the Mission compound.

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In Moscow, on November 20th the trial of the twelve accused of attempted hijacking was postponed for two weeks. Nonetheless, Kahane saw no reason to call off the demonstration, and informed all the JDL people that on Monday November 23rd there would be a prayer service for the Soviet Jews at the Park East Synagogue. For the occasion, JDL rented a yellow Plymouth Fury from Avis. Marilyn Betman, a twenty year old native of Detroit was to drive the car. Apprehensive of driving alone, she asked that someone else accompany her, and sixteen year old Gary Shlian, a resident of Queens was appointed to join her.

Over 100 JDLers attended the meeting that Monday at the Synagogue. The meeting, a ruse to get the JDLers into the synagogue opposite the Soviet Mission worked and the police permitted the JDLers to congregate. Inside Kahane conducted services. Afterwards he told everyone they were going to conduct a short prayer service outside, facing the Russion Mission.

Amid screaming of "Never Again," Kahane vowed that at the start of the trial, one thousand demonstrators, willing to be arrested, would deliberately congregate in front of the Mission. If anything happened to those on trial in Russia, the safety of the Mission's workers would be jeopardized.

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Neil Rothenberg, standing on the corner of 67th Street and 3rd Avenue approached Rosenthal, took him by the arm, and pointing to the car Marilyn Betman was driving, said: "Watch that yellow Fury."

Marilyn Betman and Gary Shlian circled the block deciding not to drive into the gates their first time around. They came upon an unexpected obstacle their second time. The police had put up wooden barriers in front of the building. Marilyn Betman hesistated. "What shall we do"? she asked.

By now Kahane and the entire contingent of JDLers were in front of the Park East Synagogue. After a moment of deliberation she headed the car onto the sidewalk, knocking down a few barriers. The car travelled about a foot onto the sidewalk but not having enough momentum to jump the curb, stopped way before reaching the gates. Theoretically, all the JDLers were to charge the mission while the car's two occupants got lost in the crowd. However, the entire event happened too quickly for people to react and only five or six JDLers jumped over the barricades. Irving Calderone was among them and he was immediately arrested.

The police in front of the Mission went wild and surrounding the car, began pounding on the roof with their nightsticks. Marilyn Betman and Gary Shlian sat paralyzed with fear inside the locked car. "Open Up,"

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the police screamed and when the two didn't move, they broke the windows of the car, forcing the two out.

The "worst" injury occurred then, when one of the policemen cut his wrists breaking the window. Five other police claimed they were hit by a wooden barrier the car had knocked down. Four of them went to the hospital but the only ones treated were those who were cut. Nevertheless, the Daily News reported that the car "suddenly veered, smashing through the barricades and 'knocking cops over like bowling pins.'" (24 November 1970)

The two were booked (with Marilyn Betman giving her address as the JDL office, 440 West 42nd Street) on charges of attempted murder and reckless endangerment. Gary Shlian recalls: "Calderone was booked in the 19th Precinct at the same time we were. The cop there told Calderon to take the thing [yarmalke] off his head. 'No. That's part of my religion and it stays on,' Calderon answered. The cop then slapped him across the head and it fell off. Calderon started cursing at the cop so much they forgot to deal with us also. They never did touch us." (In court, eventually Marilyn Betman pleaded guilty to a lesser charge and was put on eight months probation. All the charges against Shlian were dropped.)

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A day later, a pipe bomb hidden in an attache case was placed against the front door of the Soviet Consulate Tourist offices. The two story building, at 45 East 49th Street, housed Aerflot on the first floor and Intourist on the second floor. The Russian offices were the sole occupants of the building.

The bomb exploded at 3:20 in the morning,Wednesday, November 25th. The blast shattered the building's large plate glass windows, blew out the front door of Chandler's Restaurant, and severed the wiring between radio station WMCA's Madison Avenue studio and its transmitter in New Jersey -- WMCA ceased broadcasting. "Most of the damage," said Detective Christopher Hayes of the New York City bomb squad, "was confined to the front entrance of the Soviet building and the glass windows, with only minor damage inside."

About twenty minutes after the explosion, someone telephoned the Associated Press: "Let the world know," the caller said, "that while Jews are on trial in Russia, the Soviet Union will be on trial. Never again." (New York Post, 26 November 1970)

In Washington, the Soviet Embassy strongly protested the bombings which it said was "not the first case when violent actions by Zionist groups threatened the life, property and normal activities of Soviet personnel." Yuli M. Vorontsov, Minister Counselor of the Soviet

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Embassy delivered the formal protest and met briefly with Richard Davies, Deputy Assistant Secretary of State for European Affairs. Hendrick Smith, the New York Times' Washington Correspondent reported that the Nixon administration was becoming "embarrassed by a string of incidents against Soviet offices" in New York and Washington. John Stuart, public affairs officer of the United States Mission to the United Nations, pledged that authorities would make "every effort to discover the perpetrators of this senseless criminal act and bring them to justice." (Washington Post, 26 November 1970) But despite an investigation by Federal agencies and New York Police no one was ever charged with the bombing. Rosenthal in his report, however, wrote that "during the demonstration [when the car rammed the barriers] and for the remainder of the evening, the assigned did not observe Josh Jaffe, Stuart Cohen and Eileen Garfinkle." A few days later, Rosenthal noticed a newspaper clipping of the bombing on Kahane's desk. On top of the clipping Eillen Garfinkle had written "I would have gladly framed this for you, but I've heard modesty is best, Eileen."

"By coincidence," wrote Kahane, "the JDL had scheduled a press conference the next day after the bombing to discuss the Leningrad trial and the packed room provided a glorious opportunity to discuss the

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plight of these Jews, an opportunity that would certainly not have been at hand, if not for the bombing." (Kahane, 1975:19)

At the Overseas Press Club, Kahane told reporters the following:

> The JDL has no idea who bombed those offices, but it applauds the people who bombed them. When there is no resources to democratic protest allowed, then other protests to free people who are enslaved is a legitimate form of protest, including bombing and other acts of violence. (New York Post, 26 November 1970)

The New York Times in an editorial headlined "Blasts of Madness" disagreed:

> No cause is advanced by such mindless and intolerable acts. . . . Directed against representatives of foreign nations, these terror tactics not only give aid and comfort to totalitarian foes of the United States but raise doubts about the ability of a free society to curb lawlessness in its midst. For this reason alone, it is imperative that no effort be spared to apprehend the guilty and quickly bring them to justice. (26 November 1970)

In Moscow, the Soviet Ministry for Foreign Affairs was clearly indignant over the rash of incidents initiated by JDL. The Ministry for Foreign Affairs had repeatedly protested to American officials after each JDL incident. But on 2 December 1970, an American Embassy officer was summoned to the Soviet Ministry where he was given the strongest statement yet made by the Soviet Ministry. From the American Embassy in Moscow, Ambassador Beam cabled this confidential report to Secretary of State Rogers:

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> Foreign Ministry official [name deleted] called American Embassy officer [name deleted] to deliver oral statement recalling Soviet October note demanding U.S. take action against "Zionist extremists. . . ." Oral statement then cited November 20 incident involving Tass in Washington, November 22 "outrage" at Soviet Mission to U.N., November 24-25 explosion at Aeroflot-Intourist office, and press conference at which JDL leaders "openly advertise" their responsibility for these actions and threaten further acts of force against Soviet citizens and organizations in U.S. Continent. Verbal assurances from American authorities in face of "growing provocative activity" can only be considered "in effect connivance" (popystitelstvo) in the activities. Statement concludes with warning that U.S. side should not count on patience of "legitimately aroused" Soviet society lasting indefinitely . . . . While Foreign Ministry official made usual statements about protection of diplomatic premises and Soviet citizens, he appeared particularly disturbed by JDL press conference statement predicting further incidents. Without wishing to comment on 'U.S. internal system and laws,' he underscored importance of steps by U.S. government to curb JDL activities.
>
> comment: Fact Foreign Ministry official [name deleted] spoke in low key tone should not detract from seriousness with which Soviet government regards the continuing incidents. Deputy editors USA Institute last week expressed what is probably very real Soviet concern that JDL extremists will kidnap Soviet official; he warned this would have extremely serious impact on U.S.-Soviet relations. While we believe Ministry of Foreign Official has hitherto resisted any proposals for retaliation against embassy or American offices in Moscow, we also believe strong statement about Soviet patience wearing thin must be taken at face value. (Zweibon vs. Mitchell et al.)

The provocations did not cease. On Wednesday, December 2nd, Philadelphia JDLers picketed a performance of the Moscow Circus held at the Spectrum. In the middle of a Saturday performance, marbles were rolled onto the

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ice rink. Chants of "free Soviet Jewry" also rang out. Later that evening, as the performers were returning to their hotel, their bus which stopped at 19th and Chestnut Street, was pelted with eggs.

On December 11th, Kahane received the first indication that JDL had gained an edge in their "war of nerves" with the Russian government when the Soviet Foreign Ministry cancelled the Bolshoi Opera and Ballet Theatre's planned visit to the United States. The tour by the Bolshoi Opera, which had never appeared in the United States, was clearly considered the highlight of the two year cultural exchange program. At noon, Ambassador Jacob Beam was called upon by Vasily Kuznetsov, First Deputy Foreign Minister. Kuznetsov gave Beam the following oral statement:

> . . . The Soviet side in recent months has repeatedly drawn the attention of the American side to various types of provocations being committed by Zionist extremists with respect to Soviet institutions and Soviet citizens in the U.S.A.
>
> Hooliganish thugs from the so-called "Jewish Defense League" and from other Zionist organizations whose actions cannot be evaluated as anything other than criminal have carried out a series of hostile acts with respect to the USSR embassy in Washington, SMUN [Soviet Mission to the United Nations] at New York, Tass offices in New York and Washington, Aefoflot and Intourist offices in New York, and also with respect to Soviet citizens who are employees of Amtorg.
>
> These criminal elements perpetrate outrages during performances in the U.S.A. of Soviet performing groups sent there in comformity with an

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> inter-governmental agreement on exchanges in the sphere of culture. Such outrages have taken place, in particular, during performances of the Moscow Philharmonic Orchestra, the Soviet Musicians Oistrakh and Rikhter, the Moiseyev Dance Ensemble, the Soviet Circus Troop. . . .
>
> On October 1st of this year the U.S. government was given a note from the Soviet government in which the Soviet side resolutely insisted on the taking of all necessary measures by the U.S. government to halt the hostile actions of the hoolinganish Zionists with respect to Soviet citizens in the U.S.A.
>
> However, as the continuing and even growing escapades of the unbridled Zionists' show, the American authorities are not taking such measures, actually conniving thereby in these criminal actions.
>
> The conditions which have been created as a result of such a position of the American side make impossible the realization of the tours planned earlier for 1971 in the U.S.A. of the USSR Bolshoi Ballet and Opera theatre groups. . . .

Beam cabled the following summary of his conversation with Kuznetsov:

> . . . I told him I could not agree to his accsations that there was connivance on the part of the U.S. government of police with those who had disturbed the peace. I expressed my deep regret that the Soviet side considered it necessary to cancel the Bolshi tour.
>
> Kuznetsov said that they had the impression that the U.S. government and authorities could maintain order in the U.S., but that the U.S. authorities did not wish to take necessary measures to assure the safety of Soviet cultural groups under existing agreements. He added that there apparently was connivance with elements which wished a deterioration in US/USSR relations. He reiterated that if the U.S. seriously wished, it could create normal conditions for the security of Soviet citizens in the U.S. But, in the current situation, the Soviet side is completely justified in making known that it does not consider it possible to send the Bolshoi to the United States.

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> I again rejected any implication that we were conniving with the groups he was referring to. . . .
>
> As we were leaving, Kuznetsov referred to an incident on December 3rd in Philadelphia with a Soviet Circus group, when a disturbance was allegedly created at a particularly dangerous moment during one of the acts. I indicated to him this was the first we had heard of any such incident.

Much less upset was the editorial writer for the New York Daily News. Under a headline "Bye-Bye Bolshoi" he wrote:

> We suppose some opera lovers will be horrified to miss seeing the Bolshoi crew perform such shows as "Boris Godunov" -- known to some musicians as "Boring Goodenough." However, the Kremlin could stop virtually all Jewish attacks on its agents and properties in other countries, by simply adopting a policy of treating the Jews inside Russia with common, everyday decency and tolerance. Why not give it a try Red Brezhnev and Red Kosygin? (New York Daily News, 13 December 1970)

On December 15th, press reaction to the cancellation of the Bolshoi Theater had scarcely subsided when the trial of the eleven hijackers opened in secret at the Leningrad City Court. Relatives of the accused managed to inform their friends in Israel of the secret trial and the next day, the New York Times correspondent in Israel reported the opening of the Leningrad trial.

A report of the trial was published by Izvestia (1 January 1971 Current Digest of the Soviet Press, Vol. 23: no. 1:4). A second account based on notes taken by witnesses to the secret court room proceedings was

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smuggled out to Paris where a New York Times reporter filed a dispatch on it (2 February 1971). According to the two accounts, the prosecution charged that the twelve (only eleven were on trial, Vulf Zalmanson, the twelfth was a lieutenant in the Soviet army and was brought to trial in a military court which sentenced him to ten years labor) had on June 15th planned to board a twelve passenger AN-2 plane at Leningrad's Smolny Airport and fly to Priozersk, in Soviet Karelia. There, another group of four Jews was to meet them since there was no room for them on the twelve passenger plane on its departure from Leningrad.

While the plane was on the ground at Priozersk, the two pilots were to be overpowered. Edvard Kuznetsov, having planned to smuggle abroad brass knuckles and clubs was to have subdued the pilot; Mendel Bodnya was to "have handled" the co-pilot. The bound crew was to have been stuffed into sleeping bags and left in a tent in a nearby forest. To prevent early discovery of the crew, Boris Penson was to set up a sign nearby: "Do not enter. Danger!" Then, Mark Dymshits, who, when arrested carried a map plotting an air route to Sweden, was to have taken over the plane.

KGB agents, who had been well alerted to the plan, arrested the twelve as they were boarding the airplane. The Priozersk group left Leningrad by train but sensing

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they were being followed, left the train twice taking succeeding ones. Ariving in Priozersk late, they walked into the forest where they waited around a fire until 3 A.M. when they were arrested.

At the start of the trial in Leningrad, hundreds of Jews braved the cold to come to the court and although Izvestia wrote that it was an "open trial," only those with passes were allowed entrance. The defendants' immediate family was allowed in; the rest of the "admitted public" were KGB officials or Communist party staff. Lawrence Speiser, head of the Washington office of the American Civil Liberties Union flew to Russia to serve as an observer, but as expected, he was barred. Similarly, reporters for the Western press were not admitted and they had to rely on Pravda's correspondent and on smuggled transcripts made by the defendants' families.

All eleven were charged with violating Article 64 of the Criminal Code, which defines as treason any flight or attempted flight abroad. In addition, because of their samizdat activity, all were accused also of violating Article 70 (anti-Soviet agitation and propaganda) and Article 72 (participation in anti-Soviet organizations) of the Criminal Code. Clearly authorities wanted to intimidate Jewish activists. During the trial for example, the prosecutor often referred to cultural

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material as "slanderous anti-Soviet publications."

Above all instead of treating the attempted plane theft as a bungling, amateurish criminal endeavor -- which it was -- Russia undertook to constrain the entire Jewish emigration movement. "This trial would not have received world attention," wrote the New York Times after two of the eleven were sentenced to death, "nor would it have ended with death sentences if it were simply an ordinary criminal proceeding."

> On the contrary, this was one of the most important political trials in the Soviet Union since World War II. The real defendants in the court were not the handful of accused, but the tens of thousands of Soviet Jews who have courageously demanded the right to emigrate to Israel. The real purposes of the death sentences is not to punish individual criminals, but to terrorize Soviet Jews. (26 December 1970)

On Sunday, December 20th, the Conference of Presidents of Major American Jewish Organizations and the American Conference on Soviet Jewry held a demonstration. About 6,000 people assembled at Fifth Avenue and 42nd Street where, on the steps of the New York Public Library, speakers denounced the hijacking trial. Afterwards, the demonstrators marched uptown toward the Soviet Mission. Police barricaded 67th Street, where the Russian Mission was located and refused to allow any of the demonstrators onto the block.

While marching uptown, JDL members began taking over the demonstration. "We never had that kind of money for

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publicity," Alex Sternberg said. "But the oilam is a goilem, the masses are asses, and we took over their demonstration. We all had blue armbands in our pockets, the kind that marshalls in a rally wear. At one point I told the JDLers to put them on and we went over to one of the real marshalls and said "They told me I should relieve you, give you a break. Give me your bullhorn." We kept on marching but this time we had a bullhorn. When we met another marshall we used the bullhorn and said: "Hey, give the guy with the blue armband the bullhorn. He's a marshall also."

When the protestors arrived at 66th Street, the police wanted the demonstrators to take a detour and not go near the mission. Polish activists, protesting Poland's repression of the disorders that swept through some of its cities on the Baltic Coast the week before, joined the demonstrators and tried to break through the barricades. The police drove the Poles back. Through their bullhorns, JDLers started chanting "March on the Mission," and the police, already edgy after repulsing the Poles, started swinging indiscriminately into the crowd. Five people were hospitalized.

"That radicalized all the middle class people," Alex Sternberg said. "People used to say that JDL started things. Now they saw it wasn't so. The cops at the demonstration charged innocent people."

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Nevertheless, Rabbi Herschel Schacter, chairman of the American Jewish Conference on Soviet Jewry said:

> We condemn the violent tactics of the Jewish Defense League in attempting to crash police barriers at the Soviet Jewish rally . . . in fomenting this confrontation with the police -- resulting in both injuries and arrests -- the JDL played into the hands of the Kremlin by diverting public attention from the real crime: the repression of Jewish life in the USSR. (JTA, 21 December 1970)

Kahane wrote that it was "a classic demonstration of his [Rabbi Schacter's] inability to understand even at that late date . . . that Rabbi Schacter's statement would never have seen the light of print had not the events been deemed interesting enough to print -- thanks to the JDL." (Kahane, 1975:24)

Christmas eve, at the close of the nine-day Leningrad trial, Judge Nikolai Yermakov sentenced Dymshits and Kuznetsov to death. The others received sentences of up to fifteen years in prison camp.

The only hope for the condemned men, activists in Russia argued, was publicizing their death sentences in the West. Izvestia and Pravda had been conspicously silent and no reports about the trial had yet appeared in the Soviet press. Only by contacting Western newsmen in Moscow, was publicity possible.

Using channels of communication previously developed with the citizens rights movement, information about the trial was relayed to Vladimir Bukovsky in

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Moscow. Bukovsky, a non-Jew and a friend of Kuznetsov, was one of the central leaders of the dissident human rights movement, and he arranged for the immediate translation into English of the informal transcript. Avoiding the KGB agents who followed him and without using his tapped phone, Bukovsky provided Western newsmen with transcriptions of the trial's highlights.

Any expectations held by Soviet authorities that the Christmas eve death sentences would go unnoticed in the West were quickly dispelled when Bernard Gwertzman, the Times correspondent and other journalists published accounts of the trial. Citing "Leningrad sources," Gwertzman liberally quoted from the samizdat transcript given him. (An account of the trial based on notes taken by witnesses to the court room proceedings were also smuggled out to the Times correspondent in Paris.)

The death sentences electrified public opinion throughout the world. In New York, the Student Struggle for Soviet Jewry held a protest at the Russian UN Mission. JDLers again entered the Park East Synagogue, draped an "Am Yisrael Chai" banner over the outside balcony and hurled epithets at the Russian Mission across the street, "which, for some reason," wrote Kahane, "turned them [the Russians] purple with rage. I never learned what the phrases meant," continued Kahane, "nor where our sheltered young Jews learned them." (Kahane,

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1975:22]

The Israeli Knesset met in a special session on Friday, December 25th; newspaper correspondents could recall only one other occasion in Israel's twenty-two history when the Knesset met on Friday, the eve of Sabbath. The Knesset called upon the Soviet Union to cancel the death sentences and free the eleven defendants. Golda Meir, the Israeli Prime Minister, appealed to the world that the few days left before the execution not be wasted. "Let not world public opinion allow this atrocity to be perpetrated," she said. "In order not to acquiesce in the oppression of the spirit of man, lift up your voices." (New York Times, 26 December 1970)

In Paris, the Communist Party newspaper L'Humanite, published a front page editorial that was unusually sharp, saying "the extreme severity of the verdict appeared to be out of proportion with the facts." The editorial noted the eleven were in no position to hijack the plane "and if they merit such a punishment it is essential to explain clearly why."

In Moscow, the French ambassador, Roger Seydoux met with a high ranking Soviet official to express France's displeasure with the sentences. He was only one of many representatives of foreign governments to protest. Three days later, for example, the Vatican newspaper

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L'Osservatore Romano said the Holy See was doing everything in its power to intercede with the Soviet government to commute the two death sentences.

In the United States, a storm of protest was also raised. In an editorial, the New York Times noted: "The calls for clemency have come from sovereign states, leaders of major world religious bodies, outstanding political, artistic and scientific figures and even from some key communist parties, notably those of France, Italy, and Britain." (New York Times, 31 December 1970)

On December 30th, Mayor Lindsay addressed a rally of two thousand at Foley Square in Manhattan. The Italian-American Civil Rights League also joined the rally. A member of the Civil Rights League explained: "We're getting it in this country. And the Jews are getting it in Russia. We're in this kind of battle together." (New York Times, 31 December 1970)

II. The Second 100-Hour Vigil

The Jewish Defense League, the week before the two death sentences had become known, announced that they would again hold a 100-Hour Vigil. It would start at the Hunter College Auditorium where Kahane was to open the Vigil. Sunday morning, December 27th, a group of JDLers went to East 67th Street where they planned to climb onto the balcony of the Park East Synagogue, and harass

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the Russians as a prelude to the start of the evening's 100-Hour Vigil. However, when they arrived they found that the police had barricaded both ends of 67th Street and were only allowing residents of the block to pass through.

Driving in a car Yossi Templeman had rented, the JDLers decided to reconnoiter the area hoping to find a way to get in. There was a parking lot on East 68th Street, in back of the synagogue. The JDLers drove the car against the wall of the parking lot office, climbed onto the car and then onto the office roof. From there, they climbed onto the synagogue's fire escape and then into the building. Once on the Synagogue's balcony, they unfurled a large banner with the Hebrew words "Am Yisrael Chai." Next to it the JDLers hoisted an Israeli flag. Using a bullhorn, they also began to hurl invectives at the Russians across the street.

The police could not figure out how the JDLers had entered. The police tried to single out those whom they recognized. "I remember him," one policeman said pointing to Templeman. "I arrested him last week, when he was protesting at the Mission."

The police started their counter attack over a bullhorn, "Templeman, we know you are up there, we got your name. You face arrest for illegal entry, and Templeman, after last week's arrest, you'd better be

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prepared for a long stay in jail." Besides Kahane, Templeman was the only JDLer the police recognized and as the day progressed, Templeman got more nervous.

The synagogue's Rabbi, Arthur Schneier, asked the JDLers to leave; otherwise, he would allow the police to remove them. "Rabbi, one thing you should know," Kahane said to Schneier. "They are going to break heads and we're going to break heads. Jewish blood and police blood will be flowing all over this shul. It will be on your hands. This place is going to drown in a sea of blood. How will that look for you? How will it look tomorrow when this is on the front page of the New York Times?"

Fearing the police might attack, the JDLers began erecting barricades to prevent their entry. Templeman thought that if police came in "and started breaking hands," his would be the first one they'd look for.

"Meir," Templeman said to Kahane, "they know my name. They're after me. I got to get out of here." Templeman also feared the police would seize his rented car and he could not stand the thought of facing the rental agency with the car impounded. Receiving permission from Kahane to leave, Templeman climbed back into the parking lot. A policeman was now guarding the exit and as Templeman pulled up the policeman said: "Funny, I didn't see you come in. What are you doing

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here?" Templeman nonchalantly showed him his parking lot stub and drove away.

At noon, the police entered the synagogue and confiscated the bullhorn after issuing a summons for using it without a permit. Under the threat of violence, however, Rabbi Schneier relented and did not permit the police to remove the JDLers. He told the police the JDLers had permission to remain in the building until synagogue officials met to decide how to deal with the JDLers. The police left and the JDLers continued their vigil.

Late in the afternoon, Kahane left to address those at Hunter College, where, spurred by the publicity of the death sentences, thousands of non-JDL members assembled to hear him speak. Many were hearing him for the first time. The news media had evoked a picture of Kahane as a demagogical bomber and many expected him to sound that way. Instead, his performance was brilliant and electrifying. What he had to say that evening was rational and convincing. Kahane spoke of the efficacy of public protest which at no time was as needed as then. He ended his speech to thunderous applause.

Two thousand people poured out of the College auditorium and headed for East 67th Street and Third Avenue. As usual, the police wanted the protestors to assemble on Park rather than on Third Avenue; the armory

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on Park Avenue was a much more desolate place and easier for the police to patrol.

Alex Sternberg meanwhile headed on his own survey. "Before a demonstration, I would circle the area," Sternberg said. "I'd go three blocks each way to see how many police buses were parked in the vicinity. Not all the cops are at the demonstration. They park them a few blocks away where they are kept in reserve. If needed, the police reenforcements are called in by radio. That night I saw the area teeming with TPF (Tactical Patrol Force) police. It was frightening to see so many cops.

The protesters were heavily massed on the sidewalks of Third Avenue, when Sternberg, Bennett Levine, and Kahane went to speak to police officialdom. Levine and Sternberg negotiated with Inspector David Fallek. Aware that New York City did not have an ordinance forbidding picketing within the immediate area of diplomatic missions and with the power of 2,000 demonstrators behind him, Kahane got the police to agree to permit up to twenty-five people in front of the Mission.

Kahane and Sternberg left Fallek and walked toward their own ranks. But as they neared the protestors, Sternberg heard a police sound truck instruct the police to move the crowd. Looking back, Sternberg saw the police break formation and head toward the protesters. In the

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confusion, although he got back to the front of the demonstrators he became separated from Kahane.

With their nightsticks, police were jabbing the ribs of the front line demonstrators, trying to move them back. But with hundreds of demonstrators on the street, it was all but impossible for them to move backwards. Those in the front who were getting hit by the police had nowhere to move. "That's why James Sullivan, Commander of the TPF, went through a plate glass store window," Sternberg said. "He fell through because there was nowhere to move and all that pressure against the store window made it break."

One of the police moved toward Sternberg. Holding his nightstick at both ends he shoved it against Sternberg's throat, trying to force him backwards. But unable to move, he started choking. Sternberg grabbed the nightstick and pulled it away from his throat. The policeman lifted his nightstick back and swung at Sternberg's head. "There must be an iron clad rule which they teach you at the police academy," Sternberg recalled. "'Don't ever allow anybody to touch your nightstick.' Its almost as if it were a phallic symbol -- touch it and you've done him a grave injustice. It's a no-no."

As the policeman swung the stick at him, Sternberg an accomplished black belt in karate, instinctively moved to protect himself. Sternberg moved inside, quickly

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blocked his arm and kicked him in the groin. The policemen fell. "It was a simple question of not getting hurt," recounts Sternberg, "because the cop was about to hit me. Then a number of other cops started swinging their clubs at me. By that time I crossed a bridge that I couldn't go back on. It wasn't as if I could say, 'okay, okay, I'll go with you.' The nightsticks were coming down on me. It wasn't something I could avoid anymore. It was the question of self preservation and I was fighting not to get hit."

Harvey Michelman, an attorney who that evening served as an observer for Legal Aid, witnessed Sternberg being attacked by the police and confirmed Sternberg's account. Michelman later volunteered to testify that Sternberg was attacked by the police and was fighting back only in self defense.

The second policeman, David Speciale, came swinging to the right of Sternberg. With his foot, Sternberg directed a sharp downward kick to the cop's knee joint. Later Sternberg learned that he had broken Speciale's knee. After that, Sternberg recalls little of the fighting. It happend too quickly and Sternberg's reactions were instinctive. Finally, the police, holding him on both sides managed to pull him away from the crowd. At that point, the police stopped clubbing him and he also subsided.

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"They never told me I was under arrest," Sternberg recalled. "If they had, I would have said, 'fine, let's go to the precinct.' I wouldn't have fought. I was arrested many times and I never fought a guy because he arrested me. But instead of telling me I'm under arrest and taking me away, they started swinging their clubs."

The police began leading Sternberg towards the 19th precinct, half a block away. But they were worried that if they walked by all the hostile demonstrators some JDLers might attempt to free him and they would lose their prisoner.

The police spotted a taxi caught in the turmoil on Third Avenue and decided to put Sternberg into it and drive the half block to the precinct; in a taxi they wouldn't have to worry about someone attacking them and grabbing him. "I panicked," Sternberg recalled, "because you can't defend yourself in a taxi. You're too crowded in." Sternberg resisted entering the taxi and started kicking and punching. All of a sudden additional police appeared and came on top of him, knocking him to the ground. They kicked and clubbed him. Two police grabbed his legs, one his left, the other his right and started dragging him. The other police clubbed him as he was dragged by. But once inside the police barricades and away from the demonstrators, the police felt safe enough to stand Sternberg up and cuff his hands

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behind him. With a policeman on either side, they walked him towards the stationhouse. Very dazed from the clubbing, Sternberg's walking was purely instinctive.

"As they were leading me," Sternberg said, "they kept telling me 'you fucking Jews, we're going to kick your ass in; we're going to kill you; we going to finish off all the kikes.' They were very into an anti-Semitic thing. They were walking me and telling me all the nice things they were going to do inside the precinct."

As they passed the Park East Synagogue, from where the balcony demonstrators had kept up a steady shout of "two Russians for every Jew," Sternberg noticed Josh Joffe emerging from the Synagogue. Intent on rescuing Sternberg from the police, Joffe was organizing a group of JDLers to charge the police. Sternberg spotted Joffe by the synagogue door and signalled him not to do anything; he was under arrest and "half dead and the only thing that Joffe would have accomplished would have been to get a lot of other guys hurt and arrested" according to Sternberg's thinking.

Sternberg was led inside the precinct. With a policeman on either side of him, he started his ascent upstairs to the holding pen, one flight up.

"Each time I took a step, whack! They were trying to break my knees. They were hitting my body and head.

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I received most of my injuries inside the precinct, not outside. While in the street, I shielded my head with my arms and although they did get some clear shots to my head, one of which stunned me, most of the damage was done in the precinct." They brought Sternberg into a room, frisked him a number of times and then removed his handcuffs. He was ordered to stand with his hands up. "One of the cops whispered in my ears, 'Listen you fucking Jew, we're going to come back for you. We're not finished yet.' They made me stand there for half an hour with my hands raised. Everytime I wanted to lower my hands they made me raise them again. They didn't let me sit."

After half an hour, Sternberg saw what he later described as an "unbelievable mirage." Rabbi Arnold Wolf, a police chaplain and one of the leaders of the Crown Heights Jewish Community came into the precinct. Sternberg had known him for many years. "I guess I was a very sorry looking sight. I had a scarf around my neck which was totally soaked with blood. My hair was matted with blood. I couldn't keep my head straight because the blood would then pour into my eye; I kept my head tilted to the right so the blood would flow down my back and not onto my forehead."

When Wolf came near him, Sternberg whispered in Yiddish that the police were going to come back and do

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"another job" on him. Rabbi Wolf, a very tall dignified man, abandoned his usual quiet demeanor, and began screaming that Sternberg and all the other wounded prisoners be taken to the hospital. A detective tried to calm Wolf, and assured him the prisoners would be cared for.

"I want him taken now," Wolf insisted. "I know what this guy looks like and tomorrow morning when he gets arraigned I don't want him looking any worse. I don't want him to trip and fall down a flight of stairs and I don't want him to be worked over." After Rabbi Wolf's intervention, all of the JDLers were treated a lot better. Sternberg was taken to the hospital where his head wound was stitched closed.

"While I was handcuffed to a wheelchair, I kept tally of the injured who were admitted to the emergency room: two JDLers, one cop, one JDLer, one cop, and so on. Not that we were fighting the cops, but because the cops started swinging, it made me feel good that there weren't only Jewish kids in the emergency room, but cops also. Most of the police however, had nothing wrong with them, but were there to collect sick leave. I saw one big sergeant walking around drinking coffee. When a police captain entered the room though, the sergeant started limping and he walked to the nearest chair to sit down. 'Oh yes, I got hurt captain.'"

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From the hospital, they brought Sternberg back to the 19th precinct and held him overnight pending arraignment. His bed, a slab of conrete, not only was uncomfortable but had water leaking onto it from the ceiling. Removing his leather winter jacket, he put it on the concrete so he would not lie in water. Instead it began dripping onto Sternberg. Between the leaking ceiling and the repeated flushing of the toilet, Sternberg slept little that night. By morning he had caught a cold. For breakfast, the police who were under obligation to feed their prisoners, brought the JDLers ham sandwiches. "It was a nice little gesture on their part to show how friendly they were," Sternberg said.

He was brought to court, where he was charged with attempted murder, four counts of assault, inciting to riot, riot and resisting arrest. The last charge is a good charge explained Sternberg.

"Anytime that a prisoner gets injured he automatically gets charged with resisting arrest. This covers the police officer from brutality charges. 'The reason the guy got destroyed was because he was resisting arrest.' It is a ruse used often by the police to cover up brutality.

When the police brought me to the hospital, I saw a fourteen year old JDLer brought in. He was big for his age but he was hardly even a teenager yet. The cops beat

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him up, really busted him up and left him lying in the street; his head was cracked open. David Levine found him lying in the street and helped him to a hospital. In that case, the TPF didn't even bother arresting him. They just beat the hell out of him and then they went onto the next guy. The cops that night definitely had a lot of fun -- something they could put in their scrapbooks.

"I have to admit that in general, station house cops are humane and normal unlike the TPF. TPF is a purely voluntary assignment. You know that in the years you spend there you have to compile a really good record of arrest. Then, because TPF is hazardous duty your chance for advancement to detective are much better. Or if worst comes to worst, you can at least pick a precinct you want to work in. So after three years of work destroying people you pick an easy precinct where your biggest problem is taking a cat out of the tree or walking kids home from school.

"I have spoken to many station house cops who don't like the TPF because they're brutal guys. When the TPF gets assigned to a precinct they come in, beat people up, and leave; it is the normal cop who faces a hostile community."

Sternberg was not the only one arrested that night. When the police charged the demonstrators, Kahane was

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immediately arrested. Bennet Levine, JDL's Nassau County co-ordinator, saw the police dragging Kahane down to the gutter. Fearing they were going to club Kahane, Levine charged the police and himself was arrested.

Later, Mal Lebowitz, who was enraged by the anti-Semitic police, got hold of Inspector Fallek. "Why the hell did the cops start swinging? Did you hear them? Did you hear them scream: 'Come on your kike, I didn't get my kike for the day'"?

"We thought you were going to storm the mission and wanted to prevent it," Fallek responded.

Still enraged, Lebowitz got hold of a bunch of JDLers and they repeatedly saluted the TPF with chants of "Seig Heil." A commanding officer ordered his arrest. Lebowitz was pushed to the ground where he saw the police kicking him. "I felt nothing, however, and couldn't figure out how the hell they were missing me. After a moment I realized that my teenage son, Paul, jumped over me and was absorbing the blows. The police arrested him too for obstructing governmental procedure."

The next morning the JDLers were arrainged in front of Judge Irving Lang. After the charges against Sternberg were read, the Judge asked him if he was ever arrested before. Before Sternberg had a chance to answer, Judge

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Lang took off his glasses and pointing them at Sternberg said, "And don't say 'no,' because I arraigned you three times already." There was laughter in the courtroom.

"Well, your Honor," Sternberg replied. "I have been arrested a few times before."

The Judge released everyone without setting bail, but a grand jury later indicted them and the JDLers were held on $10,000 personal recognizance bond.

"I had challenged Fallek to a fight a few months before," Alex Sternberg remembered. "Fallek was restrained by two policemen, but he hissed between his teeth that I was on his shit list. At the time, I laughed it off. But . . . after that experience at the 100 Hour Vigil. . ."

Monday, December 28, JDL's 100 Hour Vigil continued with 150 demonstrators at 67th Street and Third Avenue. Released from jail Kahane came to the Park East synagogue which JDL still held, and instructed everyone except Izzy Danziger to leave at nine that evening. Danziger stayed behind, and at 10 P.M. threw a bottle of red ink at the Soviet Mission, intending to splatter the ink onto the side of the building. The bottle went through a window, and Pravda, (10 January 1971) the official Communist Party newspaper reported it. The incident was given greater prominence when the Soviet Delegation to the U.N. complained that a bottle had crashed through a bedroom window, shocking those inside. (New York Times,

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6 January 1971) As for Danziger, a group of JDLers were to have been at the parking lot where as a diversion, they were to participate in Israeli dancing. However, Danziger threw the ink earlier than planned and no one was in the parking lot. The Police caught him as he tried to flee.

On Tuesday, December 29th, Meir Kahane and Eli Schwarz went to Aeroflot's office "with cash and asked for two plane tickets from Russia to Israel for Dymshits and Kuznetsov. They said too, that they would return the next day with money for three million tickets should the Russian Jews be allowed to leave." (Never Again, Vol. I, no. 4, [JDL Philadlphia])

That evening, about 200 demonstrators were at 67th Street, but the most important news came from Russia. The Supreme Court of the Russian Republic, announced that on the following day, they would hear the appeals of the eleven hijackers. Under Soviet law, the Court could have waited until mid-January before hearing the appeals.

An editorial in the New York Times (31 December 1970) explained the Court's decision. "Despite efforts by Tass to dismiss the avalancheof protests as mere 'anti-Soviet hysteria,' Moscow has been forced to react to the world revulsion. That explains the unusual speed with which the Supreme Court of the Russian Republic moved to hear the appeals of the eleven defendents."

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The following day, Secretary of State Rogers sent a secret telegram to the FBI, the Secret Service, the US Mission to the UN, and to the American Embassy in Moscow.

> . . . Potential for acts of violence directed against Soviet establishments, officials and citizens has risen sharply as a result of situation created by death sentences for two defendants in Leningrad trial, this potential is reflected, for example, in increasing number of anonymous bomb threats directed against Soviet offices in U.S.
>
> News reports indicate that an appeal hearing for all defendants is taking place today December 30th, before Supreme Court of Russian Republic. We have no indication of what outcome of this appeal will be, but a decision could be reached speedily and with little advance notice. Should Soviets decide to carry out executions, we fear that protective measures taken here thus far would be inadequate.
>
> Dept. fully concurs in Ambassador Beam's assessment that further incidents of violence would have damaging impact on our overall relations with USSR and possibly trigger reaction against Americans in Soviet Union.
>
> [You] are requested in coordination with local police forces to undertake urgent review of contingency plans covering possible major surge in anti-Soviet activity if Soviet Govt rejects appeals and carries out executions. All protective agencies concerned should be prepared to implement maximum security measures for Soviet property and personnel at short notice.
>
> Department and Moscow Embassy will provide as much advance notice as possible should it appear that executions will be carried out. GP-3. Rogers (Zweibon v. Mitchell)

The following day Kahane left on a ten day trip to Israel and he was in Israel when on December 31, the Russian Supreme Court commuted the death sentences of

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Dymshits and Kutznetsov, ordering them instead to labor camps for fifteen years of "deprivation of freedom." (Izvestia, 1 January 1971, in Current Digest of Soviet Press, vol. 28, no. 1: 4) Newsmen learned of this when Andrei Sakharov left the court building at 5 P.M. Sakharov, a noted physicist and developer of the Russian hydrogen bomb had begun to devote himself to the imrovement of civil liberties and was often an observer at the trials of dissidents. (Sakharov, a widower met Yelena Bonner, a half Jewish pediatrician and Eduard Kuznetsov's aunt, while they were both at the Supreme Court. The meeting proved auspicious and they were married a short time later.)

Outside, amid a light falling snow, a small group of relatives and newsreporters waited for news about the outcome of the trial. When Sakharov emerged from the court building, the waiting group of people quickly surrounded him and he informed them of the lifting of death sentences. On the following day, Izvestia, the Government newspaper, ended its silence about the trial and printed a long, 1,000 word account of the case, stressing that it was solely for their crime that the defendants had received their "deprivation of freedom" sentences. Izvestia did not explain, however, that "deprivation of freedom" really meant years of hard labor under the most difficult conditions. Under a

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Soviet prison code adopted that year, four different types of labor camps were established. Kuznetsov and two others were sentenced to the most severe type, the "special corrective labor colony." There, instead of dormitories, prisoners were kept in isolated cells. They received spending money for food. But while in the least severe labor camp, inmates received up to eleven rubles a month for food, in the special labor camp a prisoner received only four rubles per month. "Special" inmates were forbidden to receive any suplementary food parcels until half their sentence was completed and then, they could receive only one parcel a year; they could write only one letter per month, and each year they could be visited only twice, one short visit and one long visit.

The fate of Dymshits and seven others was not much better. They were sentenced to a "strict" labor camp, the second most severe corrective labor colony. Conditions there were only slightly better; each month they received an additional ruble for food.

Since "Westerners have no access whatsoever to relevant Soviet archives," (Yergin, 1977) no definitive ways exist to ascertain the specific reasons for the change of sentencing. Nevertheless, a careful reading of available records indicates that authorities within the Soviet Government and not only the judiciary

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decided to commute the death sentences. For example, the official account in Izvestia states that in addition to the defendants, even the prosecutor "Comrade Pokhlebin [of the USSR's Prosecutor's Office] spoke in favor of mitigating the sentences." (Izvestia, 1 January 1971, in Current Digest of the Soviet Press, vol. 28, no. 1:5)

World public opinion clearly was a motivating factor for authorities to press for a change in sentencing. But JDL's role in creating the great clamor of public protest was minor. The League had sensitized the public to the issue of Soviet Jewry, but its demonstrations that week were hardly as influential as were those of heads of states, religious leaders, artists, politicians and scientists who protested the death sentences.

III. Russian 'Connivance' and American Wiretaps.

Kahane was quick to realize, nevertheless, that the Russians had yielded to pressure. This realization greatly inspired him to continue his campaign of seeking publicity about Soviet Jewry. In this the Soviet Union was Kahane's unwitting dupe. Specifically the Soviet Union saw in JDL's harassment, "The clear connivance (popystitelstvo) of American authorities." After each JDL incident, the Soviet Union, extremely sensitive to every League action, repreatedly lodged complaints with

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the American Embassy in Moscow or with the State Department. To illustrate, in Moscow on 31 December 1969, after the first 100-Hour Vigil, Deputy Foreign Minister Kozyrev called in Ambassador Beam and told him "In direct proximity to the Soviet Mission to the UN there is constant picketing, anti-Soviet slogans are being shouted, and provocative, slanderous placards are being displayed. All this is taking place with the clear commivance (popustitel'stvo) of local American authorities." (Zweibon v. Mitchell)

Evan the bullhorn which the JDLers used enraged the Soviets. In Moscow, on 4 June 1970, Ambassador Beam cabled the following to Secretary of State Rogers:

> Foreign Ministry official [name deleted] called in American Embassy Official [name deleted] . . . said that despite appeals by Soviet Mission to USUN [United States Mission to the United Nations] and to NYPD [New York Police Department] authorities made no effort to stop group of demonstrators at synagogue near mission from using loudspeaker to shout anti-Soviet slogans all day long. Unceasing noise made working conditions intolerable at Mission. . . . Foreign Ministry official closed by pointing out that Soviet Press had said nothing yet about the incident. He added that it would not be difficult to imagine reaction of Soviet public if they were given details and shown photographs.

Ambassador Beam ended his cable to Rogers with the words: "Appreciate guidance."

After the JDLers had taken over Amtorg's office to protest the arrest of the eleven hijackers, Moscow's Ambassador to the United States, Anatoly

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Dobrynin called on Martin Hillenbrand, Assistant Secretary for European Affairs, and complained that it took the police forty minutes to arrive. Dobrynin added that "Soviet Government had kept these incidents from knowledge of Soviet people . . . however he was not sure secrecy could be maintained and that he feared 'unpredictable consequence' if Soviet public opinion became aware of" JDL's activities. (Zweibon v. Mitchell, cable of Secretary of State Rogers to American Embassy in Moscow, 23 June 1970)

Pravda also repeated the charges of connivance:

> The name of the band that committed the pogrom [against Amtorg] is known: the "Jewish Defense League," a terrorist organization. The name of the League's ringleader is known: Meir Kahane. It is known where the military-diversionary training camp of the League's storm troopers is located: in the vicinity of Woodbourne, New York. . . .
>
> But although this criminal band acts right before every one's eyes and shamelessly publicizes its plans for criminal deeds, the American Themis-so formidable for progressive and anti-war people-displays unfathomable connivance at the gangsters of Zionism, who have gone too far. The local police, which brags about its modernized tracking and investigative equiptment, arrives, as a rule, at the "scene of the incident" after a suspiciously long interval, quite adequate for the pogromists to finish up their black deed. But the most striking fact is that to this day not a single one of the terrorists who have been caught red-handed at the scene of the crime has been convicted by an American court. All this readily resembles not only connivance but also direct encouragement of the fascist anti-Sovieteers.
>
> It is becoming increasingly obvious that influential circles in the US ruling class, by

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> inflating their anti-communist propaganda campaign and disseminating enmity toward the Soviet people, are in effect, inciting the scum of society to anti-Soviet assualts. It suffices merely to pick up the May 4th issue of the reactionary magazine, Time, which is crammed with the crudest, lowest-grade slander against the Soviet Union, to understand that this is nothing but an invitation to commit anti-Soviet outrages. . . . (Pravda, 27 June 1970 in Current Digest of Soviet Press, Vol. 22, No. 26:33)

In October 1970, the Soviet Union again gave a note to the American Embassy in Moscow, protesting the "unbridled anti-Soviet campaign" of the "so called Jewish Defense League." In an unusual move, the Soviet Government also released the text to Pravda and Izvestia for publication. "The United States government should realize," the text read, "that the genuine inactivity of American authorities regarding the provocations of Zionist extremists can only further the hostile campaign against the Soviet Union and have unfavorable consequences for relations between our countries. . . ." (Pravda, 2 October 1970, in Current Digest of the Soviet Press, vol. 22, no. 40:16)

The Department of State cabled the American Embassy in Moscow and instructed them to respond by saying that the "United States Government finds the reference in the Soviet note to the alleged inaction of the American authorities totally unwarranted." The Soviet Mission to the United Nations"is one of the very few missions to benefit from permanent police posts and it has more such

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posts than any other mission." The text continued:

> With regard to the further unfounded allegation in the Soviet note that the American authorities are contributing to a campaign hostile to the Soviet Union, which could have unfavorable consequences for the relations between our two states, it is necessary to question whether the action of the Soviet Government in immediately releasing information to the press about its protest could do other than exacerbate the situation. The gratuitous publicity which has thus been granted to elements who may be unsympathetic toward better relations between our two countries will not deter them from further actions designed to complicate those relations. It can only encourage such elements and, in addition, may stimulate other individuals into emulating their example, thereby greatly increasing the problems already presented in affording effective protection to Soviet premises and personnel. (Zweibon v. Mitchell, 1 October 1970)

After the bomb explosion at the Aeroflot-Intourist office, Pravda again accused the United States of "dangerous connivance."

> Naturally, what should be done to halt provocations of this kind lies within the competence of the American authorities. One cannot overlook the present atmosphere of connivance in the USA that has come about in regard to the bandits. It is hardly an accident that on the same day the US government expressed its regret concerning the latest provocation, one Kahane -- leader of the extremist, Zionist Jewish Defense League -- was in New York threatening publicly to carry out new "violent attacks" against Soviet institutions in the USA. A question automatically comes up: Does all this correspond to a spirit whereby the authorities encourage persecution of the progressive elements within the country and praise gangsterism abroad. . . .
>
> More and more of late one gets the impression that certain people in the USA have become intoxicated with the "cold war" and are

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> blatantly encouraging assaults by anti-Soviet provocateurs. . . . (Pravda, 7 November 1970, Current Digest of the Soviet Press vol. 22, No. 48)

As a result of all these Soviet warnings, officials at the State Department and at the National Security Council (NSC) grew worried over the threat of Soviet retaliation. "I recall specifically talking to Henry Kissinger (then head of the NSC) about it," testified John Mitchell, the former Attorney General of the United States, ". . . and I had conversations with Undersecretary Irwin in the State Department, with Mr. [Martin] Hillenbrand, who was Assistant Secretary for European Affairs and I believe also [with] Jack Stevenson, who is counsel in the State Department."

In January 1971, after discussing it with John Mitchell, J. Edgar Hoover, Director of the Federal Bureau of Investigation, decided to wiretap JDL's telephones. "Obviously," Mitchell later testified, "there would be the Director [of the FBI] and myself to get to the point of making a determination as to whether the installation should go in, and out of that conversation we would have -- I would tell him [Hoover] to go ahead and send the customary memorandum around for approval." (Zweibon v. Mitchell, deposition of John Mitchell, 7 February 1973)

On 4 January 1971, as a result of that meeting,

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J. Edgar Hoover sent Mitchell the following "secret" memorandum ("excluded from automatic downgrading and declassification")

> . . . The demonstrations [of JDL] have been the subject of numerous official protests by the Soviet Government alleging harassment of Soviet personnel and failure on the part of the United States Government to provide adequate protection and security for members of the Soviet diplomatic community in this country. The JDL has been singled out in these protest by the Soviet Government as the single organization responsible for harassment of its representatives in this country and as being responsible for the cancellation of tours in this country by Soviet cultural groups participating in the cultural exchange program between the United States and Russia.
>
> The renewed tensions of the Middle East situation and recent decisions by Soviet courts directed against Soviet Jews have results in increased demonstrations against Soviet diplomatic installations throughout the world. Demonstrations in New York City have been marked by violence with members of the JDL figuring prominently as participants therein. A surveillance of the telephone of the JDL headquarters could be expected to provide advance knowledge of activities of the group directed against anti-Jewish diplomatic establishments, which could create situations of international embarrassment to the United States. (Zweibon v. Mitchell)

The wiretap, or as Mitchell later put it, the "national security surveillance, of a telephone installation" was approved for the maximum period of ninety days, and was initiated without the authorization of a court order. Later, John Mitchell would defend the action and argue that:

> The surveillance of this telephone installation was authorized by the President of the United States, acting through the Attorney General in the exercise of his authority relating to the nation's foreign

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> affairs and was deemed essential to protect this nation and its citizens against hostile acts of a foreign power and to obtain foreign intelligence information deemed essential to the security of the United States. My authorization for such survillance was in response to requests of the Director of the Federal Bureau of Investigation, which requests were considered in conjuction with all of the foreign and domestic intelligence available to the Executive Branch of the Government. (USA v. Bieber, 71 CR. 479, Affidavit of the Attorney General of the USA, 4 June 1971)

Nevertheless, as a result of JDL's action, Soviet American relations the first week in January 1971 entered what the New York Times labelled "a nasty phase." (10 January 1971) On Monday the Soviet Union repeated its clearly mistaken charge that the United States was failing to protect Soviet establishments. The Soviet Ambassador to the United States, Anatole Dobrynin, delivered an oral statement to Acting Secretary of State, U. Alexis Johnson, which again stated that "The American authorities despite their frequent promises to take appropriate measures, are virtually continuing their connivance in these criminal actions." However, for the first time, the note also warned of official Soviet retaliation. Since the American Government was not taking "the necessary steps to create normal conditions for the work of Soviet institutions in the United States," it could not "rely on the provision of such conditions for American institution in the USSR." (Washington Post 6 January 1971) By Wednesday, all of the Moscow newspapers

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had published a summary of the Russian note and its accompanying threat.

Robert McCloskey, the State Department spokesman at his noon briefing on Tuesday said:

> I must emphasize that we are deeply concerned and shocked by the open threat of possible retaliation against American establishments in the Soviet Union. Deplorable as the acts against the Soviets in the United States are, they are acts of misguided individuals and the United States Government is acting aggressively to prevent further actions of this kind.
>
> In their statements, the Soviets are raising the specter of officially inspired retaliation. Such action by the Soviet Government would indeed be serious and we consider such a threat disturbing. . . .
>
> In the Soviet Union, I might mention . . . as recently as in the last week, two officers of the American Embassy have received threatening telephone calls. [Since the Americans had unlisted telephone numbers, the calls had to have been officially instigated.] (Zweibon v. Matchell, cable from Secretary of State Rogers to American Embassy, Moscow, 6 January 1971)

That same day the American Embassy in Moscow reported the receipt of eighteen telegrams, most jointly signed and the majority with Jewish names "protesting anti-Soviet Zionist activities in U.S. . . . threatening Soviet life and property. . . ." The cable from the American Embassy concluded: "With exception of one or two semi-literate, anti-Semitic letters, Embassy has not received any messages on "Zionist" issue for some months. Barrage of eighteen telegrams on one day obvious sign of coordinated official campaign." (Zweibon v. Mitchell, 4 January 1971)

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Two days later, Ambassador Beam cabled the State Department that "Friction has begun to affect our contacts outside the [Soviet] Ministry of Foreign Affairs." After a Russian official declined a luncheon engagement at the last minute, the American Cultural Counselor, "to test atmosphere," called Izvestia' deputy editor, Sagatelyan, and tried to arrange a visit to Izvestia's plant for himself and the press officer. He was immediately told that it was the "worst possible moment" because of the "indignation of us all over the treatment of Soviets in the United States. "On January 6th" the cable concluded, "may have been coincidental, but contributes to atmospherics: on leaving embassy at . . . [3:15 P.M.], French press attache found window of his new Renault shattered."

On Wednesday night, January 6, men whom United States Embassy officials believed were Soviet agents threatened an American diplomat in Moscow. Robie Palmer, a second secretary in the United States Embassy, and his wife were leaving a Russian theater when three men approached them. "How would you like to be treated the way Zionist thugs treat our diplomats in America"? one of the men asked. "How would you like to have your car destroyed by demonstrators who are not under control?"

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"I don't need to listen to you," Palmer said, "because this was being handled through government channels." As Palmer started to get into his car, one of the men grabbed him by the lapels and prevented him from entering. "It was rather unpleasant at first," Palmer later told news reporters, "but after we talked awhile, things eased. In the end we smiled and shook hands and I left." (Newsday, 8 January 1971)

On Thursday night, January 7th, four stocky Russians stopped Erastus Corning, the Manager of Pan Am in Moscow, as he left his office in the Metropole Hotel near Red Square. "The men harangued me," Corning said, "for about fifteen minutes and without touching me they effectively prevented me from getting in my car. They were big burly guys and I had the feeling it would be a bad idea to do anything that would make them angrier." The Russians asked Corning how he would like being beaten up "right here on the spot," and before parting they requested he do something about the situation of the Russians in the States; they seemed particularly concerned about an ink bottle which was thrown into the Soviet Mission in New York. (Washington Evening Star, 8 January 1971)

Similarly, the American Embassy in Moscow was beset by Russians. Although Soviet policemen posted at the gates bar ordinary Russians from entering the American

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Embassy, the police permitted the entry of five Russian delegations bearing letters protesting the "Zionist Hooligans."

In Washington, acting Secretary of State Irwin cabled the American Embassy in Moscow and instructed Ambassador Beam to seek an appointment with Gromyko and deliver "the following oral statement, text of which may be left with him."

> The United States Government notes with deep concern the threat against American establishments in the USSR . . . such a threat in no way contributes to solving the problems which, for its part, the United States Government has been striving to solve. On the contrary, it serves only to exacerbate the situation.
>
> Acts of violence commited against American establishments in the USSR would not be the spontaneous actions of individuals, but, rather would represent actions planned and implemented by Soviet authorities. The United States Government could only view such acts with the utmost seriousness. The United States Government will continue to hold the Government of the USSR fully accountable for the safety of American installations and personnel in the Soviet Union.

Following the oral statement, Irwin instructed Ambassador Beam to "draw on [the] following talking points":

> We strongly reject the allegation in the Soviet statement [of 4 January] that the USG [United States Government] has connived in violent attacks against Soviet offices. This charge is groundless. Soviet officials in the United States are well aware of our continuing efforts to ensure the security of Soviet establishments.
>
> We wish to assure Gromyko of our continued cooperation in taking all necessary steps to protect Soviet installations in this

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> country, including Soviet groups appearing here under the US-Soviet exchanges program.
>
> We must note, however, that the root cause of the tension of the past few weeks was the extremely strong reaction of Americans, of all faiths to the closed trial held in Leningrad and the reports of continued trials in the USSR of predominantly Jewish defendants. The fundamental issue in this case, and the one which apparently drove the defendants to the alleged crime, is the failure of the Soviet Union to grant to its citizens the basic right to emigrate, which is recognized in the United Nations Universal Declaration on Human Rights. (Zweibon v. Mitchell, 7 January 1971)

Assistant Secretary Hillenbrand that same Thursday discussed JDL's activities with Ambassador Anatoly Dobrynin of the Soviet Union. John Irwin, the under-Secretary of State, cabled a summary of that meeting to the United States Embassy in Moscow and because of its exceptional interest, it is worthy to quote in full:

> Confidential. At meeting with Dobrynin on January 6th, Assistant Secretary Hillenbrand took initiative in raising subject of Soviet complaints regarding anti-Soviet activities in U.S. Hillenbrand said he did not wish to belabor issue but wanted to reiterate our regrets at incidents which had occured in New York. We wish to assure Dobrynin that we as Federal Government are taking adequate measures to prevent these occurences, although we recognize that complete security cannot always be guaranteed. At same time, US Government firmly rejects Soviet accusation that US Government guilty of conniving in these anti-Soviet actions. We are also deeply disturbed by implication of Soviet statement of January 4th which carried an implied threat of retaliation against Americans and US installations in USSR. It would be most unfortunate if Soviets proceeded along this road. If retaliation takes place it could only be at instigation of Soviet authorities and a calculated Soviet policy

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Dobrynin took some exception to our use of the word connivance, indicating that his preference was to interpret the Russian word used in the January 4th statement as meaning "shutting one's eyes to events." He said the activities in New York against Soviet installations and personnel were perpetrated by hooligans, who used offensive language. In the USSR persons could be given a 15-day prison sentence for using such dirty expressions. He asked whether there was any US law against the use of such language. Dobrynin said the [Soviet] Embassy had been trying through the State Department to have such offensive actions and harassment stopped. He cited cases of ink bottles being thrown through windows of Soviet Mission in New York, smashing of bottles against vehicle of a Ukranian representative and harassing telephone calls to Soviet Embassy here in Washington. He wondered why the FBI could not be helpful in tracing these calls.

Dobrynin noted that he was protesting a situation which had developed to an unacceptable point. He noted that only a few individuals were involved and wondered why action could not be taken to prohibit their activity. The Soviet Embassy was not protesting political demonstrations since this was an internal matter. He was only attempting to see to it that Soviet representatives could live and operate in a decent and normal manner in the U.S.

Dobrynin underlined that offensive activities against Soviet installations and personnel have poisoned relations between the two countries. There is an end to anyone's patience and this is what is happening at the present time within the Soviet Government and other circles in Moscow. An effort is being made to draw the matter of anti-Soviet activities to the attention of the United States by any means. This was the sense of the Soviet Government statement of January 4th and its decision to publicize it. Dobrynin once more asked that action be taken against "Zionist Hooligans." Dobrynin said he was speaking to very concrete criminal actions which would not be countenanced if they were done against American institutions. Dobrynin said that he was not asking that the anti-Soviet campaign be stopped but that criminal activities against the Soviets here be prohibited. He once again

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> said that this only involved a small group of individuals, whose names were known in some cases. He noted that even a good number of Jewish groups had condemned the activities of the Jewish Defense League.
>
> Dobrynin said the Soviets did not want to create an anti-U.S. feeling in the USSR but that there are definite limits to what one can bear. He noted, however, that if similar activities were taken against American and U.S. installations in the USSR there would be a strong reaction in the U.S. and rightly so.
>
> Mr. Hillenbrand underlined that a great deal had been done to prevent actions of violence against Soviet installations here. Part of the problem centers around the fact that some Soviet installations are not official in the same sense as diplomatic missions. Hillenbrand gave assurances that the US Government would exhaust every possibility open to it to prevent actions about which Dobrynin had been protesting. We are now urgently studying to see what more can be done to this end. (Zweibon v. Mitchell, 7 January 1971)

A few hours later, early Friday morning of January 8th, JDLers bombed the Soviet Cultural building in Washington. Of course they had no idea about Hillenbrand's meeting with Dobrynin. They set the date so that it coincided with Kahane's return to New York from Israel. The bombing was planned to increase press interest in Kahane, enabling him to further publicize his campaign against the Russian oppression of Jews. The JDL activists could think of no more appropriate homecoming gift. Nevertheless, in timing their bombing, the JDLers could not have picked a more fortuitous moment for disrupting relations between Washington and Moscow. Three days later, Ambassador Dobrynin was abruptly called back to Moscow.

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The bombing made front page news. The small lead pipe bomb which was placed against a metal door leading to the building's back alley, exploded at 4:30 in the morning. The four story building at 1706 18th Street N.W. housed the embassy's press relations department, trade center, and the information office of the Russian magazine, Soviet Life. The force of the blast tore the quarter inch thick, fifty pound iron door off its hinges and hurled it 200 feet onto the roof of an adjacent three story building, shattering its skylight.

Rosalee Hannah, a fifty-four year old housewife who lived on the building's second floor was awakened by the blast. "This explosion woke us up," she said, "I though it was thunder. The glass [skylight] started shattering and falling and we knew it wasn't thunder -- it had to be something breaking in or a bomb and I thought . . . bomb! bomb! We hit the floor then." (Washington Evening Star, 8 January 1971)

Shortly after the explosion a woman called the Associated Press in Washington and said: "I'm only going to repeat this message once so take it down. The Soviet Cultural Building on 18th Street has been bombed. This is a sample of things to come. Let our people go! Never again!" (New York Post, 8 January 1971) A few hours later a man telephoned UPI's New York office and said "the bombing was the start of a 'coordinated

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drive' against the Soviets that would spread to twenty-two cities."

Minutes after the blast, the Secret Service called the State Department's operations center and informed them that another Soviet installation had been bombed. The State Department's operations center awakened Steven Steiner, a duty officer. He hurried to the Soviet Embassy at 5 A.M. where he expressed his department's official regrets to Leonid Shcherbakov, a second secretary.

About 9 A.M. Richard Davies, Deputy Assistant Secretary of State for European affairs, called Yuly Voronstov, the Soviet Minister Counselor and again expressed the Department's "deep regrets." That afternoon Voronstov handed Davies a note protesting the bombing. As usual the note and a summary of that meeting were cabled to the American Embassy in Moscow. For the first time, a cable was also sent to the American Embassy in Tel Aviv.

> Despite numerous representations by [Soviet] Embassy, State Department has not yet informed Soviet side about arrest of criminals who perpetrated these explosions and who, accordingly, remain unpunished. Such connivance by authorities leads to situation where notorious hooligan terrorist "Jewish Defense League" openly announces its intentions to make attempts on lives of employees of Soviet establishments in US. Its ringleader, Kahane, according to American press services makes statements in Tel Aviv on Israeli State Radio praising "effectiveness" of terrorist activity against Soviet establishments in US. . . .

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> Voronstov added he had 'address of person causing these idiotic things if Department could not find him,' and gave Davies ticker item . . . about Kahane's Tel Aviv radio interview mentioned in note. [On January 7th, UPI carried the following dispatch from Tel Aviv: 'In an interview on Israeli State Radio Rabbi Kahane said with obvious pride there had been . . . Soviet protests against JDL . . . 'and this is precisely what gives us hope that what we are doing is correct. If the Soviet Union feels we are the subject for diplomatic notes then quite obviously we are something which hurts.']
>
> For your information. Before his statement was issued, Acting Secretary [of State, John Irwin] telephoned [Ambassador Anatoly] Dobrynin to express his and department's distress at this irresponsible and irrational action and give assurance we would do everything we can. Dobrynin responded that he would report call to his government, characterizing act as out of all proportion and emphasizing that it definitely is damaging to our relations. He thanked acting Secretary for calling. (Zeibon v. Mitchell, 9 January 1971)

In Moscow the "Citizen's Campaign" became more pronounced. On Friday, five Soviet groups brought petitions to the American Embassy; seventy five letters poured in, many from Soviet Jews attacking "Zionist acts" and disclaiming their need for support. "A significant number," cabled Ambassador Beam, "contain threats of retaliation against American citizens in USSR. Typical example of latter follows: 'Aren't you ashamed? We can also use your tactics and if stones fly at your embassy, mine will be among them. Pacify your Zionists or we'll pacify you.'" (Zweiber v. Mitchell, cable from American Embassy Moscow to State Dept., 9 January 1971)

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Embassy officials and correspondents began to be harassed. On Friday night, four Russians stopped two American Embassy officers as they were leaving the Central Lecture Hall. The Russians gave the American diplomats what by now had become the standard complaint -- the treatment of Russians in America -- and asked the diplomats how they would like to beaten up. One Russian grabbed Embassy Officer Semakis by the lapels, and shoved him around.

Saturday morning, an American Foreign Service Officer was jogging on Leninsky Prospekt near his apartment house when he was stopped by a Russian. The Russian had been tailing him for a week, ever since the start of the Moscow retaliations, but that morning the Russian departing from his usual behavior, emerged from his car and grabbed the American by the arm, giving him the standard lecture. When the American walked back to his apartment building, he was followed by two Russians, one of whom said loudly, "It's time to stop being liberal with these people." (Zweibon v. Mitchell, 9 January 1971)

Three quarters of an hour later, another Foreign Service officer found the windshield of his automobile shattered. He had parked on Gorky Street in front of the Intourist Hotel where he went to pick up a Congressman who wanted to visit Moscow's Synagogue. During the drive

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to the hotel he was closely followed and as he entered the building one of the Russians screamed at him, "leave our people alone!" Another American diplomat who had parked nearby, found his rear lights smashed and two of the car's tires slashed.

Saturday night, Michael Johnson an Associated Press correspondent found the front windshield of his car smashed. The car was parked outside a diplomatic apartment bloc, and as usual a militiaman was standing nearby. He had seen nothing, he told Johnson, but suggested nevertheless that Johnson look inside his car. On the front seat was a note in Russian reading, "Watch out, reptile, next time it will be worse." Another militiaman arrived then and said loudly enough for Johnson to hear, "If they're attacking our Embassy in America, what do they expect." (New York Times, 11 January 1971).

A second incident that night occurred in front of the American Embassy when three Russian men briefly rocked the car of an American diplomat officer. The Russians had emerged from their own car which was parked beside the exit to the Embassy's driveway. Three militiamen stationed there witnessed the incident, but when the American diplomat complained to them they told him they had seen nothing.

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Sunday morning, Anthony Astrachan, the Washington Post correspondant found his four tires punctured. Astrachan and his wife had left their car near Moscow University and were walking their dog. The car of Jay Axelbank, the Newsweek correspondant was similarly vandalized on Gorky Street.

American Embassy officials had no doubt the retaliatory incidents were carried out by Soviet secret police since they were usually assigned to follow foreigners and were able to distinguish Americans from other foreign nationalities. In addition only official personnel would not fear arrest in carrying out their vandalism. "But there is nothing we can do about it," a State Department official privately told newspeople. "We can protest and we have protested and we will protest, but what good does it do us? And then along comes a bombing and they've got an answer for our protests." (Long Island Press, 9 January 1971)

Pravda, the Communist Party newspaper, gave a partial reason for the quasi-official Soviet retaliation. In a long, two column dispatch from Washington entitled "The Terrorists and Their Protectors," Pravda's correspondant, A. Strenlikov, charged that the FBI did not even seem to notice JDL's activities and let them operate with complete "impunity." The article indicated that all of the League's activities, no matter how minor, were thorns

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in the Russian's side.

> A detailed list of [JDL] outrages would take several pages. They have disrupted performances by Soviet musicians on tour in the USA; they threw a gas grenade in the auditorium of the Chicago Opera House during a performance by the Igor Moiseyev ensemble; they attacked the bus carrying the artists of the Soviet 'Circus on Ice' in Philadelphia and beat up the American driver, who had tried to reason with the hooligans; like bandits, they broke into the grounds of the summer residence of the permanent USSR representative to the United Nations and commited outrages there until they were thrown out by force; they have tried several times to break into the offices of the Soviet delegation to the United Nations; and they damaged a Soviet plane at the New York airport.
>
> Now they are openly threatening physical violence against Soviet diplomats and journalists and the staff members of other Soviet institutions in the USA. From threats by telephone and through the mail, they are now switching to action. In New York recently, they threw a bottle through an apartment window and nearly killed a child. Last summer this league operated two camps in the hills near New York and in the woods near Philadelphia, places where the terrorists were trained to use firearms and to handle knives, brass knuckes and clubs.
>
> And here is the most surprising thing of all: In a country with a mightly police apparatus, these political terrorists operate with complete impunity. To this day no serious charges have been brought against any one of them, though their names are well known to the police, the Federal Bureau of Investigation, and the agencies that are charged with the protection of diplomatic institutions. The American authorities do not seem to notice their bandit activity. The political hooligans openly boast of their 'political immunity.' Talking to reporters from the New York newspaper, Manhattan Tribune, their leader, Meir Kahane, has admitted: 'We have no trouble with the police. They understand what we're doing.' A few days ago Kahane's voice came to us from Tel Aviv: The leader of the American Zionist stormtroopers was reporting

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> to his Israeli bosses on the campaign of terror and provocation against Soviet people in the USA.

Officials at the American Embassy in Moscow found the article disturbing enough to cable a summary of it to the State Department. The Americans, eager to learn of any change in the Kremlin's thinking, carefully analyzed what Strelnikov did and did not say.

> Comment: Although Strelnikov article gives Soviet readers their most alarming account of JDL activities, it ends on a relatively positive note. This evident effort to give some balanced perspective to developments also perceptible in relatively full Izvestia account of [State] Department statement, which [was] repeated [in] most newspapers. . . . We also note that regime so far has not staged any protest meetings on JDL activities: such meetings would be indispensable to any campaign to try whip up real public fervor over issue. Soviet press, radio and TV have not reported delegations visiting Embassy. . . . While orchestration and handling do not make incidents any pleasanter, they suggest regime is concerned to minimize danger of serious unplanned occurences. . . . (Zweibon v. Mitchell, 10 January 1971)

American diplomats in Moscow believed there may have been another reason for the Soviet retaliation. Besides trying to induce Washington to take stronger measures against militant Jewish groups, Bernard Gwertzman, the New York Times correspondant in Moscow wrote that Embassy officials also saw the possibility that the Soviet government might also have hoped to divert world attention from the fate of other Soviet Jews awaiting trial because they desired to emigrate to Israel. (New York Times, 10 January 1971)

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Some observers viewed the retaliations as a demonstration of the Soviet authorities unease. In effect, the Russians were conceding that world public opinion had swayed them to commute the death sentences of Dymshits and Kuznetsov. Encouraged by this concession to world opinion, other Jews or even members of other ethnic minorities might likewise seek to emigrate. The Soviet retaliations therefore, were undertaken as a tactic to show resoluteness in the face of protest; they wanted to demonstrate they would not yield to pressure.

IV. Harassing Russians

Believing the opposite to be true, Kahane thought he could make the Russians yield to pressure. On his way home from Israel, January 8th, he read that Soviet security men had threatened to beat up Robie Palmer, the American embassy official. Kahane later wrote that "it was from this article, that is, from the Russians themselves, that the idea for a mass harassment of Soviet diplomats was born." (Kahane, 1975: 27) And so, on the same day that the Soviet Ambassador was called to Moscow for "consultations," Kahane, surrounded by about forty JDLers told newsmen at the corner of the Russian mission that JDL was forming teams "to follow, question and harass" Soviet diplomats in order to provoke a crises in Soviet American accommodation so that "bridges would

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not be built over Jewish bodies. In short the life of each Russian will be miserable." (New York Times, 11 January 1971)

Russians emerging from the Mission were followed and taunted by JDLers. Nikolai Loginov, the press spokesman for the Mission complained that the League members were using very foul language included "the dirtiest four-letter word in the Russian language. We cannot believe," he complained, "that the U.S. authorities are unable to put an end to the activities which according to the gang leaders themselves, are aimed at impairment of Soviet-American relatons." (New York Times, 12 January 1971)

Murray Schumach, a reporter for the Times, accompanied six JDLers as they spotted a thirty year old Russian man on Third Avenue and 67th Street. "Poshli domoi," [go home] and "Svoboda Yevreyam," [freedom for Jews] they shouted; Russian obscenities also flowed freely. The man walked into Woolworth's, sat at a counter and ordered a drink. Some of the JDLers sat beside him while others stood behind him keeping up their commentary.

"Give the Russian whatever he wants. Give the Russian everything he has coming to him. . . . I remember those brave Russian soldiers when they came into Hungary. . . . Don't forget the Russians in Czechoslovakia, they were brave too. . . ." The Russian looked straight ahead and

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pretended not to hear. He finished his drink and left. At 66th Street and Third Avenue he approched two policemen and complained to them. When one of the police came over to the JDL group and told them to "take a walk," they returned to their spot at Third Avenue and 67th Street and waited for other Russians.

When two Russian women left the Mission, three JDLers, including Izzy Jaroslawicz, left the JDL group at the corner and followed the women into a Grand Union supermarket on Third Avenue. Jaroslawicz stood behind the women as they reached the cashier and avoiding obscenities, taunted them about how much better it was in America. Three policemen entered the supermarket. One placed himself between the women and the JDLers, another stood behind them. Sandwiched between the police, the JDLers ceased their taunting and again returned to the 67th Street corner.

"As long as the Jews can't walk securely in the Soviet Union," Yossi Templeman told the New York Times reporter," the Russians are not going to walk securely here." (New York Times, 13 January 1971)

"It is kind of [a] psychological occupation, I think," Natalya Grigoryev, the wife of a Soviet diplomat admitted to a reporter. The JDL harassment, she conceded, made them feel as if they were living under

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enemy occupation. The wives of diplomats, she said, were reluctant to leave the Mission building, even for a trip to the supermarket for fear of being followed and insulted. "You wouldn't believe the language they used -- such words -- and used by girls as well as boys." The Russian children, 150 in number, were no longer permitted to ride their bikes in Central Park. "The little ones use the terrace," Grigoryev said, "but it's like jail."

Reactions to the Times story were immediate. One reader wrote the editor that "that shadowing of Soviet representatives by the Jewish Defense League can only be met with a feeling of satisfaction by all Americans who from personal experience as tourists or from reliable correspondents' accounts are angered by the way we are watched during our visits to the Soviet Union." (16 January 1971)

In a similar vein, another wrote he would like to express his sympathy with Mrs. Grigoryev.

> It is unfortunate that their life in America has degenerated into the kind of life experienced by people under enemy occupation. Indeed it is unfortunate that they now live under the same harassment, the same terror that . . . all their comrades behind the Iron Curtain are forced to experience every day. . . I would like to ask her how she feels about the innocent Leningrad eleven who were recently confined to her labor camps back home. . . . Mrs. Grigoryev can be assured that, unlike her children, the inmates of the Soviet camps have a lot more to do than pedal tricycles around on a terrace. . . . I

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> congratulate the Jewish Defense League and other concerned Americans for bringing a little bit of "home" to the Soviet officials in the United States. (New York Times, 21 January 1971)

Not only were Russians trailed on foot, but their cars too were followed. JDLers found they could easily identify the Russian cars coming out of the Mission garage because of their DPL (Diplomat) license plates. On the first day of the harassment campaign, the police noticed some JDLers in a car following a Russian leaving the Soviet Mission garage. Inspector Sullivan immediately ordered a police cruiser to trail both cars. As the Russians stopped and entered an apartment building, three JDLers got out of their car and began shouting at the Russians. The police ordered the JDLers back into their car and told them to leave; when the Russians returned the police escorted them until the officers were satisfied that the Russians were no longer followed. A police check of the JDL car confirmed that it was registered to Lawrence Calderone, a "known JDLer."

Other JDLers were more cavalier. Yossi Templman in his rented car and accompanied by a few others, followed some Russians to the 59th Street Bridge where they got in front of the Russian car and slowed down. One of the JDLers made shooting motions with his hand, a grown up version of cowboys and Indians. Eventually the Russians evaded their pursuers.

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Another JDLer followed a Russian car into Central Park. At a red light, the JDLer got out of his car, ran to the side of the diplomat's car and raising his fists, started cursing him. "I saw his face," the JDLer recalled. "It was white with fear. When I saw how afraid I made him, it made me afraid." (Time, 25 January 1971)

At 6 P.M. three young women left the Soviet Mission. It was dark out. A small group of JDLers quickly took up after them following them for about eighteen blocks, all the while taunting them with "Russian oppressors, why? why?" Finally one of the Russians started screaming for help, "Politizia, police come, come."

"This ain't Russia, lady." Teddy Mark replied. Nevertheless, the JDLers ceased following them. (Newsweek, 25 January 1971)

The Soviet diplomatic community was deeply resentful. A Soviet diplomat telephoned a United States Mission officer and "complained bitterly" about Kahane's threat, claiming "Kahane had singled our Soviet diplomats for attention and this created danger of assault, kidnapping or assassination." (Zeweibon v. Mitchell, cable from U.S. Mission to UN to State Department,12 January 1971) The following day, the Soviet Mission gave the United States Mission a note demanding that drastic measures be taken to suppress anti-Soviet activity. Among the

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incidents the Russians complained about was an "anti-Soviet demonstration" that took place at Kennilworth, Glen Cove on January 3rd. "Balloons with hostile inscriptions," the note read, "continue to hang from trees in front of entrance to Soviet residence." (Zweibon v. Mitchell, cable from U.S. Mission UN to Secretary of State, 14 January 1971)

As a result of JDL's provocation, the Russians after a week's pause, again began to harass Americans in Moscow. On Saturday, January 16th, Walter Nelson, the airport manager for Pan Am, found his car windshield broken when he left his hotel to go to work. Later that day, United Press International correspondent, David Nagy, took his family to shop at a supermarket set aside for use by foreigners. When he returned to his car with his arms filled with groceries, he saw five men standing in a row beside his car. The car's windows, head and tail lights were shattered and the wipers were broken. "One of them was an old guy," Navy said, "and he came running over yelling 'Why don't you stop molesting our people in America? Why not? Why Not?" As the newsman surveyed the damage to the car, the old man followed closely behind Nagy continuing his lecture and waging his finger at him. The man quieted down slightly when Nagy's wife and two year old son came out of the super-market. "We tried to sweep away the broken glass but the

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old man came up and kicked some of it back under the wheels. As I drove away, I told them 'Goodbye. KGB.'" (New York Daily News, 17 January 1971)

The Russian pressure on the State Department began to take effect. The State Department requested officials of the Justice Department, especially the Internal Security Division, to help in prosecuting the unlawful activity of JDLers. The Secret Service which oversees the Executive Protective Service (EPS) sent EPS officers for the first time to New York to bolster the New York Police guarding Soviet installations. Pressure both from the State Department and the Justice Department was brought upon Mayor John Lindsay to repress JDL's unlawful behavior. Both Secretary of State Rogers and Charles Yost, the United States representative to the U.N., discussed JDL's harassment campaign with Mayor Lindsay.

On Tuesday, January 12, three days after the start of JDL's harassment campaign, Kahane was arrested on a Criminal Court bench warrant. Charged with rioting on December 27th, the start of the 100-Hour Vigil, Kahane had failed to appear for his January 7th preliminary hearing because of his ten-day trip to Israel. A warrant for his arrest was issued as a result of his failure to appear.

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In court, District Attorney Frank Rogers asked that Kahane be held for $7,500 and that restrictions be placed on his activities. "I think something has to change radically," the District Attorney said, "from the way he is conducting himself toward the Court and the State." Judge Matra set bail, however, at $3,000 and rescheduled the hearing.

Kahane went to the press room of the Criminal Court building and told assembled reporters that his arrest was ordered in Washington by the State Department. "The cries of three and a half million [Soviet] Jews are far louder than the bleatings of Foggy Bottom. . . . (New York Times, 13 January 1971) "For the first time in fifty-three years, the Soviet Jewish problem is on Page One throughout the country and we are responsible for that . . . I applaud the harassment, the bombings and any other things that can be done to save Jews . . . in Communist Russia." (Daily News, 13 January 1971)

Mayor Lindsay, who said that the timing of the arrest was "a coincidence," nevertheless directed J. Lee Rankin, a Corporation Counsel lawyer, to study the possibility of obtaining a court injunction barring JDL from harassing the Russians. Lawyers doubted the legality of such an injunction and the idea was abandoned.

More successful was the work of several grand juries. Frank Rogers, Assistant District Attorney for Manhattan,

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began presenting evidence to a New York County grand jury. His objective was to seek the indictment of as many of the active JDLers as possible. A Federal grand jury was also convened; Andrew Maloney, assistant United States Attorney, subpoenaed all the major JDL activists to testify.

Before any indictments were handed down, however, the League again made headlines. Six thirty, the morning of January 14th, a JDLer lobbed a brick through Aeroflot's hugh plate glass window. He jumped into a waiting car and they all sped away. A policeman on duty down the block, jumped behind a protruding wall thinking that the brick -- wrapped in paper -- might be a bomb since the Aeroflot office, at 45 East 49th Street, had been bombed on November 24th, a month and a half before.

Shortly afterwards, a man called the Daily News and said: "I'll tell you once. We just knocked out the front plate glass window of the Aeroflot office with a rock. Never again." The brick throwers had acted on their own initiative, however, and when they called a high ranking JDLer afterwards -- Rosenthal never learned who -- he told them they had no right "signing" JDL's signature to the incident by using "never again" in their message.

Ten minutes later, one of the brick throwers called the Daily News back and tried to disassociate

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JDL from the act: "Sign my name J.L. This is in answer to Mayor Lindsay. We are not white kids. We are black Jews." (New York Daily News, 14 January 1971)

When Kahane learned of the unauthorized attack he was furious. Under great pressure because of his arrests and wary of the grand jury investigations, he wanted to avoid any further provocations with authorities. Shattering the window could not have taken place at a more awkward time and to vent his displeasure, he suspended the brick throwers for a month.

The inexorable court pressure was beginning to have its effect. Kahane confided to Bieber for example, that because of all the court appearances he faced, he planned to abstain from appearing at future demonstrations.

Responding to the window breaking, Nikolai Loginov, the first secretary of the Soviet Mission, held a news conference that afternoon at the United Nations condemning the "campaign of outrages, provocations, vandalism and acts of hooliganism by a gang of fascist elements," who play "the role of the fifth column of Israel in the United States." (New York Times, 15 January 1971)

That night about 150 members were again at East 67th Street. Under increasing pressure from Washington, police had sealed off the block of the Mission itself. The street was completely beseiged.

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Barricades were at both ends of the street with about twenty-five policemen manning each barrier. Only residents of the block and Mission personnel were permitted to pass through. Nonetheless, placard bearing JDLers gathered at both ends of the street and when television crews arrived at the Lexington Avenue corner, the JDLers began chanting, waving their signs and saluting the television cameras with their clenched fists.

By Friday, January 15th, enough evidence had been presented to the Federal grand jury for them to issue arrest warrants for David Sommer, Alex Sternberg and Aaron Blumenthal. Sternberg was indicted for using a false name -- Alex Plus One -- to buy a .30-.30 caliber Model 94 Winchester rifle at Dau-Son's the spring before. Sommer and Blumenthal were likewise indicted for violating the Gun Control Act of 1968. They too had allegedly used false names -- David Raziel and Tzvi Ben Ami to purchase rifles from Dau-Son's on July 29, 1970.

When the warrant for Sternberg's arrest was issued, law enforcement agents were concerned about how they would apprehend him. Aware that he was a black belt instructor of karate, and aware of the fight he had two weeks before, when he sent two New York City Policemen to the hospital, officials greatly feared him.

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Sternberg's image was very deceiving however and he was no more dangerous than any other average 20-year old Brooklyn College student. Indeed he looked the opposite of a "muscle man." Of slight build, underweight and average in height, he appeared as such a skinny runt, that one could easily have imagined a street corner tough grabbing him by the neck to extort a dollar from him.

Nevertheless, Federal authorities took extraordinary precautions in arresting him. A team of twelve men, composed of ATF and New York City Police staked out his house in Carnarsie on Friday afternoon, waiting for him to appear. A total of six unmarked cars were used. Three cars waited at each corner of his block.

Friday afternoons, Sternberg taught a karate class at the Williamsburg YMHA. He was late for teaching his class that afternoon and in his haste to get to the Y, he went through a number of stop signs and red traffic lights. At the intersection of Clarendon Road and Ralph Avenue, however, he stopped for a traffic light that had just turned red.

In his rear view mirror, he noticed two cars bearing down on him and cutting him off. Thinking they were really in a rush he didn't pay them much attention but waited for the traffic light to turn green. Suddenly, someone tapped his window. Looking out he saw a man

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pointing a .38 pistol at him and ordering him out of the car. Since the plainclothes detective didn't identify himself, Sternberg thought the man was a member of the American Nazi Party out of get him. The week before, a group of JDLers had attacked some Nazis and now Sternberg thought, they were seeking revenge.

Sternberg was ordered to face the car, put his hands on the roof and spread his legs. All the while the man had kept as far away from him as possible but now he approached Sternberg and frisked him. After the man was convinced Sternberg carried no weapons, he identified himself as an ATF agent and told him he was under arrest. The thought of getting arrested was welcome relief to Sternberg who the moment before thought a vengeful Nazi was about to blow his brains out.

Sternberg looked around. Two cars were in front, two in back and two were on the other side of the intersection. He was surrounded by police who with their guns pointed at him, were crouching in combat firing positions. "This is crazy," Sternberg thought to himself.

His hands were handcuffed behind him and he was put into the back of an unmarked car. "The cufs were pretty daman tight," recalled Sternberg. "I couldn't move. I was pretty quiet -- I didn't scream. They arrested me. Fine. I was uneasy and I felt the police were uncomfortable too. We didn't do much talking but they didn't

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know how to get out of Canarsie so I was giving them instructions."

After awhile Sternberg asked one of them: "Excuse me officer, if it is not too much trouble would it be possible to reach into my left pocket? I have cigarettes there." The officer who by now had sized Sternberg up asked: "If I take the cuffs off of you, would you give me any problem"?

"No, I won't give you any problems."

"So he took the cuffs off of me," Sternberg said, "and for the duration of the trip into Manhattan we chatted and became quite friendly. He told me they discussed how to arrest me. They had a whole battle plan. The ATF knew I was a karate expert so they too wanted somebody with expertise in karate. He was a brown belt, kind of close to my black belt, so they pulled him from out of state to arrest me. Their initial plan was for all the police to surround me but the karate expert said, 'No, you can't do that. Are you crazy? The guy is a black belt -- if you surround him, he'll kick you and punch you. Everyone will get killed.' So they decided the best thing was for all of them to stay crouched out of my reach, while he, the brave brown belt, would approach me to actually touch me. Crazy? A lot of manpower was wasted but they didn't know that. All they knew was that a guy, the 'defense minister' of a notorious organization,

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and a black belt, was being picked up for a weapons violation. I couldn't blame them for taking precautions. I thought it was funny, however, because I knew me but they didn't know me. They were afraid. They definitely gave me a tremendous amount of flattery. 'I have a suggestion for you,' I told him. 'The next time you want to arrest me, call me on the telephone, tell me where you want me and I'll be there.' I'm not running from the cops. I have lawyers and they'll do their number.'

"When we reached manhattan, he said, 'Hey, I hope you don't mind. We must put the cuffs back on you because there will be television cameras.' He would have been hassled by his superiors if they saw on television that I wan't cuffed. When it was time they handcuffed me again. He was a nice guy."

Sternberg had been about fifteen blocks from his house when he was arrested and an ATF agent volunteered to drive his car back home for him if Sternberg would not hold him responsible in case anything happened. Relieved that his car wouldn't be left in the middle of the street, he readily agreed. For the ATF agent it was an excellent opportunity to search the car for illegal weapons.

However, Sternberg's brother and sister-in-law were home when the ATF agent drove the car back. "Isn't that Alex's car in the driveway"? his sister-in-law asked,

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looking out the window.

"That's impossible. Alex left 10 minutes ago," Sternberg's brother answered.

"I think it's Alex's car and there's somebody going through the trunk," she said.

"That's his car," he agreed, looking out the window. He grabbed a two by four piece of lumber and ran out. The car was there, trunk up and a man in civilian clothes was rummaging through the trunk.

"Hey!" Sternberg's brother screamed as he charged the stranger. The stranger wheeled around, drew his gun and said, "Freeze, ATF." It was a very strange way for the Sternberg family to learn of Alex's arrest.

By comparison, the arrest of thirty-two year-old David Sommer, was uneventful. Sommer, a member of JDL's National Board, director of its "training" camp and former editor of its newsletter, taught accounting at John Adams High School in Queens. Aaron Blumenthal who was twenty-two had moved from Philadelphia to Israel and his arrest never took place.

Released on bail, Sommer a few days later beckoned Rosenthal and Cohen out of the JDL office (avoiding "bugs") and asked them if they could recall who purchased and transported the guns to the camp. Sommer couldn't recall very well the purchase of those guns. In addition he said, there were some puzzling aspects to the indictments.

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Why was Blumenthal arrested; he had nothing to do with the matter. Furthermore, although Sternberg had been indicted for illegally purchasing a rifle the previous May, why wasn't he also indicted for a second purchase three months afterwards?

Law enforcement authorities increased their pressure against the League. On Monday, January 18th, Kahane was called before a Federal grand jury, and to compound his troubles, a New York County grand jury indicted him that same day on charges of rioting; the charges stemmed from his arrest at the second 100-Hour Vigil. Alex Sternberg also was indicted two days after his federal arrest for his participation in the Vigil; also indicted were: Josh Joffe, Bennett Levine, Abraham Warshaw, Larry Fine (JDL's executive director) Richard Eisner and Abraham Bieber, Chaim Bieber's eighteen year old son. BOSI had not yet revealed that Eisner was their undercover agent and the fact that Assistant District Attorney Frank Rogers saw fit to have Eisner indicted shows the tremendous pressure government prosecutors were under to have charges brought against the League.

When the indicted JDLers were brought to court, Rogers informed Judge Culkin that he would agree to nominal bail for the JDLers if they agreed to desist from demonstrating "in areas not so designated." All eight

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JDLers accepted the prosecutor's terms.

After his court appearance, Kahane protested to a reporter that "this is part of a drive which began last week which disregards the question of justice. . . . It is a question of politics right out of Washington." (New York Post, 18 January 1971) Zweibon claimed that bail was "being used as a whip" to force them to agree to the district attorney's demands.

Neverhtless, the pressure of grand jury subpoenas, indictments and arrests did succeed and the following day, Tuesday, January 19th, moments before Kahane entered Criminal Court for the start of his trial on charges of disorderly conduct (brought against him at the first 100-Hour-Vigil, more than a year before) Kahane announced to newsmen an "indefinite moratorium" in JDL's harassment campaign.

Kahane didn't admit he was yielding to pressure, however, but told journalists that other Jewish leaders "had contacted him and told him: 'You've made your point -- pause for awhile and let us work through normal channels." (New York Times, 20 January 1971)

> We have spoken to two of the main Jewish groups -- the two biggest -- and a rabbinical group. What they stated was that we had made our point and whether or not they agreed with our tactics, we had put the Soviet Jews on Page One. Now they want to be given the opportunity to capitalize on it. And hopefully they will.

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> But anyone who thinks we gave way to pressure doesn't understand us. The indictments didn't enter to my thinking. Not at all. The Bible says, "There is a time for war and a time for peace." This is a time for peace.

And then perhaps more candidly he said: "If you continue the same tactics day after day, people get tired. They say, 'What else is new'? You've got to take a breather. I think everybody knows that the moderate black groups went to the government and said, 'If you don't give us something, all our youths will become Black Panthers.!" (New York Post, 21 January 1971)

Kahane wanted the Jewish Establishment to do the same. While condemning the League, he wanted them to go to officials and claim that: "Unless you can help us to persuade the Russians to make concessions, these militants will gain more adherents and their violence will continue." (Kahane, 1975:47)

"In a word," wrote Kahane, "what was called for was a potent 'double-play combination,' each doing what the other could not do. That is why I told the press that Jewish leaders had been in contact with me and had told me: 'Pause . . . let us work thrugh normal channels.' In truth, no Jewish leader had ever said that to me, but I hoped to place in their minds, what they did not have the good sense to think of themselves . . . we could have brought out ten times as many Soviet Jews had the Jewish

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Establishment groups had the wisdom and insight that that their black counterparts did. (Kahane, 1975:44-45)

Kahane also provided another ex-post facto reason for his moratorium. The League did not want the Russian authorities to "lose face," because if they did, they would resist the emigration of Jews. He wanted, therefore, to enable the Russians "to make their concessions quietly and not under duress." (Kahane, 1975:44)

Although Kahane ceased JDL's harassment of diplomats, their campaign against Soviet cultural exchange programs continued. The day after Kahane announced his "moratorium," fifteen JDLers staged a sit-in at the office of Columbia Artists Management, at 165 West 57th Street. They stayed for twenty minutes but left when Ronald Wilford, president of Columbia Artists, agreed to meet with Kahane. Kahane was trying to organize a consumer boycott against American companies trading with the Soviet Union, and he wanted Columbia Artists to cancel their contract with the Siberian Dancers and Singers of Omsk who were scheduled to begin performing the following week. Wilford replied that Kahane's request was impossible to meet because they would lose "an enormous amount of money," in addition to "embarrassing many people, disappointing others and frustrating a lot of others." (New York Times, 21 January 1971) Kahane indicated he might agree to the cancellation of future contracts with the Soviets

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but Wilford ruled that out also.

JDLers began planning therefore, for the disruption of the dancers'opening night performance. Fearing the disruption might lead to severe police reaction, including a search of JDL's office, incriminating evidence was removed for storage in "safer" places. On the eve of the opening performance, Joffe, Cohen and Sheldon Seigel, a friend of Eli Schwartz, went to Richard Eisner's apartment. Not suspecting that he was an undercover agent, they gave him the material saying they believed authorities were going to raid the League's office, and to prevent various items from falling into the hands of the police, they wanted to store it in his apartment. Eisner was more than happy to comply. Joffe and Cohen went to Seigel's car and all three brought back several boxes of material: books about firearms and explosives, tear gas spray and a number of shotguns. While standing in the hallway, Cohen also handed him a revolver.

About eighty JDLers met the evening of the concert at Central Park and 60th Street where Templeman and Rothenberg distributed tickets to the performance. Because the tickets were so prohibitively expensive, only about $100 were spent for them while the remaining tickets were forged. "As soon as you get inside," Templeman warned them, "throw your ticket stubs away. Otherwise you might end up being charged with foregery." He

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distributed twenty bottles of ammonia amongst the ticket holders, directing them to pour out the amonia when the stage was disrupted. Templeman gave the remaining bottles to Rosenthal who put them in his car.

Rothenberg, Sternberg, Templeman and Herb Eisner left the area. Trying to avoid being arrested for conspiracy, they sought to establish credible alibis. Rothenberg went to a nearby physician, and Sternberg and Eisner headed for the 66th precinct in Brooklyn. Appreciating the irony, they thought that nothing could be safer than being in a Brooklyn police precinct when the disruption took place.

The performance at Carnegie Hall began uneventfully at 8:30 P.M. Because of the tight security, most of the JDLers never made it into the concert hall. Shortly before 9:00 P.M., however, JDLers scattered throughout the hall opened ammonia bottles releasing their noxious odor. One seated in a balcony box, screamed "halt Soviet oppression" and threwleaflets down on those below him in the orchestra seats. Police arrested him. Minutes later someone phoned UPI and the Associated Press in New York, informing them that a bomb -- set to explode at exactly 10:55 -- had been planted under seat F-107. The caller ended his message with "Never again."

The police bomb squad rushed to Carnegie Hall and found a gray attache case under the seat. The performance

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stopped and everyone in the entire orchestra section -- nearly 1,000 people -- was ordered to go to the hallway, while the police defused the bomb which turned out to be a harmless dud. Carnegie Hall workers sprayed the aisles, attempting to neutralize the sickening ammonia odor and at 10:00 P.M., after an hour's delay, ticket holders were permitted to return to their seats. The dancers received a standing ovation when they reappeared on the stage.

On Friday, the day after the disruption, the police did not visit JDL's office as expected nor did they visibly respond to the bomb threat. Several days later, feeling confident that a raid was not imminent, Cohen went to retreive some of the material he left with the undercover police agent. Eisner was not home, but his wife let him in and she watched Cohen take a riot shotgun, tear gas spray and an explosives manual.

V. The Treasury Investigation

Unknown to the JDLers, the Alcohol, Tobacco and Firearms Division of the Treasury Department (ATF), had in January intensified its investigation of JDL. Mark Gold had already been working undercover in JDL for a few months, but his superiors were dissatisfied with his work. Gold had not provided much useful information on the League and although he had tried to entrap Bieber

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by proposing to unlawfully sell guns to him, all the deals fell through. The JDLers were wary of Gold and realized he was an undercover agent.

By contrast, a more methodical and tedious investigation by ATF agents began on September 27th, 1970 when Avraham Hershkovitz was arrested for attempting to hijack a plane. After police found a grenade and two pistols on him, they notified the ATF who were responsible for tracing guns, checking to see if there were any violations of the Gun Control Act. Because of the seriousness of the crime, the Mineola, Long Island office of the ATF, which had jurisdiction over Kennedy International Airport, immediately that Sunday night sent an agent, Investigator Pitta, to the airport.

The JDLers, to their great misfortune, had not filed down the serial numbers of the handguns enabling Pitta to complete a preliminary report on the guns. The process was simple. He called the manufacturer of the handgun, who through the gun's serial number, traced the gun's shipment to Clark Brothers in Warrenton, Virginia. Once the dealer was located, Pitta telephoned them and requested them to look through their firearms transaction records and locate the name and address of the purchaser. Investigator Pitta in this way, traced one of the guns to Gilbert Laurie.

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On October 6th, James Collington, an ATF criminal investigator, who at that time coordinated the "militant affairs" investigations of the division, sent a teletype from his Manhattan office at 120 Church Street to the ATF office in Richmond, Virginia requesting that an agent contact Clark Brothers to inspect Form 4473, Laurie's firearm transaction record and "attempt to interview Laurie regarding the disposition of the gun." "Please expedite," Collington wrote in his teletype. (USA v. Joffe, 71 CR. 480)

Elmer Rutherford, a shrewd and very experienced ATF Special investigator was assigned the case and on October 8th, he began the investigation. He contacted Clark Brothers, obtained the firearms transaction record, xeroxed it and sent it to the New York office.

The following week, New York City Police accidently discovered JDL's secreted arms' cache. Again ATF agents were given a list of weapons to investigate. They found that Kahane had legally purchased nineteen of the rifles in July 1969, but they traced four of the guns to Laurie who had purchased them at Clark Brothers.

"What gave me reasons to conduct further investigation," Collington later testified, "was . . . in the Hershkovitz arrest, the name Laurie had come up [and] in the police seizure the name Laurie had come up. At that time I thought Hershkovitz was Laurie and that's why we wanted him

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identified. . . . My assumption was that Hershkovitz possibly had used a fictitious name in buying the weapon. Then his name [Laurie's] came up a second time [with the police seizure], and we really got interested."

On October 27th, Collington sent a second teletype to the ATF office in Richmond, requesting that Rutherford investigate all the 4473-Forms completed by Laurie at Clark Brothers. Rutherford drove to the gun dealer and made a complete examination of all the dealer's forms for the previous two years. "It is about eighty-five miles from Richmond to the gun dealer," Rutherford said, "and I figured that I could make up for two years -- starting in with the beginning of 1969, bringing it up to date -- and save myself a few miles running back and forth." (USA v. Joffe, 71 CR 480)

After a thorough check, Rutherford found that of the fifty-seven guns seized by the police in the apartment, seventeen had been purchased by Laurie. In all, Laurie had purchased thirty-four firearms at Clark Brothers.

Rutherford tried to locate Laurie. On the 4473-Forms, Laurie gave his address as 2009 South Quebec Street, Arlington, Virginia. The form also indicated that Laurie had used a temporary Virginia driver's license to identify himself. Rutherford called the Division of Motor Vehicles and found that they never had issued a

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permanent driver's license to Laurie at that or at any other address. Thoroughly suspicious now, Rutherford began tracking Laurie. He went to the address Laurie had given in Arlington and spoke to John Michaels, the owner of the building. Michaels told the Investigator that sometime in August 1969 Laurie had moved to 809 Broad Street, in Falls Church, Virginia.

Rutherford went to the Falls Church address and spoke to the landlady. She told him that Laurie's girl friend, Averill (Ave) Burwick, had lived there, and that in August 1969 Laurie had moved in with her. Later they married and continued living there until December 20, 1969. But the landlady did not know where they had moved to.

The landlady however, did know that Averill Laurie had a friend called "Marge" who worked for a firm down the block. The Investigator went there and asked for Marge and an accountant pointed Margaret Forsythe out. Rutherford approached her and identified himself. She acknowledged being friendly with Averill and was very cooperative to Rutherford, giving him her address and telephone so that she could be reached for further questioning.

At the beginning of December, Rutherford contacted Forsythe and learned that the Lauries had moved to Philadelphia, where they lived for a short time with

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Laurie's mother-in-law. Later they moved into their own apartment and Averill's brother, Craig Moore, moved in with them. Rutherford also found out that Averill Laurie worked at Jefferson Hospital in Philadelphia. In mid December, Rutherford telephoned the ATF office in Philadelphia requesting they learn of Laurie's whereabouts. Following standard procedure, Rutherford confirmed his request with a teletype: "Please conduct investigation to establish date and place of residence of above." A month later, at the height of JDL's harassment campaign, the Philadelphia office reported they were unsuccessful in trying to speak to Laurie.

Tne days later, on January 25th, Rutherford learned from Margaret Forsythe that Averill's mother, Virginia Moore, had some possibly incriminating tape recordings of JDL meetings. Rutherford told Gil Davis, a United States Attorney for the Eastern District of Virginia, about the tapes. Rutherford had frequently met with the US Attorney to advise him of the progress he was making in his investigations and it was through Davis that Rutherford obtained search and arrest warrants. Rutherford this time wanted to know how to proceed. Davis wasn't sure and telephoned officials at the Internal Security Division of the Justice Department.

The Justice Department, as a result of JDL's harassment campaign, was laboring under strong pressure

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from the State Department and other branches of government to prosecute JDLers. For example, John Irwin, the Under Secretary of State wrote the following to the Attorney General, John Mitchell:

> Dear John:
>
> All of us in the [State] Department were pleased with the prompt action by the Federal Grand Jury which is currently investigating acts of violence attributed to the militant Jewish Defense League. We are hopeful that the return of indictments and resulting prosecutions under Federal statues will demonstrate to JDL members and sympathizers, as well as to the American public and the international community, the resolve of the United States Government not to tolerate unlawful attacks upon official and commercial representatives of foreign governments. . . .
>
> In furtherance of our discussion of possible Federal legislation designed to deter future acts of violence and harassment directed against foreign officials, we appreciate the opportunity to work with officials of your Internal Security Division to formulate legislative proposals. We have informed your Criminal Division and Office of Legal Counsel and the United States Secret Services of these proposals.
>
> For your reference in case you have not seen them, I am enclosing copies of the draft bills that have been submitted to your Internal Security Division. . . . We hope that through our continuing joint efforts, an appropriate legislative package can be submitted to the Ninety-second Congress at an early date. (Zweibon v. Mitchell, 10 February 1971)

This pressure on the Justice Department led officials of the Internal Security Division to devote considerable efforts in prosecuting JDL. Mitchell had already directed the FBI to install a national security wiretap to gather

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information. But FBI agents were unable to do much more. Bureau agents, few of whom were Jewish, were unfamiliar with the Jewish communities of New York and were hardly able to conduct a productive investigation of JDL. Bureau agents were greatly disadvantaged by their similarity of background and religion.

"Part of the reason for this uniformity of race and background," Sanford Ungar writes in his book on the FBI, "was the personal prejudice of J. Edgar Hoover and Clyde Tolson."

> They wanted to be surrounded by average, all American types, and not to allow too much variety to be mixed in. In fact there were Jews among the men who worked closely at Hoover's side over the years, including Harold 'Pop' Nathan in the 1920's and 1930's and Alex Rosen from World War II until the Director's death, but it was always assumed that law enforcement was not a very popular profession or a status career choice among the Jewish population. One former agent who worked on a security squad in New York recalls that Jews were not expected to be particular friends of the FBI, and that one way to list somebody -- and in the process, manage to skip interviewing him -- was to describe him with the telling epithet, 'a Jewish academician of know liberal persuasion.' But the paucity of Jewish agents also meant that there were few people considered eligible, for example, to conduct investigations among Orthodox Jewish communities in Brooklyn . . . so it often had to rely instead on informant coverage or help from the police, who were themselves sometimes not very welcome in those communities. (Ungar, 1976:327-328)

As a result, the FBI was of little help to Justice Department officials who sought to suppress activities

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of the League. By contrast, the investigation of the Treasury Department's ATF Division, promised to be more fruitful and in January 1971, Justice Department officials adopted the Treasury Department's probe and United States Attorneys of the Internal Security Division of the Justice Department began to work closely with the ATF Investigators. Because of this, Gil Davis, a Virginia United States Attorney called the Internal Security Divison, and told officials there of Rutherford's tape recording discovery. Davis was instructed to tell Rutherford to try and obtain the tapes or failing that, to have Forsythe at least listen to them and learn the tapes' contents.

Margaret Forsythe told Rutherford that she was convinced that Virginia Moore, Laurie's mother-in-law, would allow her to listen to the tapes. On Friday night, January 29th, Rutherford escorted Forsythe to Philadelphia. Forsythe alone went to speak to Mrs. Moore and the next day informed Rutherford that she had not been able to listen to the tapes because they had been destroyed.

Since Forsythe mentioned that Craig Moore, Laurie's brother-in-law, had lived with the Lauries, Rutherford's next step was to speak to him. This he hid on Thursday, February 4th. Craig Moore told the ATF Investigator that Laurie had stored a green metal trunk with Moore's mother in Philadelphia. Moore had no idea what was in

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the trunk but since it was extremely heavy it conceivably could contain firearms.

The next day, Rutherford went to Gil Davis's office to inform the United States Attorney about Moore's conversation. Lloyd Williamson, assistant United States Attorney with the Internal Security Division of the Justice Department had come from Washington and also was in Davis's office. Williamson, one of the Justice Department officials investigating JDL, had in the past, said he wanted to be notified of any new developments in ATF's investigation. When he was advised of Rutherford's conversation with Moore, he left Washington for Alexandria, Virginia, to be present when Rutherford spoke to Davis. Williamson found Rutherford's report significant. From Davis's office, Williamson telephoned Jerry Heilbron, one of his associates in the Internal Security Division.

Of the thirty-four firearms purchased by Laurie all but twelve had been seized by the police. The Government officials were wondering if the other twelve firearms were in the green metal trunk at Laurie's mother-in-law. Before they acted though, the Justice Department officials wanted to speak to Moore. A meeting was therefore arranged. Rutherford paid the expenses for Moore to come from Philadelphia to Falls Church, Virginia. There, Rutherford met him and took him over to a hotel to meet Heilbron and

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Williamson.

On Friday, February 10, 1971 Gil Davis obtained a Federal search warrant and ATF agents went to Mrs. Moore's residence to execute it. They searched the metal trunk but it did not contain any firearms. Rutherford, before leaving, requested that Mrs. Moore call him if she ever heard from her son-in-law.

The following day, Mrs. Moore called Rutherford and told him that Gilbert Laurie had telephoned her and was back in New York City. He told her that his father had died on December 8, 1970 but that he only heard about it in February and had flown back to the States. He planned to return to Israel the following week and he told her his departure date, airline and the time it was to take-off. Mrs. Moore gave all that information to Rutherford.

The ATF Investigator spoke to Gil Davis and the United States Attorney advised him to file a complaint for a Federal arrest warrant for Laurie. That day, at 5 P.M., Rutherford obtained the warrant.

The next morning, February 12th, the arrest warrant was filed with the United States Marshal in Alexandria, Virginia. The ATF office in Richmond sent teletype messages to its New York and Philadelphia offices advising Investigators there that an arrest warrant for Laurie was on file.

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On Tuesday, February 16th, as twenty-six year old Laurie was about to board an El Al flight to Israel, ATF agents placed him under arrest for violating the Gun Control Act. In court the next day, assistant United States Attorney Pattison said that Laurie had violated the Act by giving a false Virginia address. "The Government contends," Pattison said, "that he is the principle source of weapons for the JDL." (New York Post, 17 February 1971)

Rutherford brought Craig Moore to Washington on Thursday, February 18th, where they again met with Lloyd Williamson and Jerry Heilbron. This time, Brandon Alvey, a third assistant United States Attorney with the Internal Security Division and counsel with the Department of Justice, attended the meeting where as a result, another search warrant was obtained. On Friday, February 19th agents searched the residence of Laurie's mother at 17 River Road, Old Bridge, New Jersey. None of the fire-arms that Laurie had purchased in Virginia were found in Old Bridge, but agents seized a Crossman gas pistol, four note books with telephone numbers and JDL literature.

Shortly after Laurie's arrest, Josh Joffe who had been indicted by a grand jury in January, jumped bail and fled to Israel. Joffe was afraid that Laurie would implicate him for violating the Gun Control Act since Joffe had frequently accompanied Laurie to buy weapons

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in Virginia. Anticipating arrest, Joffe left the country.

Chaim Bieber was also very apprehensive about Laurie's arrest. When the press reported the arrest, Mark Gold asked Bieber if he had known Laurie. Bieber denied knowing him. Later, Gold telephoned Rosenthal and told him of Bieber's denial. Nevertheless, Gold said that Bieber was very agitated.

Besides the Federal arrests of Laurie, Sternberg and Sommer, and the City and Federal grand jury investigations, Kahane in late January was attacked from a very unexpected source. A front page article entitled "The Complex Past of Meir Kahane," appeared in the Sunday Times of January 24, 1971. Its author Michael Kaufman did an excellent job insinuating there was something furtive and sinister about Kahane's past.

Kaufman revealed that Kahane, using the pseudonym of Michael King, had in 1965 formed a research firm called Consultants Research Associates with Joseph Churba, a boyhood friend of his. Churba and Kahane sought research contracts from government officials and attempting to impress potential clients, the two rented an apartment on the upper East Side of Manhattan. Later, they both teamed up to form the July Fourth Movement, an organization dedicated to support the Vietnam War. Kahane again used his pseudonym for this endeavor. The two

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also published a book entitled The Jewish Stake in Vietnam. This time Kahane used both his names and the book had three authors listed: Joseph Churba, Meir Kahane and Michael King.

Most sensational in Kaufman's story was the implication that Kahane was intimately involved with a young non-Jewish model who committed suicide a little over a month after she met Kahane. Kaufman writes:

> In June of 1966, while living as Michael King, Rabbi Kahane met a 22 year old named Estelle Gloria Jean D'argenio. The woman, who sometimes worked as a model under the name Estelle Donna Evans, impressed Mr. King as "an unusual person." When on July 31, the woman jumped to her death from the Queensboro Bridge, the rabbi was profoundly shaken.
>
> He attended her funeral in Connecticut and the year after she died he would sometimes place roses on her grave.
>
> In early 1968, after he discarded the identity of Michael King . . . he established a charitable foundation in the woman's name.

Kaufman conveyed the impression that he was being discreet and knew more than he published. What he omitted though was that the woman had worked as a secretary for Churba and Kahane. D'argenio "who sometimes worked . . . under the name Estelle Donna Evans" was actually using her stepfather's last name. Upon her death, her stepfather asked Kahane to set up a charitable fund in her memory with Evans paying the expenses. The money went to poor Israeli Jews and as Kaufman himself wrote, the fund was widely advertised in JDL's newsletters.

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The editor of the Jewish Week, himself a critic of Kahane nevertheless called Kaufman's article a "hatchet job" and lamented that the "world's greatest newspaper . . . [had] stooped to a shabby treatment of . . . [Kahane's] personal life." Certainly, Kaufman's selection of details, his choice of language and the adjectives and verbs he picked, indicates his bias against Kahane and reinforces the impression that he had written a "hatchet job." The connotations of the reporter's words indicate Kahane had a sinister existence.

> . . . a New York Times reporter told the rabbi that facts of his past had come to light . . . an existence under an assumed name unknown to most of his friends . . . [There were] those who knew him then only as Meir Kahane . . . simply the eldest of two sons of a highly regarded Talmudic scholar. He was a brilliant student, an ordained rabbi with graduate degrees in law and international affairs. And . . . [there were] those who at the same time, knew him only as Michael King . . . the resident of an East Side apartment who spent time in Washington. . . . [Kahane spoke about his past] with a sad, small smile. . . in a viewing room of a television studio the rabbi . . . spoke with authority . . . in the interview about his earlier life, his tone was less assured.

"If nothing [more] is known [other] than the facts published," the editor of the Jewish Week wrote, "then Rabbi Kahane's 'complex past' has been no more unusual than the youthful experiences of our most creative and devoted public men. It is not right . . . that his story was placed on the front page, under its suggestive headline, in the manner of a sensational story." (Jewish

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Week, 28 January 1971)

People who spoke to Kahane after the story appeared, all mention that he was very worried about its effects. The day the article appeared, Sunday morning, January 24th Kahane called up Renee Brown, a member of JDL's executive board, on the pretext of asking for a telephone number. "By the way," Kahane asked, "did you see the article in the Times"? "In the way he spoke about the article," Renee Brown said, "I could tell he was upset."

Another reporter, Mel Zeigler, spoke to Kahane the following Sunday. In his article in New York Magazine, Ziegler wrote:

> He [Kahane] was nervous. The Times story had run the previous Sunday. He had been so fearful of its impact that he had confided to Michael T. Kaufman, who had written the story, a parable about an old Polish rabbi, who, when he was young, wanted to save the world; who, when he was middle-aged, wanted to save Poland; and who, when he was old wanted to save himself. He was cheered a little, he said, to see that his followers, especially the kids, were able to place the Times story in the same perspective that he did.

Kahane and many others, including Ziegler, charged that major Jewish organizations had supplied Kaufman with the information in order to discredit the JDL leader. But Kahane's supporters were impervious to the article. If anything they found his past bemusing. When Kahane walked into the office the morning after the article, he was greeted by cheering JDLers. The article's implication

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that their "Reb" may have been intimately involved with Estelle Donna Evans led some JDLers to comment sardonically about her suicide. Behind Kahane's back they said that he needn't have gotten her to jump off the bridge; he could have asked some of "the boys" to "take care of her." Stuart Cohen was laconic. "Kaufman was trying to demote Kahane for running around with other women," Cohen said, "but do you think that telling about Estelle Donna Evans to the lowest rifraff of the Jewish community [JDL] would have any effect?"

The publication of Kaufman's article was the culmination of a week of intense pressure on JDL. Sommer and Sternberg had been arrested the previous weekend; two days later, Kahane, Sternberg and six others had been indicted and again arrested for rioting at the second 100-Hour-Vigil; the following day, Tuesday, Kahane had gone on trial on charges of rioting at the first 100-Hour-Vigil; the Federal grand jury was gathering evidence against JDLers for the second week; and on Sunday, Kaufman's article appeared.

The League's problems did not cease. On Wednesday, February 3rd, JDL was ordered to turn over the organization's correspondence to the Federal grand jury. "Turning over the files," Kahane said, "would mean threatening the membership of the organization. We're just not going to do it." Nevertheless, over the strong objections

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of Murray Schneider, Bertram Zweibon did provide the grand jury with the subpoenaed files. There was no legal way for Zweibon to withhold the information.

But despite all this pressure, Kahane did not cease his campaign for Soviet Jewry. On Sunday night, February 14th, he announced the League was resuming their harassment of Russians because during their month long moratorium, the issue of Soviet Jewry had been dropped from public view. "The moratorium is over," Kahane told 400 people gathered at Hunter College. "Tonight we go back to the Soviet Mission and tomorrow and the next day -- because we saw what happened when we called a truce for a month. Everything died." (New York Post, 15 February 1971)

"Until the police allow us to picket across from the Mission, which is our constitutional right," Kahane told the demonstrators, "we will sit down on the street." Two hundred fifty people sat down on Third Avenue. The police yielded and permitted twelve to demonstrate opposite the Mission. Victorious, Kahane directed all the others to Lexington Avenue, the area assigned by police for demonstrating.

The following day, the police allowed six JDLers to picket across from the Mission, but all the others waited behind the barricades at either end of the block. Many JDLers sported buttons reading, "Zionist hooligan for Soviet Jewry." By midafternoon, their number had

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peaked to about 150.

JDLers again began following Russian diplomats. Some Russians were successful in eluding their followers. Others were not as fortunate. One middle aged Russian couple walked 100 feet or so before a group of twenty chanting JDLers frightened them into returning to the Mission.

Monday night, police acting on a complaint of Vladimir Fedorov, a second secretary at the Mission, arrested Kahane on charges of harassment and verbal abuse. A police spokesman said Kahane apparently was "rendering verbal abuse in general at embassy [Mission] employees going in and out."

"While I was in the station house," Kahane later said, "Secretary [of State] Rogers called the station; Lindsay called; Police Commissioner Murphy called. Apparently, the Soviets lodged a formal protest right then and there. It was a wild evening." (The Flame, Winter 1971; also in Porter and Dreier, 1973:285)

State Department officials had long urged Russian diplomats, if they were to be protected, to file complaints and to testify against JDLers. Without that there was no way to prosecute JDLers, unless of course there were other witnesses around such as the police. For the first time, the Russians yielded and a diplomat filed a complaint.

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The legal system did, however, disturb and torment the Russians. For example, a February 10th preliminary hearing of JDL's takeover of Tass during the 1969 100-Hour Vigil, dismayed the Russians. After that Tass disruption, Edward Baskakov, a Soviet newsman, filed assault charges against the JDLers, but the JDLers in turn, brought a cross complaint of assault against Baskakov. Officials at the State Department, eager to have court proceedings brought against JDL members, urged Baskakov to attend the preliminary hearing and promised him that JDL's charges of assault against him would be dropped. Instead, in an effort to expedite the hearing, the judge proposed that both sides drop their charges of assault. When Baskakov refused, the judge set March 1st for a hearing on JDL's complaint, and March 22nd for the Russian's complaint. However, a week later, Pravda, the Soviet Communist Party newspaper, accused the Criminal Court judge of trying to blackmail Baskakov into dropping his charges by offering him "a cynical deal," whereby both sides would drop their charges.

Laurie's arrest, two days after the resumption of the harassment campaign threw JDL's campaign awry. In addition, Kahane was being tried that week for obstructing governmental administration and resisting arrest, charges arising from JDL's first 100-Hour Vigil. On Monday,

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February 22nd, Kahane testified on his own behalf. He told the six man jury that police had agreed to allow twenty-five protestors to picket across from the Mission but they had reneged on their promise and instead only permitted them to demonstrate on the corner. "I was furious because the agreement had been broken," Kahane testified. (New York Times, 23 February 1971) It was then that he attempted to cross the police barricade. "I moved the barricade and attempted to go through, at which point the police began swinging their clubs." Kahane was hit and knocked to the street. "I distinctly heard three of them [TPF officers] shouting, 'Get the kikes.'"

The following day the jury found Kahane guilty of obstructing governmental administration, although it dismissed charges against him of resisting arrest. It was Kahane's first conviction. "What can I say," he commented. "It was a fair trial, a fair jury, a fair judge and a bad verdict." Nevertheless, Kahane was more concerned about getting out of the courtroom than he was about the jury's decision.

Jewish organizations were gathering the next day in Brussels for a conference on Soviet Jewry. Although not invited, Kahane planned to attend and wanted to board a flight that afternoon. Judge Lang permitted Kahane to leave pending his sentencing in six weeks, (at which time Lang fined Kahane $500. "I consider you neither a fanatic

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nor a charlatan, both of which you have been accused of being," Judge Lang said at Kahane's sentencing. [But] we've reached that stage in our society that we cannot have public officials and leaders in the community deciding which laws to obey and which to break.") (New York Post, 14 April 1971)

Kahane left the courtroom and rushed to the airport, having neither a ticket nor a seat reservation. He arrived too late for Sabena's 5:45 P.M. flight but made their 9:00 P.M. departure. However, Brussels police arrested Kahane when he arrived at the conference and ordered him deported to London.

VI. The Washington Rally

The weeks of February and of March 1971 were spent preparing for what would turn out to be JDL's largest demonstration. Kahane, who always maintained an intensive schedule of lectures began telling his college and synagogue audiences of the planned rally in Washington. "The JDL is convinced," Kahane told his audience, "that President Nixon, who holds the key to saving Soviet Jewry, doesn't give two damns about the Soviet Jewish problem. Obviously, the next step is to take the Jewish problem and make it Richard Nixon's problem." When an Arab student started heckling him at one lecture, Kahane ended it by retorting "I'm not a college president; nobody shuts me up."

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"We don't ask you to break windows or throw bombs. We do ask you to go to Washington by the hundred of thousands and sit down in the streets. There will be banner headlines around the world if a hundred thousand Jews demonstrate in the streets." (New Rochelle Standard Star, 1 February 1971)

"We're trying to drive Richard Nixon so crazy with worrying about Jews bothering him," Kahane told another audience, "he'll tell the Russians, 'Look, I've got this Jewish problem and we can't go any further with trade and cultural exchanges until you let the Jews go.'" (Washington Post, 1 March 1971)

For this purpose, Kahane thought it wise to form a front group which would sponsor the rally. Although a great number of people were sympathetic to the League's Soviet Jewry campaign, many were apprehensive about participating in their activities because of the League's bombings. Accordingly, Kahane in late January, yielding to court pressure, halted the harassment campaign and established a group called Student Activists for Soviet Jewry. Originally, Kahane thought of Student Activists as an underground extension of JDL, claiming credit for illegal activities inconvenient to associate with JDL. Thus, when JDL called off its harassment campaign, Student Activists claimed credit for the January bomb scare of the Omsk troup. The day after the bomb scare,

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Irving Calderon, by then JDL's national coordinator, issued a statement saying that the "moratorium toward the Soviet Union is over. Many new militant Jewish groups have recently sprung up and they plan stepped up action toward the Soviet Union." (New York Times, 30 January 1971)

The first public association between Student Activist and JDL came on February 14th, when both "groups" sponsored a rally at Hunter College where Kahane announced the resumption of the harassment campaign. However, when Kahane began planning for the Washington rally, he altered the role of the front group and thought them the ideal group to sponsor the rally. A cautious distance evolved between the two groups. Although at first, the mailing address of the Student Activists was the same as JDL's, the Activists soon set up office in Brooklyn, at 661 Atlantic Avenue. Yossi Templeman became the head of the Activists and Jerry Eisenberg its Secretary but the Activists telephoned the JDL office everyday to report on developments. Neil Rothenberg, handled the JDL side and coordinated the Activists with the League's office.

Next the Activists sought financial backing. The president of the International League for the Repatriation of Soviet Jewry gave them $1,000 to start them off. Their budget, interchangeable with JDL's, was used for advertisements in newspapers and for printing expenses. The

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Activists also attempted to enlist support from other groups. Yossi Templeman met with leaders of Young Israel, Noar Mizrachi (NOAM) and Betar to persuade those groups to join their Washington rally. Templeman also called Student Struggle for Soviet Jewry, an organization formed in the early 60's and spoke to Glen Richter. Richter sensed JDL was behind the Activists and refused to join.

A JDLer went to Washington to coordinate plans with the Washington JDL chapter. They applied for permits to congregate, march and for sound equipment use. A demonstration route was carefully mapped out and given to authorities.

The second week of March, Rothenberg, Cohen, Schwartz and Rosenthal went to the office of the Quaker Project on Community Conflict for information on how to effectively handle the Washington rally. There they spoke to Brian Yaffe who advised them that they would need toilet facilities, first aid and information centers. If as Rothenberg said, the JDLers would sit down on Pennsylvania Avenue, there was an excellent possibility that police would use tear gas to disperse the crowd. Yaffe said he would watch with great interest the police reaction to JDL's demonstration, since it might be a good indicator on how the police would act during the march larger anti-Vietnam demonstration planned the

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following spring. Yaffe promised that members of the Quacker Project would visit the League's Jewish Identity Center to instruct them in the methods of civil disobedience and to train some to be effective marshals at the rally.

To publicize the Washington event, rallies were planned for March 14th, the Sunday before. But instead of the usual site of the Manhattan Soviet Mission, Kahane this time wanted JDL groups to go to different State capitols, urging the governors to request from President Nixon, that he cease all contact with the Soviet Union. Accordingly, Yossi Templeman took another title: Chairman of the "14-21 Coordinating Committee," an umbrella organization of mostly non-existent groups.

As planned, New England JDLers that Sunday held a rally in Providence, Rhode Island. Governor Licht rejected their message that he pressure Nixon to place "an embargo on military, diplomatic and cultural exchanges." He telegramed them that he felt that "such a course might very well exacerbate the situation and not produce the result you espouse." (Providence Journal, 15 March 1971)

In Washington, D.C., Josef Schneider, an emigre from the Soviet Union, began his vigil on the sidewalk outside the White House. Schneider, a native of Riga, Latvia, was a resident of Tel Aviv, but he and a fellow

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emigre by the name of Dov Sperling, both advocates of JDL's militancy, had been brought to the States, where they had joined Kahane at his lectures. That Sunday, Schneider began sitting in a prison cage, planning to stay there for three weeks or until Nixon or a presidential advisor met with him. In a widely distributed photograph taken by the Associated Press, Schneider sat in his prison cage while Izzy Danziger stood next to the cage and held a symbolic key that read: "Mr. Nixon, You can Save Soviet Jewry."

At night, Schneider slept in a small trailer JDL had rented; the U.S. Park Service having granted JDL permission to park it across the street from the White House, at Lafayette Park. During the day he spoke with passers by and urged that the U.S. pressure Russia for unrestricted emigration.

New York JDLers were active too, with three hundred travelling to Albany. Rosenthal, Cohen, Ari Ilowitz and Eileen Garfinkle drove up in Harry Pearl's car. While en route, Ilowitz asked Garfinkle if Josh Joffe was ever coming back. Joffe's escape to Israel had been kept secret from Rosenthal and the other JDLers feared it would now be revealed. Behind Rosenthal's back, so that the undercover agent wouldn't see, one of the JDLers motioned that the information should be kept from Rosenthal. Garfinkle didn't answer and Cohen volunteered

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that Joffe was in Colorado organizing a JDL chapter. Rosenthal wrote in his reports that "the assigned is not certain if Mr. Cohen meant this as a joke."

When the six arrived in Albany, they waited for the other JDLers to arrive and organize. At 10:30 A.M. the demonstrators gathered at the State Capitol, and headed towards the executive mansion. Kahane, with Schwartz and Rosenthal serving as bodyguards, told Calderon that he wanted to avoid arrests that day in order that bad publicity not impede the turnout for their demonstration the following Sunday. Therefore, Kahane decided they would sit down in the middle of the street and stay there until threatened with arrest.

As planned the JDLers sat down at a main thoroughfare with Kahane vowing not to move until he could give a message to Governor Rockefeller. The message -- JDL's basic thesis, that Nixon pressure the Soviet Union -- was given to Howard Shapiro, an aide to the Governor, who came and assured Kahane that the message would be relayed to Rockefeller. Accordingly, Kahane ordered the demonstrators to return to the departure area near the State Capitol and leave for New York. Harry Pearl drove Kahane, Rosenthal, Cohen and Garfinkle back to Manhattan.

Mark Gold telephoned Rosenthal that evening. The week before, Gold had twice called Rosenthal to find out

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if he could arrange a ride to Albany. Since most of the JDLers avoided Gold, convinced he was an undercover agent, Rosenthal too maintained his distance lest he also fall under further suspicion. During his telephone call that evening, Gold asked numerous questions about the Albany rally "including times, activities and arrests." In addition, Gold wanted to know if he could get a ride to the big demonstration planned for Washington on the following Sunday. When Rosenthal, trying to discourage Gold from coming along, replied that he didn't know, Gold said he would visit JDL's office the following day to seek a lift.

Monday afternoon, Rosenthal went to JDL's office. Mark Gold was there ostensibly to get a ride to Washington, but in the process he asked many questions about activities he heard being discussed. He was either ignored or given incorrect information. Rosenthal and Cohen both agreed Gold most probably was an undercover agent.

Tuesday evening, about fifty JDLers, among them Mark Gold, attended a meeting at the Jewish Identity Center (JIC) in Borough Park. Gold told Rosenthal he planned to fly to the Washington demonstration. Two representatives from the Quaker Project were there and they tried to instruct the assembled JDLers on how, as marshals, they could effectively manage crowds. They lectured the JDLers on the basic points of civil disobedience, how police

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would react and how to behave when confronted by the possible responses of the police. Most of the JDLers were unresponsive. When the two instructors explained how they nonviolently could control a potential conflict, for example, in case Nazis counter demonstrated, the JDLers openly rebuffed them and said they would attack the Nazis.

The next day Rosenthal spoke to Cohen and told him Mark Gold planned to fly to Washington. "If the Government would pay for me, I'd fly also," Cohen replied.

The Washington rally was widely publicized that week, culminating in a three column advertisement in Friday's New York Times. At the top of the ad was a photograph of piled corpses, victims of Nazi extermination at Auschwitz. Below it read:

> This is the price of silence . . . 1943, when we knew that 12,000 Jews were daily being shipped to Auschwitz aboard cattle car trains . . . and could have been saved by . . . bombing the rail lines to the death camps -- we were silent! . . . because of that silence over 6,000,000 died! Never again can we be silent in the face of another Jewish tragedy! Come with us to the White House, Sunday. . . . You can help free Soviet Jewry if you get off your apathy.

On Friday trouble developed when the United States Attorney's office in Washington requested a restraining order against the proposed demonstration in front of the White House. Dr. William Perl, head of the activists in Washington, complying with court regulations, had fifteen

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days in advance of the demonstration, submitted notice to the National Park Service. But trouble developed that Friday when the Government wanted to ban all demonstrators from the sidewalk in front of the White House and from Lafeyette Park. Kahane came to court prepared to testify that the demonstration would be "absolutely nonviolent," but Judge George Hart ruled not to accept such testimony. Instead, he permitted the demonstrators to gather at the Ellipse behind the White House. "What is this psychotic need to be in Lafayette Park," Judge Hart asked, "or in front of the White House instead of behind the White House . . . I can't understand why someone makes such a big deal about 200 yards of real estate . . . It's ridiculous. It's absolutely ridiculous." (Washington Daily News, 20 March 1971) Fearing that 5,000 people in front of the White House, the number suggested by the League, "would create a situation of potential violence and disorder which realistically poses a threat to the safety of the President," Judge Hart granted the restraining order and banned the demonstration from in front of the White House.

Ninety minutes after the ruling, attorneys for the "14-21 Coordinating Committee," including Joseph Rauch, former chairman of the Americans for Democratic Action, the American Civil Liberties Union and the

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Georgetown Legal Internship Program, obtained an emergency hearing before the U.S. Court of Appeals. There, they argued that limiting them from in front of the White House infringed upon their constitutional right of free speech. The Appeals Court, cautioning JDL to exercise "self discipline," overruled the lower court and allowed 500 people, the number permitted under Interior Department regulations, to gather in Lafayette Park.

Sunday morning, over 1,000 people responded to the advertisements for the rally and gathered at the five departure points set up: Flatbush, Borough Park, Forest Hills, Washington Heights and JDL's 42nd Street office in Manhattan.

A hitch developed over payment for the buses that were ordered from Sol Zeller. Kahane first met Zeller years before when he was Zeller's counselor in Bnei Akiva. Now JDLers turned to Zeller when they needed the buses. The rally's organizers had intended to collect the transportation money from the demonstrators while en route to Washington, but the head driver was instructed to collect the rental money before they left.

"This poor guy," Eli Schwartz said laughing, "had ordered buses thinking he would make some provit. In the long run he shited in his pants. The head driver said 'We have to collect a check before you get on,

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otherwise we're not going.' Take my check? We paid him -- we gave him a check. You know the buses were there, they weren't going back to the lot. Here, here's the check. Check!" The check of course bounced but that was long after the twenty-eight buses left for Washington.

That morning, six JDLers drove to Silver Spring, a suburb of Washington, to the apartment of Yuly Vorontsov, the Soviet Minister Counselor, the Embassy's second ranking diplomat. They knocked on his door wanting to challenge him on his government's policy restricting Jewish emigration, but as expected, no one answered. After writing, "Am Yisrael Chai" on his door, they left and drove to Arlington where nine Soviet diplomats occupied an apartment house. Once there, the group repeatedly shouted "Freedom Now" outside the building, and left only after depositing JDL literature in the Soviets' mailboxes.

Returning to Lafayette Park, they waited in Yosef Schneider's rented trailer for the buses to arrive from New York. Templeman suddenly noticed four men dressed in Naxi regalia coming toward the trailer carrying placards reading, "Hitler didn't kill enough Jews," "90% of all Russian spies are Jewish," "Gas the Jews."

"Meir! Everyone! Nazis!" Templemen screamed as he raced out of the trailer and charged the four Nazis.

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Other JDLers were close behind him. "I started punching them, front kicks, side kicks," Templeman recalled. "What I didn't know in karate, I made up in zeal and enthusiasm." The other JDLers joined the mellee.

It ended quickly because police at the corner saw the fighting and moved in. The JDLers, seeing the police approach, withdrew from the fighting and claimed they were attacked by the Nazis. The four bloodied Nazis were led away.

By noon, close to three thousand demonstrators gathered at the Ellipse. Josh Joffe's father was there also. Rosenthal was standing nearby when Joffe's father came over to Eileen Garfinkle and asked her how his son was. Garfinkle told him Joffe had written a few letters to her and was fine. "This indicates," Rosenthal wrote in his reports, "that Josh Joffe is not in this country as he is the type of individual who, if possible, would telephone someone rather than write letters."

Before the march began, a number of key participants addressed the crowd. A ladder mounted on a truck became the temporary speakers platform. Kahane climbed onto the ladder and told the assembled protestors that "few people care about a Jewish problem . . . but the whole world goes to any lengths to solve a world problem. We are gathered in Washington to give the world a king-sized headache." (Washington Post, 22 March 1971) "We respect

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and honor our country and President. It is important that you understand our bitterness, frustration and determination. We are here to do something about it." (Jewish Echo, April 1971) "We are calling on you, President Nixon, to make a change in U.S. policy. No freedom-no [disarmament, trade, space and cultural] talks."

Other people spoke including two members of the Italian American Civil Rights League, who expressed their solidarity with the demonstrators.

The Ellipse was heavily guarded by Federal agents and by Metropolitan police on horseback and on motorcycle. Additional police stood in reserve by the Treasury Department opposite the White House. Under this heavy surveillance the JDLers started their pre-arranged route of a wide arc around the Soviet Embassy. "We are Jews, we couldn't be prouder," they chanted, "if the Russians can't hear us we'll shout a little louder." "Nixon" was quickly substituted for "the Russians" as they passed the White House. "Freedom now!" was another well used chant.

They continued six blocks, to K and 16th Street, where Kahane, seeing the vast numbers following, instinctively changed plans and decided to stage the sit down then and there instead of at the end of the march. It seemed the most opportune moment. K and 16th was the closest they could get to the Russian Embassy and

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instead of turning right as prearranged, Kahane continued crossing the street. His path at the northern side of the intersection was blocked by 250 uniformed police and by motor scooters thrown across the street. Behind them were thirty members of the Executive Protective Service.

A tense moment occurred when the police feared the marchers might try to breach the police lines. But Kahane and those immediately surrounding him sat down and the tension eased. "We want to show our desperation," Kahane using a bullhorn told those behind him. "President Nixon will have to change his policy if enough Jews show themselves willing to sacrifice." (Washington Post, 22 March 1971) The JDL marshals quickly spread the word, "sit! sit!" People, caught up in the enthusiasm of the event and bolstered by those sitting down around them, followed their neighbor's actions and sat down.

Those in the front wondered how the police would respond. Would they charge with their clubs, or would they use tear gas or mace? Relieved, however, that none was attempting to breach their line, the police did not respond. Taken off guard and unprepared for the sit in, the police tried to reason with Kahane. Jerry Wilson, Chief of Police came upon the scene and told one of his officers to seek out Dr. Perl, the head of the activists

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in Washington. Perl, a former lieutenant colonel in the United States Army, was sitting near Kahane when the policeman approached and from about ten feet away motioned to Perl to get up. "The Chief wants to speak to you," he said.

"Colonel Perl," Wilson said, addressing the JDL leader by his army title, "tell Rabbi Kahane that he has had all the publicity he wants. This was all filmed and this will be on television. If you continue on your prearranged route there will be no arrests."

"Chief Wilson thought that calling me Colonel Perl would bring me more in line with his thinking and would remind me of my duties," Dr. Perl later said. "They didn't have the paddy wagons and were not at all prepared. So I gave Meir his message and Kahane said, 'Tell Chief Wilson that we will be sitting here until either the very last Jew is released from the Soviet Union or the very last of us is arrested.' I didn't tell the officer these words but I said, I'm very sorry; the Rabbi said he can't do that!"

A police van moved forward and over its loud speaker warned the crowd: "Obstruction of a public highway is in violation of the laws of the District of Columbia. Those of you who do not leave the street immediately will be subject to arrest." (Washington Daily News, 22 March 1971) The indecision of the police enabled Kahane, Templeman and others to urge the demonstrators to stay where they

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were. "You will survive an arrest. If 5,000 people get arrested it will be on page one of the newspapers; otherwise it will be next to the obituary column. Thirty years ago while Hitler turned Jews into soap, we did nothing when President Roosevelt said he couldn't help. We didn't even do what Martin Luther King did for his people. Now we have an opportunity to help our Jewish brothers who are crying out to us. Feel their pain. The Jews in the Soviet Union have it so much worse. They sat down in Parliament Square in Moscow and they weren't afraid, so don't you be afraid to sit down here in Washington. After they're arrested in Russia, they're sent to forced labor camps. Here, Jews have marched for every one else's rights -- for blacks, even for Eskimos. It is time to shake up the world a bit for Jews."

Templeman's emotional appeal was effective and many joined the others sitting down. Kahane urged non-violence and full cooperation with the police. "If a policeman comes over and touches you and says you're under arrest, then stand up and go with him," instructed the marshals as they moved through the crowd. Kahane and those around him were singing "Am Yisrael Chai," and as the police van repeatedly warned them of arrest, their singing grew louder.

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If all the demonstrators were to be arrested, how would they be taken to jail, the police wondered. To solve this dilemma, the police mobilized the city's transit buses to serve as makeshift paddy wagons. With the problem solved, they began making arrests. Kahane was the first to go. Others followed him onto the buses. "Get more buses," Kahane shouted though the window and the crowd picked up the chant.

The behavior of those arrested greatly impressed newsmen and police alike. Carl Bernstein, who later achieved fame for his Watergate investigation, covered the demonstration for the Washington Post.

> As he led the young man away to be arrested, the patrolman turned to his sergeant, then whispered "I kind of hate to do it; these kids are different." Indeed aside from their youth, the determined army of Jews who sat down in the streets near the Soviet Embassy yesterday bore few resemblances to demonstrators with whom Washington's police are more accustomed to dealing. Yesterday, there was no fashionable uniforms of the revolution just purchased at some neighborhood liberation boutique, no shouts of "off the pigs," no thrown stones, no chanted obscenities, no gas masks, red flags or dialectical rhetoric. (22 March 1971)

Some demonstrators phoned their parents for permission to get arrested. "It's O.K." Sharon Karst told her friends after the nineteen year old had placed her long distance call to New Jersey. "I'm going back to sit down. I called my father. He said I can get arrested." (Jewish Week, 25 March 1971) The enthusiasm and humor of the

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protestors were contagious and the police too became caught up in it. "May I have this arrest?" one officer said as he walked up to a teenage girl. (Washington Star, 22 March 1971) "One of the most disappointed looking demonstrators," reported the Washington Post, "was a 12 year old boy from Brooklyn named Alan, who said he had not been allowed on board the bus that took his father to jail." (Washington Post, 22 March 1971.

The buses were driven by Washington, D.C. transit workers. One grinning driver jokingly asked for the fare from the arrested people boarding his bus. Four police accompanied each busload of about sixty prisoners. The singing of "Am Yisrael Chai" continued as the bus headed for the municipal jail. Their chant of "Freedom Now" underwent its own metamorphosis as the protestors sang "Who wants bail, we like it here in jail."

The jail quickly became overcrowded; six people were put into cells built for two. Some buses drove around for an hour before finding place for their prisoners. Minors eventually were simply driven a few blocks away and then released. Some on K Street waited in the afternoon sun for three hours before they were arrested. Finally towards evening, march organizers themselves asked the remaining protestors to disperse.

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The police, eager to release all the arrested demonstrators, informed them they could leave after forefeiting ten dollars collateral. (Part of this money came from the sum originally collected for paying for the charted New York buses. "The immediate problem" Yossi Templeman wrote a few days later, "is $5,000 . . . which was supposed to go for the charted buses . . . the check [for the buses] . . . is bouncing all over New York State." (Jewish Echo, April 1971) Unfortunately, the bus contractor suffered a substantial loss and was never fully reimbursed.)

The chartered buses were kept late and some even returned empty because not all the protestors had been released from jail. Two extra buses were chartered for those released late. "We even had one bus that left at 1:00 A.M.," Ari Ilowitz recalled.

But the publicity Monday morning made the arrests worthwhile. A total of 1,347 JDLers were arrested and it made front page news everywhere. It was at the time, the largest arrest total for civil disobedience in the capitol's history. (Washington Post, 22 March 1971) The number was impressive but the "peaceful" rally, the "smiling" police and the "exultant" demonstrators distinguished the sit-in and made it equally newsworthy. "How to Protest With Wit As Well As Fervor," and "'I kind of Hate to Do It,' Policeman Making Arrests Says," were

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just some of the news headlines. (Washington Star, Washington Post, 28 March 1971)

The behavior of the Washington police also enabled the rally to remain nonviolent and Yossi Templeman wrote Jerry Wilson, the Police chief, to thank him. Wilson replied and acknowledged the JDLers "thoughtful letter. . . . Your kind remarks are sincerely appreciated and I am very grateful to you for taking the time to compliment our officers for their efforts."

Strelnikov, Pravda's correspondent in Washington, was less complimentary. Writing about JDL's Sunday morning visits, he charged that "members of the so-called Jewish Defense League (with the connivance of the U.S. Government) went to apartments of Soviet diplomats, breaking in doors, frightening children, scrawling obscenities on the walls and making telephone threats." (Washington Post, 24 March 1971)

Charles Bray, the State Department's spokesman, said the Department had no knowledge of Soviet doors being broken in. Furthermore, the Soviet charge of official connivance was "nonsense."

Later the Department received an official complaint from the Soviet Embassy condemning the "hooligan actions of the Zionist organization" whose members had attempted to "break into" Vorontsov's apartment. "While doing so the Zionists shouted obscenities at the Soviet diplomat

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and wrote anti-Soviet slogans all over the door of his apartment. At the same time, they turned to Vorontsov's neighbors in the building with expressions insulting to the honor and dignity of the Soviet diplomat." Similarly, in Arlington where several diplomats live, "acting according to a plan obviously worked out in advance, they organized an anti-Soviet demonstration [and] . . . scattered insulting letters at the apartments." In addition, the Soviet diplomat took exception to Bray's dismissal of the Soviet charges as "nonsence." Bray was very careless in his use of language, the Soviet Counselor charged.

After the meeting, the State Department official checked a transcript of Bray's March 23rd news briefing and called the Russian back, informing him that the word "nonsence" was only used to reject the connivance charge; Bray's "rejection of Pravda's unwarranted allegation was absolutely proper and correct." At any rate, the State Department telegramed the American Embassy in Moscow and "commented" that the "Department would not be surprised if Soviets undertook reprisals in Moscow." (Zweibon v. Michell, 24 March 1971)

A week after the Washington rally, Kahane spoke at the "White Shul" in Far Rockaway, and explained JDL's demonstrations.

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For the last eighteen years . . . the Soviet Union has been weak . . . eighteen years of lost opportunities to do what we have been doing within the past year . . . and who can say tomorrow will not bring a repeition of 1953, the last year of Stalin, when he had lists drawn up of hundreds of thousands of Jews to be brought to the camps for a 'final solution.' God was good to us -- Stalin died. But what of tomorrow and a new Stalin? How much longer will we have the opportunity that we have now? . . . of a Soviet Union desperately wanting and needing coexistence with the West?

The Soviet Union has serious problems. One is called China. Two and a half million Soviet troops are on the Chinese border [In November 1970, newspapers reported the movement of sixteen Russian divisions to the Chinese borders.] and this costs tens of billions of rubles. And rubles do not grow on trees -- they are no different than dollars . . . The Soviet Union is in great need of trade, in great need of dollars, in great need of cutting its costs. . . . and where does it get all these things? In the West. And this is why the Soviet Union does not know what to do when its buildings are blown up here and when its diplomats are harassed; when the wives of diplomats sit down . . . with a New York Times man and bemoan the fact that they arepsychological prisoners and that there is a reign of terror and that their children cannot play in Central Park -- Jewish children cannot play in the pages of Jewish history in the Soviet Union and Jewish children cannot play with their culture, faith and language -- so Soviet children will not play in Central Park . . . We have a golden opportunity if we disrupt the foreign policy of the Soviet Union and of the United States, both of whom have the same policy: they want to build bridges over the bodies of Soviet Jews and over their cries. This is called Munich. They want to buy peace at the expense of Jews. So it is our job to knock the bridges down. It is our job to create tensions and not to be afriad of doing this. . . .

Don't believe that the average non-Jew is as unhappy as Jews are, when he reads about Soviets

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> being given a difficult time. Quite to the contrary, he sits and he watches on TV as a Soviet diplomat cries, "We are not safe here." And he laughs and says it is about time

Five hours after he was released from jail in Washington, Kahane spoke on this same theme: "Jews are so obsessed with respectiability," he said at Temple Beth El in Cranford "that we constantly have on our minds the question: if we are not respectable, what will non-Jews say? It is about time that we buried respectability before it buries us." (Evening News, 22 March 1971)

Shortly afterwards, the national offices of the Communist Party was bombed. At 4:30 in the morning of March 30th, a pipe bomb exploded outside the Party's offices at 23 West 26th Street, blowing in the building's door and shattering windows. The 24th Congress of the Communist Party was to open in Moscow that day and Gus Hall, the chairman of the United States Communist Party had flown to Russia to attend the Congress. The preceding week, according to Claude Lightfoot, a spokesman for the Party, telegrams and letters had flooded the Party's New York office urging Gus Hall to tell the Soviet leaders to allow Jews to emigrate.

The bomb underscored their message. Moments after the blast, an anonymous male called United Press International and the Associated Press and told them: "The Communist Party building has just been bombed.

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Let the tools and lackeys[of those] who throw our brethren into jail know that they too [i.e. the American Communist Party] are responsible for the actions of those who they support. Let our people go! Never again!"(New York Times, 31 March 1971)

The bombing that day followed a similar pattern as had the November 1970 bombing of Intourist. To maximize publicity, a demonstration and a bombing closely followed one another. The morning after the bombing, for example, Yossi Templeman led a demonstration of "Student Activists" outside the Communist Party's office. By coincidence, he told Rosenthal, he had a permit to use a loudspeaker that day. "In the season of Passover, the holiday of liberation," Templeman told the press, "we seek another exodus, not from Egypt but from Russia." Newsmen photographed a message painted on the sidewalk. "Let my people go," was spray-painted in big red letters on the sidewalk in front of the Party's building.

Rosenthal's police superiors were very upset he did not learn about the bombing. "I was chewed out the next day for not being around," Rosenthal observed. "They said I went home too early and my superiors told me to hang around next time. Well I disagree with them. If the guys were not going to allow me to make the bomb, I wasn't going to be invited. How the hell was I supposed

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to know when they intended to blow something up? Hey guys, next time before you blow something up, let me hang around," Rosenthal mocked sarcastically.

As an alternative to Rosenthal, the Bureau of Special Services had Eisner attempt to gather information about the bombing. They instructed him to wear a transmitting device under his shirt when he went to JDL's office on Wednesday afternoon, a day after the bombing. Parked two blocks away, was an unmarked police car whose occupants were to record Eisner's conversations.

Eileen Garfinkle and Jake Weisel were sitting by a desk talking. Eisner joined them but after while the others left him to go to another part of the office. Needing a scissors, Garfinkle returned to her desk, now occupied by Eisner. His back was to her and leaning over him to get the scissors she spotted the wire taped to his chest. She quickly left to tell Weisel about the transmitting device. He was incredulous.

Later, Kahane himself questioned the undercover agent. Eisner feigned innocence. By then he had removed the device, showing them that he only had a band aid there. The undercover agent convincingly managed to cry and insist he was not a police agent. "How could you do this to me, after all I've done for you here," Eisner cried. Kahane was inclined to believe him and he was permitted to remain in the organization but from then on,

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the JDLers were slightly wary of him. At any rate, BOSI did not learn anything about the bombing and what was more, in the process, one of their undercover agents had almost been exposed.

The JDLers hid their discovery about Eisner from Rosenthal. That evening for example, Jake Wisel told Rosenthal that someone whom they had never seen before tried to join JDL while wearing a transmitting device. Weisel said he spotted it but had only told Cohen and Sheldon Seigel about it. Rosenthal, however, never realized it was Eisner until months later when Eisner surfaced.

Nevertheless, Zweibon thinking that Rosenthal and Eisner knew of each other, attempted the next evening to intimidate the two. Hershkovitz had just been released from jail and a number of JDLers including Zweibon and Rosenthal had gone down to Criminal Court to greet him upon his release at 9:00 P.M. Although Hershkovitz had been arrested six months before on charges of hijacking, it was only then that the money had been raised for his release.

From Criminal Court the JDLers drove to Shmulka Bernstein's for dinner; Rosenthal, sat near Zweibon, who was in charge of the organization during Kahane's trip to California. Turning to Rosenthal Zweibon said he was aware that an individual, the day before, had worn

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a transmitter to JDL's office. Feigning ignorance and going along with Weisel's story that the JDLers had never met the agent before, Zweibon said he wanted to know the identity of that informant. Pausing a moment, Zweibon added that actually he did not wish to know, because the informant would be killed. "He meant it," Rosenthal wrote in his report to the police. "He repeated that the informer would be killed several times."

The first week in April, Kahane flew to California where he kept a hectic schedule of press interviews, meetings and speeches. It was his first trip there and JDL sympathizers who had arranged his schedule, sought to have Kahane speak only at those synagogues which could provide him with audiences of 250 people or more. "His crowds far outstripped this goal," wrote the Bnai Brith Messenger, "filling halls holding three or four times that many." (9 April 1971)

At 11:00 P.M. Monday night, April 5th, Kahane led eighty people to President Nixon's San Clemente White House, where two hours later, a delegation from the group handed a Secret Service agent a letter addressed to the President, asking Nixon to intervene with the Russian government on behalf of the Russian Jews. Despite the mass arrests two weeks before in Washington, Lt. Robert Mason of the San Clemente police said, "We had no trouble with them at all. They were peaceful -- very peaceful --

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and very courteous. We had been told there would be some kind of a march and we were a little surprised that so few people showed up." (Santa Ana Register, 6 April 1971) Only about thirty people remained for the all night-vigil.

VII. Ten Plagues: Frogs, Mice and the Amtorg Bomb

For the start of Passover a few days later, Kahane returned to New York, where continuing their Soviet Jewry campaign, JDLers brought "plagues" upon the Russians. In the office on the third day of Passover, Rosenthal overheard Yossi Templeman phoning a number of people and asking them to be at the Isaiah Wall, opposite the United Nations the following day at noon. Templeman also phoned Kahane. "Although the conversation was in Hebrew and English," Rosenthal wrote, "the assigned gathered that there will be several activities . . . [the following day] as Templeman spoke of a possible conflict of activities."

As planned, they gathered at the Isaiah Wall and set off with fifty frogs for Aeroflot's ticket office at 45 East 49th Street. A policeman had been stationed outside Aeroflot ever since the office's bombing five months before, and as usual, the officer was there that day. With the frogs well hidden, two youths nonchalantly passed the policeman, walked into the office and dumped

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the frogs on a secretary's desk. All hell broke loose. The secretaries began screaming as the frogs jumped in all different directions. Hearing the screaming, the policeman rushed inside where he was confronted by the frogs, the panicky women and the beaming youths. He seized the two and called for police reinforcements. "It was beautiful," one of the seized youths said, "everyone was screaming." For the next hour police and office workers jumped after the elusive frogs. "Of course," said a police sergeant, "they were jumping up and down and getting everybody jumping with them." The youths identified themselves as members of Student Activists for Soviet Jewry; one was released because he was a juvenile, the other, a seventeen year-old, was charged with harassment and trespassing. The frogs, the police said, "went to the A.S.P.C.A." (New York Times, 14 April 1971)

Shortly afterwards, some JDLers visited Amtorg's reception area on the nineteenth floor, where they opened airline flight bags and released about fifty white mice. Unlike the Aeroflot "plague," the youths left without being apprehended. Later, a journalist for the New York Times called the Soviet office and reported that an official who refused to identify himself, said that "the maintenance men quickly scooped up the mice into a large bucket." The police, however, were

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more realistic. "The mice were not recovered," one tersely commented.

The next plague was more serious. Amtorg was bombed a week later. Rosenthal, ever since he was reprimanded by his superiors for failing to learn of the Communist Party bombing, was particularly alert for such a possibility. He visited the office daily, attempting to learn of any new bombings. His efforts were rewarded on Monday, April 19th, when visiting the JDL, he sensed that something unusual was going on. "I noticed that there was a certain amount of activity which was atypical," Rosenthal said. "Kahane was there and Eli Schwartz was bouncing inside and out of the place, whispering in Kahane's ear. In addition, Cohen and Garfinkle were not there. I said to myself, I think they're doing something tonight."

With his curiosity aroused, Rosenthal looked for a pretext to hang around. With no one available to give a lecture on firearms, Rosenthal found himself a perfect excuse and gave an impromptu gun demonstration. Afterwards he went over to Chaim Bieber. "I sort of lied," Rosenthal said. "It was a good lie. I told Bieber I had to speak to Cohen about the rifle range we were going to make, because I knew where there was a bomb, there was Cohen." Bieber didn't know where Cohen was and they both went to ask Kahane. "Kahane didn't trust

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me at that point so I stood away from Chaim, like I'm doing something else and Bieber asked the rabbi for Stuie. Now this is something which is difficult to relate but you will just have to accept it. Kahane looked at me and he had fear in his eyes -- apprehension in his eyes. He said just one word, 'Eileen's' before he walked away."

Bieber returned to Rosenthal and promised him that they'd later go to Garfinkle's. Rosenthal didn't know where she lived so he waited for Bieber. At 11:30 P.M. with Rosenthal following him, Bieber drove his car to Garfinkle's basement apartment at 1245 49th Street. Both got out of their cars and knocked on her doorway at the back of the building. Avraham Hershkovitz, who had just been released from jail, was temporarily staying with his wife, at Garfinkle's and he opened the door. Hershkovitz stood blocking the doorway without inviting them in. "I thought in my naivite," Rosenthal said, "that his wife was undressed and that's why they wouldn't let us in. But then his wife came up behind him in her bathrobe, so that wasn't the answer."

"Where's Stuie?" Bieber asked.

"He and Eileen went to get pizza," Hershkovitz replied.

"Well, we'll wait," Bieber said as he and Rosenthal walked in.

"Sit in the kitchen," Hershkovitz said.

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"Whose back there"? Bieber asked, motioning towards the bedroom.

"Eli," replied Hershkovitz. Bieber laughed and walked around Hershkovitz and into the bedroom. Rosenthal remained in the kitchen.

"You can't force your way into situations like that," Rosenthal said, "but I saw a lot of activity in the bedroom. I played with the puppy Eileen just got; they called him Josh. Nancy sat down at the table and Avraham produced a bottle of children's bubble stuff, so we took turns blowing bubbles."

Eventually, Eli came in and asked what everyone was doing in the kitchen which was very narrow. Following his suggestion, they joined him in the room. Eli sat reading a magazine on the couch. Next to him was a green military type rucksack and he made it obvious he wanted no one near it. Rosenthal was not sure if a bomb was inside, but looking around the room he saw about six pieces of scraped electrical wiring; there were also several bits of solder, one of which had a small piece of red electrical tape affized to it. Rosenthal wanted one of those wires as evidence. The most accessible one was on a bedroom table but Bieber was sitting next to it reading Mel Ziegler's, New York Magazine article on JDL.

"He was pretty engrossed in it," Rosenthal explained. "Avraham and Nancy were puttering around. I had to think

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of a ruse to get the wire. I said, 'Stuie told me he had dirty magazines around here. Where are they?' And I started making a big ruckus about his promising me the magazines. I said, 'Fuck you guys, if you're not going to give me the dirty magazine, I'm going to steal a cigar.'"

Rosenthal spotted the cigar in the corner and headed for it. To do so, he had to pass the table. Feigning that the distance between the wall and the table was too small to let him pass, he put his hands on the table and wedged himself into the space as if to push through. While doing so, he embedded the wire in his palm and then bent down to pick up the cigar. The wire was now securely in his hand. "Anyone got a match?" Rosenthal asked putting his hand in his pocket, slipping the wire into his pocket. He got a match, sat and began to calm down.

When Cohen and Garfinkle returned after midnight and saw them all in the living room, Garfinkle immediately began to sweep the room throwing away all the leftover wire. Cohen and Schwartz started talking about where to keep "it" for the night. They didn't specify what "it" was, but Cohen didn't want "it" at Eileen's. Schwartz thought Bieber should take "it."

"Let's not discuss it here," Cohen decided. Agreeing, Schwartz and Bieber went outside to talk. Schwartz carried

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the rucksack with him, while Cohen and Rosenthal stayed behind and discussed firearm instruction. Towards 12:30, Rosenthal left the apartment; Bieber and Schwartz were still talking but Schwartz broke off soon afterwards and went back inside with the rucksack. Bieber and Rosenthal left.

At home, Rosenthel put the wire in an envelope, sealed it and attached it to his report. "It was tight," Rosenthal commented about his undercover work at Garfinkle's. "I would have had a problem if they uncovered me taking the wire. I mean I'm a big guy. I'm 230 pounds, but Schwartz is not slouch. You got Bieber, Hershkovitz, Cohen and the girls. Man, I was outnumbered, but it worked out well."

Tuesday, the League had a rally outside the Iraqi Mission. Reports had reached Israel that Iraq had begun a campaign of terror against Jews. Responding to the news, Kahane warned that, "If one Jew is hanged, Iraqi diplomats will hang in New York City." (JTA, 22 April 1971) Hearing this, Rosenthal thought the Iraqi's would be bombed. As further confirmation, he noticed the absence of all those who were at Eileen's apartment the previous evening. Garfinkle, Cohen, Schwartz, Bieber, and the Hershkovitzs were all missing.

The demonstration grew violent and Kahane, Jerry Eisenberg, Izzy Danziger and five others were arrested.

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Protesting Kahane's arrest, 300 JDLers headed toward the 19th precinct where he was being held. Trying to get as much information as possible, Rosenthal offered Jake Weisel a lift to the precinct.

"I wonder how the bomb attempt will go"? Rosenthal said on the way to the precinct.

"Were you at Eileen's when Eli and Stuie were making the bombs?" Weisel asked.

"I came at the end of it."

Rosenthal got Weisel to continue talking. "It was a great conversation," the police agent later recalled. "I'm really sorry I couldn't record it." Weisel explained that although the bombs were made a day before they were used, he thought it was stupid to manufacture them at Garfinkle's because of the danger. Besides, he was too nervous to stay around Cohen and Schwartz when they were constructing the bombs. They were too unsure of themselves and if two wires were incorrectly joined, he feared the bomb would detonate.

"Don't you want to stay around for the explosion?" Rosenthal asked.

"No, it'll go off very late," Weisel said.

There were no explosions that evening, nor the next. But on Thursday, Garfinkle, Cohen, Weisel and Sheldon Seigel went with two imitation leather briefcases to the Amtorg Trading Corporation. A bomb was in each case.

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To familiarize themselves with the building, JDLers had gone to Soviet installations posing as students wanting information for their papers. Now fully accustomed to the building, they placed the first briefcase on Amtorg's nineteenth floor stairwell; the other was put on the twentieth floor. They slipped away unnoticed by the two policemen stationed in the building.

That morning, Meir Kahane had been arraigned at Criminal Court on charges of disorderly conduct at the Iraqi demonstration. Harvey Michelman, Kahane's attorney, was arguing with Judge Marvin Berger. "You don't know how I handle cases," the Judge told Michelman.

"Well I do," Kahane exclaimed, "in Brooklyn last year, you were outrageous."

Berger grew even angrier, "I'm calling this case again in five minutes and if you don't apologize, you'll be held in contempt of court." Returning, the Judge asked Kahane if he apologized.

"After speaking to my attorney and under duress because I fear jail, you were not outrageous and unfair."

"I'm not accepting an apology with any conditions ... you were disrespectful to the Court. I ask you again, do you apologize?"

"I do," Kahane replied. Berger imposed bail of $100 on Kahane and assigned a hearing for May 7th.

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After court, Kahane returned to the office and asked for a radio. No one seemed to have one. At the time, his request seemed puzzling but Kahane managing to find one, kept it on that entire afternoon. At 5:15 P.M., twenty minutes before the bombs were to go off, a male called United Press International and the Associated Press:

> There have been several time bombs placed in the office of Amtorg, at the Soviet freight office at 355 Lexington Avenue. They will go off in less than fifteen minutes. Free all Soviet Jewish prisoners. Let my people go. Never again. (New York Times, 23 April 1971)

Frank Hassett, the building's engineer, also was called. "They identified themselves as the Jewish Defense League," he said. "They told me to evacuate the building because the nineteenth floor was going to be bombed." All floors in the 40th Street building, between the sixteenth and the twenty-second were evacuated. At 5:37 P.M. the bomb on the nineteenth floor went off. The blast tore down part of the ceiling, blew out windows and doors, tore apart office chairs, blasted a hole in the cement stairwell and touched off carpet fires.

Al Seedman was at his office in the Police Department when the bomb went off. He expected to attend a dinner that evening honoring his promotion to Chief of Detectives, but the explosion delayed his plans. He quickly left for Amtorg along with Peter Perotta, a veteran detective. Arthur Grubert, Chief of Intelligence and Michael Codd,

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Chief Inspector, also came to the bombed site. The second bomb on the twentieth floor was discovered while all the police were milling about. Seedman (1974:297-8) wrote about the event.

> There on the landing was another briefcase ticking coldly. A young Bomb Squad detective named Gerald Sommerville knelt and snapped open the case. With Codd, Grubert and Seedman looking over his shoulder in fascination, Somerville lifted out a gray-enamled steel box. . . . As Somerville reached into the midst of the bomb with his needlenose pliers, the tiny bulb suddenly lit up cheerily. Seedman remembers that Codd smiled quizzically. He himself understood the significance -- but couldn't help thinking that quite a few friends and notables were going to be stood up that night at his promotion dinner.
>
> "The bulb lights up when juice is ready to flow," Sommerville whispered in the sudden silence. "I guess we had half, maybe three quarters of a second until -ignition." He looked around him at the Chief of Intelligence, Chief of Detectives and Chief Inspector. Only then did his face go white. "Jeez," he whistled. "We wouldn't have had no more bosses."

"The bullshit in Seedman's book," Eli Schwartz later said, "is that they saw the light on. There is no way that if that light went on, they weren't dead. If you know what you're doing [in making a bomb] you always have a test light bulb before you make any connections, so that if you make a mistake and misconnect the wires for some reason, before you put on the second wire onto the electronic detonator, you make sure that there is no current. That's what the light was there for. If the light is on, that means there is a current and if there's a current you're

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going to end up being spread to the four corners of the earth -- to the winds. When I read in Seedman's book that they saw the light on and that they nearly all blew up, I was personally laughing my balls off because there is no way that that could have happened.

"I would assume that it was a -- well it could have been a one second delay fuse, I doubt it. As I would think, it was a non delay fuse. If it is a non delay fuse, then they were dead the minute the light went on. If it is a one second delay, then it's true, but I don't think it was a one second delay. I think the light was on but the charge [detonator] was neutralized. I think that there was an actual connection and that when they opened the bomb, the light was on.

"If the light was on, there is no way to disarm the bomb because the bomb would have gone off. If the light was on and the bomb did not go off, then they really were in no danger because it had been inactivated by the concussion of the first bomb."

News of the bombing was broadcast while Kahane was sitting in the office listening to the radio. A slight smile crossed his face as the radio announcer incorrectly spoke of one bomb. Correcting the announcer's mistake, Kahane held up two fingers of his hand to an onlooker, indicating there were two bombs. With that, he closed his office door.

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That evening Rosenthal came to the office and found Templeman and Eisner there. Templeman gave Rosenthal and others a message to read to phoning newsman inquiring about the Amtorg bombing.

George Bush, United States representative to the United Nations called upon Yakov Malik, the Soviet delegate. Malik was absent but Bush expressed his regrets over the bombing. "This kind of outrageous action must stop. If the extremists who resort to these bombings are United States citizens, all I can say is that they are damaging their country in the eyes of the world. . . . I appeal to all the extremists and their followers to abandon their barbaric tactics -- tactics that can only lead to a deterioration of decent relationships between countries." (New York Times, 23 April 1971)

Again as in the past, the Soviet Embassy charged the Americans with "inactivity" and "connivance." Expressing its "indignation at this extremely serious crime" by "fascist elements from [a] Zionist group," the Soviet Mission wrote: "It is not difficult to see that all provocations carried out by these Zionist elements against Soviet citizens have a political character and are directed at worsening Soviet-American relations. . . . Senator Javits, Representative Koch and Mayor Lindsay of New York in meetings [non JDL Soviet Jewry rallies sponsored by established Jewish groups] at Hunter College

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have directly or indirectly encouraged these hostile activites."

In Moscow, the Soviet government protested at the highest level and summoning Ambassador Beam to the Foreign Ministry, underscored the serious view it took of the bombing by giving the ambassador the following protest:

> International law and norms of behavior accepted in civilized societies obligate governments . . . to insure normal conditions for activity of foreign diplomats . . . its non-obsevance cannot be considered as anything other than the lack of desire of one state to maintain normal relations with another state or states, with all the consequenes that flow from this. . . . Such a situation cannot go on longer, and the American Government seriously deludes itself if it believes that the Soviet public will not react to the provacative acts of the American Zionists. . . all the responsibility rests with the Government of the United States. (Zweibon v. Mitchell, 24 April 1971)

Hours after the bombing, the American Embassy in Moscow began receiving telephone calls. The first caller, after expressing his indignation over the Amtorg bombing, hinted of possible retaliation. At 11:30 at night, a second caller, who identified himself as an "African student," warned the attending Marine guard, that he had heard a bomb would go off that night. United States Marines searched the Embassy but failed to find a bomb. And in their homes, at two in the morning, Embassy officials

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began receiving calls from "indignant citizens" whose "patience was wearing thin."

Police authorities in New York, however, found some solace in the bombing of Amtorg. Although the bomb on the nineteenth floor had exploded, they still had an intact bomb from the deactivated one on the twentieth. By tracing its components, police hoped they could locate the store where the parts had been purchased; after finding the store, detectives would endeavor to have the owner identify the person who bought the parts for the bomb. This process was tedious and very time consuming. It was, however, one of the only leads available to the police. Rosenthal had not witnessed the JDLers making the bomb and to get a conviction the police would need more evidence. In the meantime, the JDLers were free to continue.

All except Avraham Hershkovitz. Having pleaded guilty to falsifying his passport application, he was sentenced a day after the Amtorg bombing by United States District Judge John Bartels to the maximum five year term.

This five year sentence greatly shocked and angered the JDLers. Kahane wrote "he was personally contacting several leading rabbis to demand that a committee be formed to have Hershkovitz's sentence reduced." If not, he vowed to disclose the names of those rabbis refusing to "help a fellow Jew." Kahane also planned to picket Jewish

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organizations if "those groups who bleed for non-Jewish causes are silent when a Jewish political prisoner is treated as Hershkovitz has been."

Kahane's first target was the New York Board of Rabbis.

> Consider the contrast. An Angela Davis, charged with complicity in murder, is defended by black leaders all over the land. The Berrigan Brothers are charged with all manner of crimes [conspiring to kidnap Henry Kissinger, then head of the National Security Council] and the Catholic clergy and laity leap to their defense. People with self respect do such things.
>
> It is only our pathetic shepherds, wracked with insecurity and timid fear, who sit and do nothing but plan for their annual High Holiday sermons. . . . Which of our "spiritual leaders" will leave the guilded pulpit of his expensive synagogue and care about the fact that Hershkovitz was never gotten kosher food by the Board of Rabbis who are paid over $100,000 a year to do such things?. . .
>
> We are at the mercy of shepherds who do not care about the wolves around us. It is only the sheep who can save themselves. . . . Rise up Jewish sheep, you have nothing to lose. They already took your wool while your shepherd slept. (Jewish Press, 30 April 1971)

Hershkovitz was more explicit in his complaint about the Board of Rabbis and particularly about the prison's Jewish chaplain. A reporter who interviewed Hershkovitz wrote the following:

> Although he described the chaplain as "basically a good man," Avraham said the chaplain had one problem: a great dislike for criminals. "When the chaplain would arrive at the prison for his weekly visit, he would announce over the microphone 'I am here, whoever would like to, can come down and see me.'" Avraham disclosed that the response wasn't overwhelming. "The Catholic and Protestant chaplains

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> visited the men in their cells. The trouble with the Jewish chaplain was that he had a holier than thou attitude which isn't a very good trait to have when dealing with men who sense acutely their unholiness. . . .
>
> "While the prison did surprisingly serve substantial and varied meals which the inmates enjoyed heartily, I of course couldn't partake of them since they weren't kosher. Even the bread was baked in pans greased with lard. I kept asking the chaplain to get me some kosher food and he kept stalling. 'I'll try,' he said, 'I'll try.' He didn't try very hard. Finally, months after I had been imprisoned, he showed up one day with two boxes of cheese and two packages of matzoh. And once, after my plight was publicized, the chaplain brought me some kosher dairy dinners. But that was only once." (Jewish Echo, May-June 1971)

Late in the afternoon, five days after Hershkovitz's sentencing, over twenty JDLers walked into the East 73rd Street offices of the Board of Rabbis to voice their indignation. The office personnel were frightened of the uncouth and rowdy youths who demanded to speak to Rabbi Harold Gordon, the Board's executive vice president. Threatening to "rip the place apart" if the police were called, the youth broke through closed doors and confronted Rabbi Gordon in his office.

Police were called surreptitiously. When JDLers discovered the arrival of the police, they vented all their pent up rage with the Jewish establishment and overturned chairs, ripped out phones, dumped books and files onto the floor and destroyed a tape recorder and two television sets. Twenty three JDLers were arrested on charges of criminal trespass and criminal mischief.

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No one in the Jewish community supported the League's action. Even the Jewish Press, Kahane's strongest base of support, condemned the League: "The invasion and destruction . . . is unpardonable. When brother must fight brother, we have reached a sad state of affairs. The allegations made by JDL against the New York Board of Rabbis, that they 'do absolutely nothing', is unfair." (Jewish Press, 14 May 1971)

It was more than just unfair. Kahane had League members repeatedly demand bail for Hershkovitz from the Board of Rabbis. (New York Daily News, 30 April 1971) And although Kahane was correct in claiming that the Catholic Church did not disassociate itself from the Berrigan Brothers the way Jewish organizations disassociated themselves from the League, it was not the responsibility of the Board of Rabbis to raise bail.

More than bail, Hershkovitz needed a good lawyer. When he was first arrested, Hershkovitz had the opportunity of being represented by Nathan Lewin, a brilliant lawyer who was a former State Department official and Assistant Solicitor General in the Johnson administration. But Lewin was rejected for a less distinguished attorney. It was ingenuous now for the JDLers to complain about Hershkovitz's five year sentence, when Hershkovitz, acting on his lawyer's advice, pled guilty without benefit

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of trial.

The issue of kosher food was similarly clouded. It was the policy of the Bureau of Prisons not to furnish prisoners with kosher food. Therefore, if the inmate wanted to abstain from eating non kosher meat, meat products or meat derivations, he so informed his chaplain who in turn notified the warden. The warden would try to accommodate the prisoner by giving him the opportunity to supplement his diet with alternative sources of protein such as milk, eggs, canned fish and vegetables. To facilitate this, the prisoner was usually assigned work in the food services department where he could easily select appropriate foods.

All this was done in Hershkovitz's case. The Jewish chaplain informed the warden that Hershkovitz ate only kosher food and Hershkovitz was assigned work in the food services department. The arrangement, however, was not adequate because Hershkovitz not only avoided unkosher food, but being a strict vegetarian, he also abstained from fish and eggs. There was precious little he could eat.

To blame the Board of Rabbis for Hershkovitz's food problems, therefore, was not only unfair, but deceitful. In the first place, it was the Bureau of Prisons which refused to supply Jewish prisoners with kosher food, not the Board of Rabbis. To change this policy, one

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could sue the Bureau of Prisons, but the Board of Rabbis was never set up for litigation. Besides which, Kahane never did ask the Board to undertake such litigation.

In the second place, there were alternative sources of protein such as fish and eggs which Hershkovitz also abstained from eating. Even had Hershkovitz eaten non kosher food, there was little in a prison diet for him to eat.

Nevertheless, Louis Gengler, warden of the Federal Detention Headquarters (FDH) was extremely progressive and permitted the chaplain to bring to Hershkovitz hard cheese and matzahs. Since Hershkovitz complained that the food had become unpalatable because of its monotony, the warden in March, had permitted the chaplain to bring some frozen dairy foods. In addition, so that he needn't use unkosher pots, Hershkovitz received a separate container to enable him to cook such things as boiled potatoes. All this was done above and beyond the requirements of the Prison's "Policy Statement," and in the case of kosher food, the FDH in Manhattan was one of the country's few progressive prisons.

To be sure, the denial of kosher food to prisoners was an extremely serious problem. It was not, however, the fault of the Board of Rabbis nor their inactivity that caused Hershkovitz his problems. In this, Kahane was very wrong.

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CHAPTER IX

THE JDL THIRTEEN

I. The Arrests

In May 1971, JDL's efforts on behalf of Soviet Jewry were unexpectedly sidetracked when thirteen of them were secretly indicted by a Federal grand jury for weapons violations. After his arrest, Gilbert Laurie had the choice of cooperating with the United States Attorney's office, or of facing the penalties for repeated violations of the Gun Control Act. If he cooperated, the Government would permit him to plead guilty to only one count; but no one promised him a light sentence. "The only promise we made to him," Thomas Pattison, the assistant United States Attorney said, "was that we would make his poor health known to the judge and we would keep him under protective custody."

Laurie chose to cooperate and the evidence he gave was used to indict the JDLers. However, Laurie's testimony could only be used against Kahane, Joffe, Bieber and Calderon. No one else that Laruie knew of, had participated in the illegal gun buying scheme. Therefore, on the basis of Rosenthal's reports, an additional nine were indicted for

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illegally making the bombs detonated at JDL's camp the previous summer. Arrest warrants were secretly issued for the indicted thirteen.

Rosenthal was warned of the impending arrests by his sergeant. The sergeant arranged to meet Rosenthal outside the old police academy building where he gave the undercover agent a police shield. Afterwards, they went to have Rosenthal's identity pictures taken. Until then, no written record had existed of Rosenthal at Police Headquarters, except within BOSI, the Intellicence Unit. To insure complete secrecy, BOSI had even payed him in cash. But with arrests forthcoming, secrecy was no longer required for it would be obvious from the indictment that part of the information had come from Rosenthal. Lest the JDLers attempt retaliation, Rosenthal's sergeant warned him to go into hiding, wearing his gun at all times.

Rosenthal returned home. Revealing his identity to his landlady, he told her he was leaving for a few months and gave her his parents telephone number in New Jersey in case she wanted to contact him. Then Rosenthal and his wife left.

Late in the afternoon of May 12th, ATF agents and New York City Police surrounded JDL's 42nd Street office. In a coordinated move, they sealed all the building's exits; some went to the roof, others covered the fire exit and an additional group took the elevator. The

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agents were apprehensive and were taking no chances; they knew from Rosenthal and Gold's reports, for example, that weapons were stored in the office. Reinforcing their fear was the fact that the JDLers were being arrested for weapons and explosives violations.

At a prearranged time, ten agents rushed the office. Eileen Garfinkle was at the reception desk at the front of the office when she saw the elevator open. The agents, many with fair hair and blue eyes, burst into the office with their guns drawn. "Hands up," they commanded. Garfinkle thought they were Nazis. This is the end, she thought, it's all over. JDL had beaten a few Nazis a few weeks before and now Garfinkle thought they had come to seek retribution. With one man guarding her, the others went looking around the office. Sitting with her hands above her head, Garfinkle wondered what the Nazis would do to her.

Ari Ilowitz was standing in the office when he saw them burst in. He had no idea who they were. But it was only six weeks since the bombing of the Communist Party building and he thought they were either Communists or Nazis. Knowing there was a loaded shotgun in Cohen's office, he walked back to get it but was stopped by one of the agents who climbed through a window. "The hands of one of the ATF agents -- in his 40s -- were shaking like a leaf," Ilowitz recalls. "'Calm down, calm down,'

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Larry Gartner told him. We don't want to be accidently shot."

"I've been in this job for twenty years," the agent said, "and this is the only reason I'm alive. I want to be around to collect my pension."

Sheldon Davis, sitting in the back of the office, saw a man on the roof adjoining JDL's building. "All of a sudden," Davis later recalled, "this guy who looked no older than seventeen, wearing a disheveled shirt and dungarees came through the back window. He had red hair and freckles, and to me looked like Alfred E. Neuman [Mad Magazine's trademark]." Outside, behind the redhead, Davis could see the shadow of two men with rifles. "Move and you're dead," said the redhead holding his gun against Davis's chest. "Medussa couldn't have done a better job [of making me immobile]." (Shma, 8 February 1974)

"Who the fuck are you?" Davis asked. It had to be a joke he thought.

"Treasury Department," the redhead answered.

"Had they said FBI," Davis later said, "I would have understood. But the Treasury Department? It sounded like I hadn't paid my taxes."

The other two men had by then climbed through the window with their rifles. Agents were swarming in through the stairs and elevators. They put everyone against the wall and frisked them for weapons. Afterwards, they began searching the office. "You have a search warrant?" Davis

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asked.

"Yep," said the redhead, patting the back of his pocket. It was only later that they found out the ATF did not have a warrant.

Only after awhile did Eileen Garfinkle realize they might be police, a welcome thought compared to the prospect of an American Nazi party raid. "Hey, who are you guys? It'd be nice to know," she asked when they returned to the reception area.

"Treasury Department," an agent said, showing her his badge. "What's your name?"

"Eileen Garfinkle."

"You're under arrest for violating Title II of the Gun Control Act." Garfinkle wasn't very sure of what specifically she was arrested for, but she didn't ask further questions.

After searching the place, the ATF agents wrote down the names of all those in the office. "I only came to deliver something," Dennis told them. "Honestly, I'm not a member here," he insisted. His name was put down anyway.

Sheldon Davis went down to watch the ATF men outside. An affable drunk, having witnessed the entire drama from his doormat, came over to Davis. "Man, you have ABC here, the FBI, the CIO, the whole damn alphabet is here."

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The ATF agents asked for Cohen, but he hadn't arrived. Not finding him, they left with Garfinkle and drove to the Treasury Building. She thought she was the only one arrested but when they brought her into a room she saw a man standing on the other side, wearing a large black kipah. He turned slightly and she realized it was Rabbi Meir Kahane. At least she wasn't going to be alone.

Kahane had been at Zweibon's East 40th Street office, with Renee Brown, Chaim Bieber and Irving Calderon. As they were leaving ATF agents seized Kahane and Calderon.

"What's your name?" they asked Bieber.

"Chaim Simcha," he replied. That name wasn't on the list of those to be arrested and not realizing his identity, the agents let him go. "I had things to do," Bieber recalled, "arrest at that time would be very inconvenient." After Kahane and Calderon were led away, Bieber rushed home removing all the incriminating evidence from his house.

The ATF sent Mark Gold, who knew what Bieber looked like, to arrest him at his home. Finally at two in the morning, Bieber returned from where he had stored the compromising evidence. As Bieber emerged from his automobile, four cars converged on him. "Stay where you are with your hands up," Gold commanded. The agent

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searched him. "It's a good thing you're not packing a gun," he said, after a search of Bieber revealed no weapons.

"I never pack unnecessarily."

"Did you know I was a cop?" Gold asked as he led Bieber away.

"Of course."

"So you were jerking me around all this time?"

An arrest warrant was also issued for Sternberg, who suspected something was about to happen because he was being followed. Ever since his first indictment in January -- he hadn't been tried on those charges yet -- he had to get permission from the United States Attorney's Office to leave the state. He frequently travelled to karate tournaments and these requests became a matter of routine. Sternberg would inform assistant United States Attorney Elliot Sagor where he was planning to stay and where he could be reached and Sagor would give him permission to leave. Usually, he would request such permission a week in advance but sometimes when things came up, Sternberg would telephone Sagor the day before and announce he was leaving.

This time Sternberg called and said he was leaving for California. Although he was being sent on JDL business, Sternberg relished the idea of going because a world renowned karate teacher was visiting that

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state and Sternberg knew he would have enough time to train with him.

When Sternberg telephoned, instead of routinely giving him permission, Sagor said he would "have to think about it." Later, Sternberg found out that Sagor knowing that arrests were imminent, wanted him to stay in New York because if the arrests were ordered while Sternberg was in California, the government would have to pay for his way back. But Sternberg didn't know of the imminent arrests and when he wasn't given permission to leave he grew upset.

"You think I'm not going? You go to be out of your mind. There's a fantastic karate instructor there. Fuck yourself, I'm going."

"I don't advise you to do that," Sagor cautioned.

"You can go and shove it up. I'm going!" Sternberg snapped, banging down the receiver.

ATF agents started trailing Sternberg. He figured it was because of his threat to leave for California. They're waiting for me to hop on the plane, Sternberg thought, so that they can arrest me for jumping bail. "It turned out that they were tailing me because there was a 'locate and observe' order put out on everybody -- not to apprehend but just keeping us under observation to find out where we all were."

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On May 12th, Sternberg drove to his friend's karate school, where he was planning to work out. He noticed he was being followed and before each turn, he would indicate his intended move to those behind him. Their blatant surveillance was amusing. When he pulled over at the school, Sternberg went over to them. "Hey fellas, if you'd like to get something to eat, by all means. I'll be here for a couple of hours." Sternberg was being "a wise guy."

He told his friend that he was being followed but when they both went out to check, his tail had gone. Sternberg figured they must have become tired of waiting. But as they were working out, in walked the same ATF agent who had arrested him the first time. "Hey what's doing?" Sternberg called out. The agent came into the karate school and bowed. He was a karate student himself and followed all the traditional courtesy. Before going over to Sternberg, he took off his shoes, not wanting to walk across the floor with them on.

"Alex, we got a warrant for your arrest."

"No kidding, for what?"

"I don't know."

"Oh well, fine, let's go."

"Perhaps you'd better change," the agent said to Sternberg, who was wearing a ceremonial Japanese skirt and sword. "The judge might think it a little bit

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funny."

Sternberg pulled on the pair of jeans he had left in the car, but kept his jacket and slippers on. This time he noticed there were only four agents at his arrest, not the previous twelve. The agents searched his car, finding only shot gun shells in his trunk which they didn't bother with.

The next day, the judge reading from the list of those to be arraigned, called out Sternberg -- an obvious Jewish name. "When I said 'yes' he saw this bare footed guy wearing Japanese slippers and jacket. He did a triple take."

While all the New York arrests were taking place, Russel Kelner was at his home in Philadelphia. At six that evening, he was speaking to Irving Sheinman, a fellow JDLer, when his second phone rang. He told his friend to hold on while he answered the second phone.

"Russ?" the stranger asked.

"Yea?"

"You gonna be home during the next fifteen minutes?"

"Yea, who is this?"

"Joe," the stranger replied, hanging up.

"Maybe it's the Klan?" Sheinman suggested, when Kelner told him about the conversation. JDL had recently gone to Hightstown to protest Klu Klux Klan cross burnings. Kellner took his 9mm. revolver and sitting by his desk

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started loading it. Through the window he saw an unmarked car drive up. Two men got out.

"Russel, there's someone to see you," his mother said from downstairs.

"Who, get his name!"

"He's coming up!"

The agent without identifying himself, ran up the stairs flashing his badge at Kellner when he entered the room. "Treasury, hands up against the wall."

Kellner tossed his gun into a desk drawer and stood against the wall. "We have a warrant for your arrest." Without handcuffing him, he led Kellner downstairs, past his astonished parents who were unaware this was an arrest. Thinking him kidnapped, they called the local police. The FBI was notified but they had no information on Kellner either. Belatedly, Kellner's parents found out he was arrested by ATF agents who brought him to the Philadelphia Treasury building.

Of the thirteen indicted, Cohen was the only one unaccounted for. When Harry Pearl heard the ATF agent ask for Cohen, he went downstairs, and trying to alert Cohen of imminent arrest, Pearl stood on 42nd Street and signaled passing cars to avoid the office. Thinking that Cohen was in a passing taxi, two of the ATF agents ran into the street, stopped it, and with a gun pointed at the taxi, examined the back passenger. It wasn't

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Cohen. After letting the taxi go, the agents warned Pearl that if he motioned any of the other cars away, they'd arrest him for obstructing justice.

Their warning came too late, for Eli Schwartz and Cohen had been among the first cars alerted. From a pay phone, Schwartz called the office learning that Garfinkle had been arrested and that they were searching for Cohen. Schwartz urged Cohen to go to Canada and from there to make his way to Israel but Cohen declined. He wanted to stay and see what developed. To be safe and avoid detection, Cohen bought a different jacket and hat.

"I figured I'd drive to Canada that night," Schwartz later recounted, "and dump him off on JDL in Montreal." "But he said no, so I figured, what the hell. We stayed at a hotel near Kennedy airport. I paid with cash and gave a fake name because I didn't want them to have any record of our being there. They asked me how I got there. 'I took a cab.' When they asked for identification, I said I didn't have any. The poor guy thought we were both queer -- two guys in a room without luggage." The following evening they switched hotels. But after learning that all the other JDLers had been released on bail, Cohen accompanied by a lawyer, turned himself in.

The arrests coincided with the beginning of the Second Leningrad trial, but instead of protesting,

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Kahane spent the evening -- Lag Ba'omer -- in the Federal House of Detention.

Kahane realized he need an adroit lawyer. When he was arrested some months before on state charges of disorderly conduct, he had asked acquaintances if they knew of a skilled lawyer. He learned that Chaim Horowitz, head of the masgiach union, had a nephew who was a very prominent attorney. Kahane asked Horowitz to approach his nephew, Barry Slotnick, to see if he would represent the JDLer. Kahane followed up by calling himself. Slotnick, a distinguished criminal lawyer wasn't interested, telling Kahane that he didn't handle disorderly conduct charges. And to dismiss Kahane, he added, "Rabbi, if you ever have a Federal indictment, come see me." "Who would ever think," Slotnick later reminisced, "that Rabbi Kahane would be indicted for a Federal offense."

The night of his arrest, Kahane took Slotnick up on his word and called. The lawyer asked him where he was and agreed to come right over. Slotnick then called another of his clients, Joseph Columbo, with whom he was to have dinner. While dining, they planned to discuss some pending cases Colombo faced but Slotnick called and informed Colombo that a case had just come up and he couldn't meet for dinner.

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"I'll wait," Colombo said.

"But, I'll be through very late."

"That's okay, I'll wait."

Slotnick went to ATF's headquarters on Church Street where he met Kahane for the first time. Bail was uppermost on Kahane's mind. Hershkovitz had languished in jail for six months before his bail was raised. If they had problems raising bail for one, how much more so, now that nine were arrested. (Thirteen were indicted but the identity of "Dov" was unknown, Hershkovitz was serving a five year sentence for passport falsification and Joffe and Nancy Hershkovitz had fled to Israel.) Nevertheless, Kahane insisted to Slotnick that he be bailed out last.

Slotnick left impressed with Kahane. "He could have been bailed out immediately," Slotnick said, "it would have been very easy for Kahane to collect or arrange bail for himself; he could have gotten it with ease. But he insisted that if bail was posted, he wanted to be the last to get out."

After visiting Kahane, Slotnick met with Colombo. During their meal, their conversation turned to Kahane. His arrest was widely publicized and the two began discussing it. Slotnick told Colombo of Kahane's insistence that all the others get out on bail first. Colombo was very impressed and felt it was very noble of Kahane. "That's a man fighting for his people,"

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Colombo said, deciding to put up the bail for all those arrested.

The next morning the JDLers were arraigned in front of United States Magistrate Max Schiffman. Schiffman was no novice to JDL cases, having arraigned the Hershkovitzs after they were arrested at Kennedy airport. But unlike the Hershkovitz arraignment, the courtroom this time was crowded with JDL members and reporters, and sitting in the first row of the audience was Joseph Colombo and his son Anthony. Schiffman set bail at $25,000 for Kahane and $10,000 each for Bieber and Calderon. On Colombo's authorization, the Public Service Mutual Insurance Company underwrote the bonds. All the others were released on $10,000 Personal Recognizance Bond.

Colombo's presence at Kahane's arraignment created widespread interest among reporters and as Kahane emerged from court, reporters surrounded them both. "Rabbi Kahane is a man of God and his cause is just," Colombo said. "If they need our support, we will give it. If they ask for it, will will allow it."

"We most certainly will ask him for his support," Kahane responded.

"What's your philosophy behind this alliance?" a reporter asked Kahane.

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"I'm not a philosopher. This morning I am a defendant."

"What about the theological implications?"

"It's human brotherhood. People of other faiths and backgrounds have come to help. It's the kind of thing which, had it been blacks helping Jews, it would have been raves. The Italians are no worse than the blacks." (New York Times, 14 May 1971)

Colombo's help in raising the bail, however, was kept secret. Before Kahane's arraignment, a Daily News (14 May 1971) reporter asked Colombi if he would provide the bail. "No," Colombo responded. "[But] Rabbi Kahane is a man of the cloth and a fine man. I'm certain he will be able to post bail." When newsmen asked Kahane if Colombo had posted his bail, Slotnick volunteered that it had been provided by "friends in the community." (New York Post, 14 May 1971)

Slotnick's role, by representing both Colombo and Kahane, was pivotal in getting bail for the JDLers. However, contact between Colombo and Kahane had been going on since the previous winter when Kahane was invited to attend a meeting of the Italian American Civil Rights League (IACRL) where he was honored by Colombo who pinned a medal on him. Joseph Colombo, although the founder of the IACRL, was content remaining in its background, not serving as an officer or director. Never-

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theless, his presence was strongly felt. His son Anthony, for example, was vice president.

From the winter meeting between Colombo and Kahane, an unstated quid pro quo developed. Thus, during the First Leningrad trial, after the Dymshits and Kuznetsov death sentences were announced, IACRL members attended a city rally at Foley Square condemning the harsh sentences. IACRL members were at JDL's March 21 mass rally in Washington and at JDL's anti Klan protest in Hightstown, New Jersey. JDLers in return joined the quotidian IACRL picket line in front of New York's FBI headquarters protesting Bureau harassment. There already had been talk as early as March about forming a coalition between the two leagues, but Larry Fine, JDL's administrative director confided to Rosenthal that he was wary of involvement with them.

JDL's reluctance was understandable. A New York State Joint Legislative Committee issued a report calling Colombo "the 'boss' of one of New York's five Cosa Nostra families," active in loan sharking, stolen securities, floating crap games and pornography distribution. Colombo's legal problems were severe. He was implicated in a $750,000 jewel robbery; indicted for contempt of court; convicted in March of perjury; arrested in April for interstate gambling; indicted twenty days later on charges of controlling a $10 million a year gambling syndicate; and

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finally, he was awaiting trial for income tax evasion. (New York Times, 4 April 1971)

Nevertheless, by April contacts between the two leagues were such that a representative of the IACRL frequently visited JDL's 42nd Street office. Jerry Zimmerman, a captain in the IACRL served as a liaison with the JDL. In mid April, the Jewish Telegraphic Agency reported that the IACRL and JDL were "working together on a number of projects." "We are 100 percent in favor of the work JDL is doing," Anthony Colombo told the reporter. "They are fighting for the civil rights of Jewish people in the Soviet Union and United States, as we are fighting for the civil rights of our people in the United States. . . . We will stand with the JDL in all their demonstrations."(JTA, 16 April 1971)

Slotnick therefore, served as an important link between JDL and the IACRL but the ties were there even beforehand. "Feelers were sent out even before the indictment," Zweibon recalled, "but only after the indictment when Slotnick was around was there a vehicle for that alliance."

Although those ties were embarrassing, Kahane valued the alliance, realizing its great potential. Results from their cooperation were evident in the streets. "Only one telephone call to Colombo," Slotnick said, "would cool things in the streets between Italian and Jewish

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kids." In addition, Kahane appreciated IACRL's ability to mobilize Italians behind JDL's fight for Soviet Jewry. "My alliance is not with Colombo," Kahane told JDL's second annual convention, "but with tens of thousands and hundreds of thousands of Italians. I'll march with anyone if I think I can help a Jew. On Italian American Unity Day, June 28th, 100,000 people will be at Colombus Circle. I'll speak on Soviet Jewry and get these people, whom Nixon depends on for his support, to help us with Soviet Jewry. So let organized Jews make fund of us. I want to help Jews and they [IACRL] can help us." (Jewish Week, 10 June 1971)

"It is a sad commentary on Jewish leadership," wrote Zweibon, "when it can be said that Nat Marcone, president of IACRL, has attended more rallies for Soviet Jewry in 1971 than most if not all so called Jewish leaders." But more to the point, Zweibon wrote:

> To whom could JDL turn? What door was open to us? None. Which Jewish leader came to that courtroom for the arraignment of the JDL leaders to make sure their civil rights would be protected or that bail would be reasonable and that it could be met? None. The IACRL came without being asked. (Jewish Press, 30 July 1971)

Colombo's aid however, forced Kahane to finally acknowledge IACRL's cooperation, something he had been reluctant to do before. As a result, Kahane came under severe and widespread criticism. The New York Times recorded its "revulsion" at "this incongruous marriage."

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> The rabbi's decision to seek such an unlikely ally as Mr. Colombo looks suspiciously like an act of desperation. As he himself acknowledges, Rabbi Kahane has been repudiated by every major Jewish organization and he finds himself now under indictment on serious charges which could send him to jail after a lengthy and expensive legal battle. In his worry about his own future, it seems not to bother Rabbi Kahane that by making such an unsavory alliance he has only provided additional reason for public revulsion against his already-discredited organization of strong-arm extremists. (15 May 1971)

Responding to Marvin Schick, who assailed Kahane in the Jewish Press, Zweibon tried to molify this censure: "What relationship exists between the two men and two groups? There is no alliance. There is no agreement. What exists is communication and the understanding, publicly announced, that when the interests of the two groups coincide, there will be mutuality of effort. It must be said, categorically, that Rabbi Meir Kahane and Joseph Colombo have never held a private conference." (Jewish Press, 30 July 1971)

Nevertheless, Kahane felt that by his cooperation with the IACRL, he was improving the image of the Jew among the Brooklyn Italian community. Instead of viewing the Jew as a 'patsy', Kahane commanded their respect. Throughout the Italian community Kahane was known as "the rabbi" -- singular -- with Kahane representing an entire category of people. The Italians were exposed to a fighting rabbi, not a pusillanimous Jew. The fact

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that he was arrested for weapons violations didn't bother him in the least when dealing with the IACRL. If anything, he thought it enhanced his image.

Less obvious was Colombo's interest in JDL. "He wanted respectability," was Kahane's laconic reply. Barry Slotnick was more expansive. "The rabbi and Colombo had common problems with the government and they became friends. They were both fighting for their people. There also were joint interests: both faced government harassment; they appealed to their respective ethnic communities and both publicly were renegades of a sort."

After the announced alliance, their first joint venture was a golf tournament at the Lake Isle Country Club in Eastchester, Long Island. Colombo, driven by his son in a maroon Cadillac, arrived shortly after 10 A.M.. Kahane was late since he first had to appear in court for disorderly conduct charges. To complicate matters, municipal workers in a surprise move, struck that morning, leaving twenty-seven of the city's draw-bridges open. Caught in massive traffic jams, Bennett Levine, JDL's Lond Island coordinator who was driving Kahane, took a very circuitous route to get to the golf course.

After a four hour wait, Colombo finally gave up and started the game without him, joking that Kahane

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might have been waylaid by Arabs. Kahane arrived when Colombo was at the ninth hole. He exchanged his black kipa for a golf cap emblazoned with IACRL's insignia, while Colombo pinned on JDL's 'never again' button. And then Kahane tried to play golf for the first time in his life. He missed on his first swing. Explaining that stickball was his youthful pastime, Kahane tried again. "Hit it two sewers," said one of the half dozen teen age JDL members who were on the course. Kahane missed again. "He's not a good hit man," one of the teenagers snickered under his breath. Finally on his fourth try he coaxed the golf ball a few feet. A TV crew was busy filming Kahane and the JDLers used the opportunity to make off with their golf cart. After two more tries, Kahane gave up and he and Colombo began answering reporters' questions. As Colombo spoke, one of the JDLers carried a golf club over to Kahane. "Hey Meir," he said, "these are better than ax handles." (New York Post, 8 June 1971)

Unexpectedly, the golf tournament was also their last joint venture. Slotnick was standing three feet away, when Colombo was shot in late June at the second Italian Unity Day. Critically wounded, he was rushed to Roosevelt Hospital where Kahane was one of the few outsiders permitted to visit. The alliance did not flourish. Ties

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between the IACRL and JDL withered when Colombo remained in the hospital for a lengthy period. And in September Kahane left for Israel.

The alliance led to an unexpected development. Dr. Thomas Matthew, head of the National Economic Growth and Reconstruction Organization (NEGRO) telephoned Kahane and proposed a "brotherhood relationship" between their groups. The invitation, Matthew said, was prompted by the fight at Brooklyn College between JDL and some blacks. "The purpose of this meeting is to make sure that those things don't happen again." (New York Times, 19 May 1971)

Kahane thought his relationship with NEGRO would counter some of the bad publicity he received over Colombo. And so a week later, Kahane met in Harlem with Matthew at a NEGRO clothing factory for a "peace conference" aimed at minimizing black-Jewish tensions.

After speaking to Kahane, Matthews told assembled reporters who had observed the two break bread at a lavish buffet, prepared by a kosher caterer, that he had the "clear understanding that the JDL is not anti-black." Matthew proposed sending a NEGRO commission to the Soviet Union requesting they allow Jews to leave -- not for Israel -- but to a neutral country, for a two-year period during which time he hoped the Arab-Israeli dispute would be resolved.

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"We have made it clear to the JDL," Matthew told reporters, "that the Soviet citizens are guests in our homes -- the United States of America -- and they will not be harassed by anybody as individual citizens walking the streets." Upon request, NEGRO would provide "courtesy escorts" to any Soviet citizen, but particularly women who "wish to go to a store or anywhere."

Kahane was clearly caught by surprise by Matthew's statement. Although he called the meeting "a great turning point" in ethnic relations, he was less praiseworthy about Matthew's Soviet plan saying only that he was "willing to see what possibilities lie" in it. "We are not [however] about to simply say for the sake of brotherhood that we are ready to give in on areas of principle. A Soviet diplomat is not our guest. He is not a mere tourist. A Soviet diplomat here, if we can help it, will not walk these streets no matter who is there, no matter who wants to help him."

And to the amusement of reporters, Kahane shrewdly countered: "I wonder if blacks have the same understanding towards our diplomatic guests from South Africa? As for myself, I find it reprehensible that South African diplomats are not given the same discourtesy by blacks." (New York Times, 19 May 1971)

Understandably, little more was done between the two groups, although two months later, Matthew and

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twenty associates flew to Moscow. "I can go on record," he said as he was about to leave for Russia, "that the statistics that the Soviet ambassador gave us about the number of Jewish people [in the Soviet Union] in professional and technical positions, [indicate] if they are correct -- and I don't know of anybody who challenges them -- a high percentage of the Jewish people are in such positions. If that is correct, I would say that Soviet society is offering Jewish people more than American society is offering black people. The Soviets should give us evidence [to support this conclusion] so that we may report back to the American people (Long Island Press, 29 July 1971) A week later, Matthew left Moscow reporting that Soviet authorities hampered his effort to learn about the condition of Soviet Jews. (New York Times, 7 August 1971)

(Although the New York Times did not condemn Matthew's association with Kahane, Matthew also was not free of legal entanglements. Two years later, Matthew was indicted on 120 counts of grand larceny and conspiracy for diverting a quarter of a million dollars in Medicaid payments from his medical facility to other business enterprises. Days later he was rearrested on two further counts of grand larceny. The first count charged him with taking $20,000 from a federal grant to a NEGRO subsidiary and using it to purchase twenty-one airline tickets to visit the Soviet

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Union. (New York Times, 30 May 1973))

By June, Kahane found himself confronted as a defendant in a series of trials: on June 23rd he was to be tried for the Iraqi protest; on June 28th he faced his third trial for the December 1969 Tass takeover -- the other two ended in hung juries; on July 6th the federal charge of weapons violations; and finally on August 16th, he was to be tried for rioting during the second 100 Hour Vigil.

This court pressure to a great extent diminished JDL's ability to protest the Soviet anti-Zionist trials. But their agitation didn't cease entirely. In mid June, right before the start of the Kishinev nine trial, a rally was held at Hunter College where Natale Marcone, president of the IACRL spoke. "Keep fighting. The Italian American Civil Rights League is behind you every inch of the way. Between us we'll shake this city and this country." (New York Post, 11 June 1971) Kahane spoke afterwards urging the JDLers to "do something nice for Soviet Jewry. If we do something for them we save ourselves." One hundred thirty JDLers sat down at Third Avenue. Naturally, they were all arrested.

As a result of JDL's reaction to the Kishinev trial, Sheldon Davis found himself a defendant for "making unreasonable noise." During a demonstration on June 23rd at Third Avenue, Patrolman Anthony Gilima and six other

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officers, escorted a Soviet diplomat from the Mission through the crowd of demonstrators. Davis and approximately fourteen others followed the Russian and his escort of seven policemen. One JDLer handed the Russian a leaflet. "Why don't you read this literature, you fucking Russian?" Patrolman Gilima later testified the JDLer as saying "and they were shoving the literature at the same time in the Russian diplomat's face." The diplomat yelled at the police asking them to "keep the people away." With the JDLers milling around the diplomat, a police sergeant ordered his men "to make arrests." Gilima seized Davis and two others while his fellow officers arrested Kahane and an additional eight JDLers.

Davis's codefendants pleaded guilty but Davis did not. He was brought to trial on two charges: making unreasonable noise and using obscene language. Patrolman Gilima, who was the only witness for the prosecution, testified that Davis was cursing at the diplomat "in English, Jewish or Hebrew." "They were hollering very loud. They were attracting a lot of attention." Gilima mistakenly testified that Davis was the one who carried the literature and said "Why don't you read this literature, you fucking Russian." Upon cross examination, however, Gilima admitted that Davis had no literature on his person when he was arrested.

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Davis was the only witness in his defense. He testified that he came to the area for a demonstration and that before his arrest, he was merely "marching around." He denied having any literature, shouting or cursing although he admitted that other had done so.

The patrolman was recalled after Davis's testimony and he testified that he saw literature in Davis's hand. "He had the literature rolled up like you would a newspaper and he was saying, 'Read this, Russian,' shoving it into the diplomat's face." The officer admitted, however, that he did not see Davis drop the literature on the ground before his arrest.

After the testimony, Davis's lawyer asked the judge for an acquital because "at best Defendant was only exercising his First Amendment rights." The prosecutor argued that Gilima's testimony proved that Davis had "used obscene language" and that he "was yelling in a very loud voice." The trial judge found Davis guilty of unreasonable noice (disorderly conduct) and acquited him of obscene language (harassment). (People of the State of New York v. Sheldon Davis, 27 July 1971)

Appealing the sentence, Davis's lawyer argued that his conviction was unconstitutional because the law prescribed no standard for "unreasonable noise and his conduct amounted to constitutionally protected speech." When State Supreme Court denied the appeal, Nathan

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Lewin petitioned the Supreme Court to hear the case.

> The trial judge's acquital of [Davis] on the charge that he used "abusive and obscene language" (i.e., the harassment charge) amounted to a finding that he had used no obscene words in any statement made to the Soviet diplomat. Hence, the issues squarely presented by this case are whether the First and Fourteenth Amendments permit the conviction of an individual who on a public street, loudly says to another, "read this, Russian" . . . under a statue which prohibts the making of unreasonable noise . . . We submit . . . the statute is unconstitutional . . . if appellant had instead . . . said in the same loud voice, "I pledge allegiance to the United States of America," he would not have been arrested for making "an unreasonable noise." It is clear, therefore, that his conviction arises from the content of his speech. . . .

The Supreme Court did not elect to hear the case. Remaining with the Criminal Court conviction of "unreasonable noise" -- a charge he was innocent of -- Davis served ten days in jail. By contrast, his codefendants who pleaded guilty, were fined $5.00

II. The Trial

The federal conspiracy trial was the most serious trial the League had as yet faced. Until then, their usual experience with the courts had been for state charges of disorderly conduct. Recognizing their need for expert counsel, Bertram Zweibon called Nathan Lewin, a distinguished Washington lawyer and an expert in constitutional law, to represent Avraham Hershkovitz. Lewin wary of becoming involved in a JDL directed strategy, agreed to represent Hershkovitz only after he was assured

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that he had complete autonomy in pursuing Hershkovitz's defense. Alex Sternberg and David Sommer were represented by Harvey Michelman; Jacob Kossman was Morton Winner's lawyer and Zweibon represented four others. Robert Persky, newly graduated from Seton Hall Law School and an enthusiastic JDL supporter, joined the defense team an an observer.

Actually there were two separate indictments. Only Joffe, Kahane Bieber and Calderon were charged with illegally buying guns. However, twelve were indicted -- including Joffe, Bieber and Kahane who were named a second time -- for their part in a conspiracy to explode molotov cocktails and dynamite at JDL's camp without having registered and paid a tax on the explosive devices.

Which of the eleven district court judges heard the case was important. Some were extremely conservative and Kahane feared a trial before one of them would be more difficult. For the sake of fairness, the court had randomized the assignment process and cases were alloted to judges by drawing cards from a round barrel bearing all eleven judges' names. When the JDL case was filed, the card drawn from the barrel bore Judge Jack Weinstein's name. Kahane was thrilled at his good fortune for Jack Weinstein was widely respected for his scholarly interpretations of the law. He taught at Columbia Law School

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and was known as a liberal judicial activist.

Pretrial hearings started routinely enough the first week in June as the nine defendants, their lawyers and the Justice Department attorneys crowded into Judge Weinstein's room at the Federal Courthouse in downtown Brooklyn. The judge decided to hear the smaller gun smuggling case first, since it involved only three defense lawyers, as opposed to the full complement of eight defense lawyers for the explosives trial. Weinstein set July 6th for the start of the gun trial.

"I will ask one favor of the court," Barry Slotnick said.* "During the month of July, I suspect that my wife will give birth. I would ask leave of the court for the morning of the arrival . . . [although hopefully] my wife has a propensity to give birth on Sundays."

"That is a very convenient wife for a lawyer to have," Judge Weinstein agreed. "All right, you are entitled to the morning for the birth of your next child."

The next defense motion though, caused many more problems. Slotnick asked the government to reveal any electronic surveillance it had engaged in. Instead of answering, Thomas Pattison, the assistant United States Attorney assigned to the case, deferred the question to Earl Kaplan.

"Your Honor, I am from the Department of Justice," Kaplan said, "and I can say that none of the defendants

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*All trial quotations in this Chapter are from USA v. Kahane, 71 CR. 479.

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have been the subject of a wiretap. But we are investigating fully to see whether there might be any other details involved."

"That is why we feel your Honor," the assistant United States Attorney said, "that the nature of the response would indicate that in this situation I think it should be a written motion rather than to respond directly to the question."

"Let's not fence around gentlemen," said the judge. "I want to know whether there is anything here that has to be revealed. We can do it more readily orally I think, than on papers. What is your next question?" the judge said to Slotnick.

"Your Honor, again from the tenor of the answer apparently one of the defendants -- one or more of the defendants may not have been the subject but may have been caught in an electronic device and that would be my next question, whether there was any electronic eavesdropping, electronic devices, bugging etc., whereby any of the defendants was recorded, or any of their words being taken."

"Well," Kaplan replied, "this is a very distinct possibility that their conversations were overheard . . . under the Presidential authority to have electronic surveillance with regard to national security cases." But Kaplan insisted that none of the government's evidence

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was obtained from the electronic eavesdropping.

Slotnick noted that it wasn't for the Government to decide if any evidence was so discovered. "This is a subjective standard that the Government applies . . . Now what the Government says is evidence and what they say is not evidence, the Supreme Court has indicated that they are not to determine that." Slotnick asked again if there were any wiretaps.

"Well we ask your Honor's indulgence to have this properly presented to us [in writing]," Kaplan replied. "We feel that this is the subject of something that can only be done by written motion so that the Department can properly answer it."

Earl Kaplan's presence in the courtroom was noteworthy. He was a Justice Department trial attorney monitering the JDL prosecution for the State Department. In addition, the Justice Department had delegated him to travel to each District Court where the question of national security wiretaps came up. The Nixon administration and specifically the Justice Department were in the midst of a battle with the courts over the legality of the FBI wiretapping. In Michigan, for example, the District Court had ruled against the Government declaring national security wiretaps illegal because they were undertaken without a court order. The Government contested the decision but the Court of Appeals for the Sixth Circuit

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(Michigan) affirmed the lower . . . the Government appealed the decision to the Supreme Court, other lower courts had entered the fray. A District Court in California ruled the wiretaps illegal and with the start of the JDL case, the issue also arose in the Eastern District Court of New York. In anticipation of the Supreme Court ruling, Kaplan appeared at these courts, attempting to present a unified position for the Government. "Our position," Kaplan told Judge Weinstein, "has always been this would be a legal wiretap."

"Would be illegal?" Winner's lawyer, Jacob Kossman asked.

"Legal. And therefore the issue as to whether or not there were relevant leads or not would be something that the Court could consider in camera. But we feel that the only way we can handle it properly and get all the facts is through a written motion properly presented."

Weinstein acceded to Kaplan's request and asked Slotnick to serve the United States Attorney with papers the following working day, thus giving the Government a week to respond.

Slotnick asked that the prosecution make available to them, all the physical evidence they had such as sales records, guns and explosives.

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"They will all have to be available for defense attorneys or their experts," the judge agreed, "and preferably a single expert representing everybody to look at that. . . . Now get somebody who knows the business. I don't want you gentlemen fiddling around with explosives."

"No your Honor, at least not in the courthouse," Slotnick said.

A week later the prosecution filed apapers admitting that although none of the defendants was ever directly recorded, i.e., none of their personal phones was tapped, JDL's office phone was tapped and ten of the defendants were overhead conversing on that phone.

The admission was historic. Until then, the Justice Department had refused to admit they had wiretapped without a court order, causing judges in other cases to dismiss the charges. The JDL case was the first exception. "It was really a bolt from the blue," Nathan Lewin said. "It was just routine, we filed the damned things [motions] -- we filed the thing and zap! In all the other cases, rather than disclosing the taps, they dropped the charges. This was the first admitted warrantless wiretap."

Now that the government admitted wiretapping, the question of its legality immediately arose. "It is the Government's contention," wrote Kaplan, "that when the President, acting through the chief legal officer of the United States, the Attorney General, determines that

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certain individuals or groups pose such a danger to the national security as to warrant the use of electronic surveillance to gather intelligence information concerning the activities and plans of such individuals or groups, the Fourth Amendment [the right to unreasonable searches and seizures] does not require the additional safeguard of a prior warrant."

Kaplan argued that such practice existed since 1940, when President Roosevelt "sent a confidential memorandum to Attorney General Jackson which recognized the necessity of utilizing wiretapping in matters involving the defense of the nation. . . . This practice was expressly approved by President Truman and has been sanctioned by all Attorney Generals since 1940."

John Mitchell, the Attorney General, submitted an affidavit supporting Kaplan. More important, he also forwarded a sealed exhibit containing summaries of the intercepted conversations (logs) asking Judge Weinstein to examine them in camera and not reveal their contents to the defense.

Hearings on the wiretaps resumed on June 18th, Barry Slotnick's birthday. When Judge Weinstein came in, Kaplan gave him the several hundred pages of wiretap logs with John Mitchell's affidavit. "I will look through this material as quickly as I can," the judge said. "So we will take a recess for an hour while I go through the

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Government's exhibit."

After the recess, Judge Weinstein ruled "that the defendants will not be able to conduct a meaningful defense . . . without access to the Government exhibit. Pursuant to my findings I order the Government to allow counsel for defendants to inspect Government exhibit one."

Weinstein's order that Friday could not have come at a worse time for the Justice Department. The previous Sunday, the New York Times had created an enormous controversy when it started publishing the Pentagon Papers. By Tuesday night the Justice Department succeeded in obtaining a restraining order against the Times -- "the first time in the nation's history that a newspaper was restrained in advance by a court from publishing a specific article." (Ungar, 1972:125) Full hearings on the Pentagon Papers were to start that Friday, the day Weinstein's order to disclose the wiretaps came down. To complicate matters even more, the Washington Post obtained a copy of the Pentagon Papers and that Friday morning, in a "First of a series" started publishing its own analysis of the Papers.

"Your Honor," Robert Keuch of the Justice Department said when Weinstein gave his order, "we have no authority to respond to the order at this time. The only individual who can make that decision would be the Attorney General

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or the President. . . . As your Honor I am sure is well aware, we are at a rather busy time at the moment. Can we have two weeks?"

"Make it a week," Weinstein replied. The defense lawyers left the courtroom convinced that the indictments would be dismissed because never before had the Government agreed to hand over the wiretaps. When Barry Slotnick came home that night, he told his wife to make plans for a summer vacation. He felt the trial would end the following week because the Government would refuse to comply and the case would be thrown out of court.

A week later, however, in an unusual move, Edward Neaher, the United States Attorney, personally appeared before the Court and asked for another week's delay, "because of the current preoccupation with the Pentagon Papers and the very urgent proceedings going on, it has been impossible to get to the Attorney General and to get all the people together." The Pentagon Papers case was developing quickly, and that day the Supreme Court agreed at its last conference for the 1970-1971 term, to hear the Pentagon Papers case on an expedited basis.

"I am inclined to grant the additional week," the judge said. "We may have a serious Constitutional issue here [the wiretaps] involving conflict between presidential powers and the powers of the judiciary and it is not the kind of thing that we want to force if it can be resolved

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in an amicable way."

Neaher's personal appearance indicated an internal conflict between the Justice Department in Washington and the United States Attorney's office in Brooklyn. Washington was reluctant to turn over the logs planning instead to defy Weinstein's ruling. This refusal would almost certainly result in a dismissal of the JDL case but the Justice Department seemed to prefer that to revealing the logs. If the United States Supreme Court ruled in their favor after hearing arguments the following November about the legality of warrantless wiretaps, the Justice Department would ask for the JDLers re-indictment.

On the other hand, the United States Attorney's office was adament in pursuing the case. "We had a pristine pure case," Thomas Pattison, the assistant United States Attorney recalled. "Our office knew nothing about the wiretaps until the day the JDL people were arrested -- that day or the day before. After working for six months with Rosenthal and Laurie, it was very frustrating to learn of the wiretaps. There was no taint [of getting evidence from illegally obtained sources.] I got all our information from Rosenthal, Laurie and the police seizure [at the Borough Park apartment.] I didn't hear the tapes, I wasn't provided with logs and I knew nothing about it. The wiretaps were unwise, unwarranted and unnecessary. Those wiretaps afterwards hung like an

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albatrose around every prosecutor's neck."

Consequently, Neaher's requested delay provided him with further opportunity to argue with Washington. At the end he proved successful and Justice Department for the first time ever, agreed to hand over 'national security' wiretaps. "It took a lot of pleading to get the logs and to get them to agree to turn them over," Pattison recalled. But finally the United States Attorney's office convinced the Justice Department to break with precedent and on July 1st Weinstein handed over the logs to the defense.

Slotnick got his first glimpse of the logs that day. "As a matter of fact," Slotnick reminisced, "I saw the wiretap transcripts even before the assistant United States Attorneys did. When Kaplan flew up from Washington with the wiretaps, he gave them to the Court not to the United States Attorney and when Weinstein turned them over, I got them a little before the United States Attorney did." The Justice Department nonetheless got Judge Weinstein to sign a protective order barring the defendants and their lawyers from divulging the contents of the logs to the press or public, thereby protecting "the names and conversations of innocent third parties [contained in the logs] who are in no manner or means involved in the proceeding."

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Instead of celebrating the July 4th weekend, the defendants and their attorneys began pouring over hundreds of pages of logs and on July 6th, rather than starting the trial as planned, Judge Weinstein initiated hearings "on the issue of illegality of the wiretaps." The question went to the heart of the prosecution. If the wiretaps were illegal, any evidence derived from them could not be used; all tainted evidence was barred. If the defense could so much as demonstrate the slightest connection between the logs and the Government's indictment of the JDLers, all the prosecution's evidence would be useless.

Thomas Ryan, an assistant United States Attorney explained that the FBI had intercepted six of the nine telephone lines used by the League. The six were all connected to a switchboard and by hooking into it, the FBI recorded all the conversations. The FBI summarized the conversations and these logs were saved but Ryan admitted the recordings themselves were destroyed.

The destruction of the tapes put the prosecution at a great disadvantage. First, the legality of the destruction was questionable. Second, if the recordings themselves were destroyed, it would be much more difficult proving that evidence for the indictments was not obtained from the wiretaps. The wiretaps put a great burden on the prosecution.

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Nathan Lewin's arguments further put the Government at a disadvantage when he pointed out that under legal precedent all the wiretap logs should be given to them. The government had only handed over those conversations that the defendants themselves had taken part in, but had kept all the others. And although the Government may have not received any leads from the defendants' conversations, they may have stumbled onto something from listening to the logs not given them. The only way to find this out was for them to examine all the logs.

"At this time," Ryan said, "our position is we would not make them available to defense counsel. We would make them available to your Honor. They are substantial since this wiretap covers quite an extensive period of time."

"The law is in Alderman v. the United States [394 N.Y. 165] . . . the Supreme Court . . . held squarely that the person whose premises is invaded is entitled to the full log," Lewin countered.

"How did the Government feel it is going to be prejudiced here?" the judge asked turning to assistant United States Attorney Ryan.

"Prejudiced in the sense -- practical sense -- that this hearing can go on forever."

"I can tell you it is not going to go on forever," the judge said.

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"We are speaking of volumes and volumes of transcripts," Ryan retorted. "At this point I have no authority to consent to having other transcripts made available to defense counsel without consulting with the Attorney General."

"You will have to go back for consent again," Weinstein agreed, "but we will go ahead on the hearing with what we have."

Lewin pointed out that the logs given him ended on May 13th. "Now I don't know whether that is because the Government states since the indictment was filed on the 12th or 13th of May, they needn't hand over anything [after that] or whether it means that the surveillance concluded on the 12th or the 13th. I would ask the United States Attorney to respond to which of those are the facts?"

"The fact is the electronic surveillance continued after the date of the indictment which was May 12th."

Judge Weinstein was incredulous. "Do I understand the wirtaps continued even after counsel came into the case?"

"The FBI continued them, quite right," Ryan conceded. "But as I said before, I am willing to repeat it, they followed strict instructions not to intercept any conversations between the defendants [and their lawyers]."

"How is that handled," Weinstein asked. "I don't understand."

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"If your Honor is concerned with whether there were conversations intercepted, if that is your concern."

"I am concerned. It raises a very serious Miranda question and --"

"I realize that. And I want to -- I feel reasonably confident there was no conversation intercepted and that we will be willing to demonstrate that to your Honor. I would like to have a little time."

The possibility that the government may have listened in on privileged conversations between the defendants and their counsel greatly troubled the judge. "We have a very serious Copland problem in this case, I think now. I have no doubt that those logs and the agents involved are going to have to be made available. I order all logs from the date of the indictment turned over."

"May I indicate one further thing for your Honor's edification," Slotnick added. "Perusing the log presented to me this past week I find there is extensive conversation between attorneys and clients there on the log."

"I saw some of them. They did bother me . . . [But] that is not before me now. Unless we take up one [thing] at a time we are not going to get any place."

"Yes, we are going to ask your Honor to rule on the only issue which would be an impediment to this prosecution," Ryan said, "that is whether the evidence presented for this trial was procured from the wiretap.

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We can demonstrate it wouldn't matter whether the wiretap was legal or illegal. Of course the power of the executive to wiretap under the circumstances in this case or under any circumstances is now currently under review by the Supreme Court."

Whether or not Judge Weinstein should suppress the evidence became the overriding question during the rest of that day's hearing. Ryan explained that all the evidence was collected by ATF agents who only learned of the FBI's wiretapping the week before, when he himself told them. After Hershkovitz was caught attempting to board the BOAC plane, the ATF routinely traced one of the revolvers seized to Gilbert Laurie. Laurie's name again came to their attention when they discovered he had bought seventeen of the guns found in the Borough Park apartment. The Treasury agents traced Laurie to Philadelphia and to New York where they caught him through the cooperation of his mother-in-law.

"So I think that as far as the evidence we intend to offer at the trial," Ryan told the judge, "which will be the physical evidence of the guns, the paraphernalia, Mr. Laurie, the undercover agent [Richard Rosenthal] and the Clark Brothers people who actually sold the guns to Laurie, that is the evidence that was presented in part to the Grand Jury and will be presented at the trial."

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Ryan proceeded to call the ATF agents who investigated Laurie and they testified how they learned about the JDL guns. Despite detailed cross examination by the defense lawyers, no link was developed between the wiretaps and the ATF investigators.

The battle was turning into a draw. The wiretaps and the fact that they were not terminated until June 30th -- six days before -- was a great burden to the Government. On the other hand, even after an entire day of testimony by ATF agents, the defense could not link the wiretaps to the Treasury Department's investigation. All indications pointed to a long struggle.

"It appears to me as if we may have to . . . go right through the summer and into the fall if it continues at this pace," Weinstein said, "and then we may want to work on a four-day week, because you will have a lot of briefing and a lot of other things to do. And I do not see how you can get all your work done and still be five days in the courtroom. You may consider it among yourselves. You may want to work that out."

After court that day, Winner's lawyer, Jacob Kossman, brought up the idea of a disposition with the Government lawyers. Both sides realized they were in for a long struggle with neither side knowing what the results would be. "The hearings could have gone on for six to eight

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months and the outcome was chancey for both sides," assistant United States Attorney Pattison recalls.

Serious discussion about a disposition began; two days later instead of continuing the hearing before Judge Weinstein, Ryan made a room available for the defendants and their lawyers where they could discuss the disposition. "But a disposition of this case, your Honor," Ryan told Weinstein in the courtroom, "is a very complicated matter. We have twelve defendants, we have several federal agencies involved, we have the State Department involved. It is no simple matter. And I don't want to delay the hearings. But my recommendation is now that we attempt to decide by 2:00 P.M. whether this hearing will be necessary or not. If we can't do it by 2:00 o'clock we will proceed with the hearing."

Ryan appeared overly optimistic for at 2 o'clock the lawyers were still debating the disposition. Although nothing was resolved everyone agreed that continuing the hearing that afternoon would prove fruitless. The disposition was complex. "It was a very sensitive case [with the Justice Department]," Pattison later recalled, "because of the wiretaps, Amtorg bombing -- JDL was a sensitive issue. They were having an effect on the Strategic Arms Limitation Talks with Russia."

For that reason the assistant United States Attorney did not himself have the authority to agree to any of the terms but had to consult with "officials in Washington."

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"I know that the consultations between the United States Attorney's office and Washington got at least as high as Mardian," Lewin said. A conservative Republican from Southern California, Mardian had come to Washington with the Nixon administration serving as assistant Attorney General in charge of the Internal Security Division of the Justice Department. "Jack Miller, my law partner, was at a meeting with him," Lewin said, "and Mardian, not knowing I was working on the case excused himself in the middle of the meeting to take a phone call. Afterwards, he apologized, explaining the call was about a JDL case in Brooklyn."

As negotiations between the Government and defense attorneys developed, a plan for a disposition took shape. The Government was willing to dismiss indictments against ten of the defendants if three would plead guilty. "There were delays in negotiating the disposition," Lewin recalled, "because the Government kept on calling Washington for directives." Discussions continued late into the evening but Judge Weinstein said he would wait in court for the outcome.

Barry Slotnick explained why he went along with the Government's proposal. "The Government kept on throwing out ten year counts if Kahane was found guilty. I felt that if Kahane went to trial, he would have been acquited but probably for the wrong reasons. No jury

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in Brooklyn at that time would have found Kahane guilty, but for Kahane it would not have been worth all that time spent in court. The trial would have been a very long one. It would have taken at least six months, effectively eliminating or silencing JDL for that entire time period. The core of the League was indicted and they would have spent all their time in court. It would have been a totally ineffectual organization. On the other hand, a guilty plea and obviously they wanted Kahane to be among the three who pleaded guilty, would free all the other JDL people so that Kahane could have an active organization again. The Government gave us a very good deal. I figured that if Kahane took a guilty plea, he would probably receive probation although the judge might have put him in jail for around two years -- I tended to disbelieve that would happen though."

In addition, the defendants went along with the Government's deal because some of them were afraid Dr. Winner would defect and begin cooperating with the Government. Since Winner was around for many of the camp bombings, his testimony would be very damaging.

Chaim Bieber agreed to plead guilty and the third was Stuart Cohen. Because of Cohen's age -- he was the youngest to be indicted having just turned eighteen -- the defendants were fairly certain that he would receive no worse a sentence than probation.

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In return for dropping the other indictments, the Government wanted all the defendants to surrender within the following week all the "paraphernalia" they used for manufacturing their bombs. They were also to surrender all firearms illegally in their possession -- with the understanding that they would "not be penalized for the voluntary production of those arms." In addition, ATF agents were to inspect JDL's camp the following week, making certain there were no explosives or illegal firearms there.

"The feds were really interested in the dynamite," Harvey Michelman said. "They knew explosives were missing [stolen from construction sites] and they didn't want to go off chasing more bombs. As part of the deal, we said -- attorneys acting on behalf of the clients but not on behalf of any specific client -- we didn't know anything about it. Somebody from Washington said they would be very happy to have the dynamite, no questions asked. So we asked for a specific promise, which was granted, that if by some chance it turned up, it would not be used as evidence against our clients."

It was late in the evening when Judge Weinstein was notified that there was full agreement on the terms of the disposition. All the defendants, their lawyers and the assistant United States Attorneys crowded into the judge's chambers. "It is now 9:15 [P.M.] gentlemen,"

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Judge Weinstein said. "I understand you have been discussing the possibility of a disposition. But in my opinion it is too late to dispose of the case tonight anyway. I think it would be unseemly to take a plea at this hour. People are tired. And as far as the public is concerned, it would look as though there is some unusual reason for haste and for a night session. In view of the nature of the case, I do not think we ought to subject ourselves, either as attorneys or as the court, to any suspicion with respect to the way the case is prosecuted. So we will continue in the morning. . . . I do not think we can start before ten o'clock. Is that satisfactory?"

Everyone agreed.

The next morning, Barry Slotnick informed the Court: "Your Honor, at this time the defendant Rabbi Meir Kahane wishes to withdraw his pleas of not guilty and enter a plea of guilty to indictment number 71-CR-479."

Kahane explained to Weintstein that he had been at the League's camp the previous August when a single explosive device was set off without the appropriate Federal permit and without payment of the $200 tax. "We had no idea that it was illegal to explode a bomb on our own property and in a classroom atmosphere," Kahane said. The bomb had been set off "to graphically illustrate to youngsters of the camp the type of bomb described in

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pamphlets" of the Black Panthers and the Weathermen. The youngsters, who led sheltered middle class lives had friends who were raising money for those groups and Kahane wanted to show them how dangerous these groups were.

Years later, when Richard Rosenthal was asked about Kahane's statement, he said that Kahane was "lying through his teeth." "The Rabbi was ecstatic about their successful bomb explosion. He said let's serate the outside so it's more effective. Now when he said it was for training purposes only, he obviously was lying. That type of bomb was for use."

At the end of the hearing, Ryan told Judge Weinstein that one of the conditions for the disposition was the League's surrender of all their explosives and illegally registered guns. If that was done the Government would go along with the disposition.

Early Sunday morning, a JDLer pulled over at a rest spot on the Palisades Parkway in New Jersey, overlooking the majestic cliffs along the Hudson River. Complying with the terms of the disposition, he hauled dynamite out of his panel truck, dragging it a few hundred feet away where he abandoned the explosives behind some shrubbery. Afterwards, he called Barry Slotnick and informed him of the location. "The guys at whose houses the dynamite was stored wanted it this way," Chaim

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Bieber explained. "They didn't want to have agents come to their houses."

Slotnick telephoned Pattison. Reluctant to inform the assistant United States Attorney about how he learned of the dynamite, Slotnick preferred to couch it in the very nebulous terms of a 'dream'.

"Good morning Tom. Listen, I'm sorry to call you at this hour but I had a dream that there was dynamite on the northbound Palisades, about 1,000 feet south of the Alpine Lookout."

Pattison immediately understood the significance of Slotnick's dream and informed ATF agents about the dynamite.

Before their arrival, however, Dominick Sciolo, a Parkway maintenance employee, discovered the explosives while mowing the grass. He summoned the local police in Union County who were shocked to discover 197 sticks of Trojan brand dynamite -- the same brand of dynamite used for the Amtorg bombing -- each stick about eight inches long and one inch in diameter. The local police were unable to handle that much dynamite and even New York City Police Department's Emergency Service Vehicle, specially constructed to transport bombs, could handle at the most only a few sticks of dynamite.

When federal agents arrived, they were unable to manage that much dynamite. They closed down the

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entire Parkway, barring cars from going in either direction and called the United States Army who took the explosives by truck to Fort Dix for disposal. Pattison was distressed and called Slotnick back. "Listen Barry, next time please dream it's in a vacant lot and not next to a major roadway or highway. You know we had to close the whole highway."

Under Slotnick's mediation, Chaim Bieber later drove to the Cross Island Parkway where he rendezvoused with a government agent who by a pre-arranged signal, had left his car trunk open. Bieber transfered seven guns including two pistols and fifty rounds of .38 calibre ammunition into the agents automobile.

On Monday, Slotnick resumed his 'dreaming.' This time he informed Pattison that his 'dream' was located at the East Side Airlines Terminal. Again, Pattison grew upset that the JDLers had abandoned their paraphernalia in such a public place. ATF agents, the NYCPD bomb squad, police from the local precinct and a fire marshal raced to the Manhatten terminal at 37th Street and First Avenue. Pattison directed them to a lower level locker, where directly beneath the Delta Airlines ticket counter, in an unlocked depository, they found seventeen and a half pounds of smokeless powder, five

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pounds of blasting powder and six blasting caps with sixteen foot fuses. Police roped the area off for an hour as the gunpowder was removed.

Although all the newspapers linked the explosives to JDL, Kahane nonetheless feigned complete ignorance. "We know nothing about this," he told a Daily News reporter who asked him about the dynamite. To another journalist he said: "The JDL will not be turning in any illegal weapons because we have none." (JTA, 12 July 1971)

The fact that Kahane still faced sentencing for his guilty plea, did not in any way intimidate him from desisting in his advocating violence for the cause of Soviet Jewry. On a David Frost show taped June 28th (before his guilty plea) and broadcast by coincidence, a few hours after he pleaded guilty (Friday night, July 9th) Kahane said: "I think it's very easy for people who have lived in this country and have freedom to sit back and say, 'Well, it's not nice to do certain things to Russian diplomats.' That's quite right, it isn't nice. A war is never nice. This is in effect a war between the Soviet Union and Jews. Soviet diplomats' lives should be made as bearable or unbearable as Soviet Jews' lives are. . . . I am in favor of any violence if it is necessary . . . [although] violence is ugly." (JTA, 12 July 1971)

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After his guilty plea, Kahane's rhetoric changed very little. He told reporters the day the League abandoned black powder at the East Side Terminal that JDL did not "rule out the use of dynamite if necessary." (JTA, 13 July 1971) Still defiant, he told the newsmen that it was ignorance of the law that got him into trouble for making explosives. This time he would "invest $250 in a stamp" and the following week, he planned to hold a demonstration in bomb construction for the press.

"Do you think JDL will collapse if you go to jail?" a reporter asked.

"We have thousands of young members who won't be stopped by this," he replied. "Even from jail I expect to continue to play a leadership role." (JTA, 12 July 1971)

"Will going to jail make you a martyr?"

"Anybody who looks forward to being a martyr is a fool. Jail is not a nice place for a Jewish boy or any boy. I don't want to go there."

In an effort to pressure Weinstein to give Kahane a light sentence, an editorial appeared in the Jewish Press (very much consistent with Kahane's style of writing) urging its readers to write Judge Weinstein:

> It is not the innocuous setting of an explosive device on JDL's private grounds that drove the government to spend thousands of dollars and months of efforts to get Kahane.

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> The real reason for Washington's frantic zeal remains simply and undeniably -- the bitter fight of JDL against the Soviet Union and the success of their efforts in frustrating U.S. efforts to create a detente with the Kremlin. . . . Despite the fact that the incident took place almost a year ago, the government failed to move. When it finally did, it was to charge Kahane with failing to buy a $250 tax stamp for the device! . . . If Moscow succeeds in its efforts to destroy Meir Kahane the entire struggle for Soviet Jewry will suffer a terrible blow. It is in your hands to do what can be done. Write immediately to the judge who will sentence Rabbi Kahane and respectfully ask him to consider the motive behind the government's case, the ludicrous charge based upon a man's failure to pay a tax that few people know about -- and the kind of man Meir Kahane is. . . . Let not Meir Kahane be the first American victim of the Soviet Jewish struggle. (Jewish Press, 16 July 1971)

Hundreds and hundreds of letters were mailed to the court. The court clerk stored them in separate envelopes and by the end of the case, the letters alone took up at least five feet of shelf space. Kahane was:

> described time and again as a hero as comparable to Biblical and historic figures; he is called "another Moses or Abraham Lincoln," "a saint," the victim of "another Dreyfus trial," "a Jewish Martin Luther King," "a modern day Maccabee," and a man "fighting for the blood of Jews that has been spilled down through the ages." (Dolgin, 1974:44-45)

The day of the sentencing, Friday morning July 23rd, Judge Weinstein's courtroom was filled to capacity with young JDLer supporters. All 300 seats were filled. Barry Slotnick, eloquent in Kahane's defense, tried to minimize the JDLer's transgressions. "How did this bomb

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come about"? Slotnick asked. "I am sure you Honor might be interested in knowing. . . . In one of the pamphlets that Stuart Cohen received, put out by another group, it indicated how to make bombs, how to cause problems, how to pursue revolution and how to make molotov cocktails. Stuart Cohen brought this pamphlet to Rabbi Meir Kahane. Rabbi Kahane said, 'Well, perhaps the best way to give an example of the dangers of this type of situation and circumstances would be to give an example'. So your Honor, they opened up the book and it said, 'Molotov cocktail, take one bottle, pour in gasoline, add a wick, light it and throw it at an object'. They threw it into a swimming pool, your Honor, to give an example of what it does, to allow these young minds to observe empirically the damage that could be done by an act of violence. They then went to chapter two and it said, 'How to Make a Bomb'. It's a very simple procedure, your Honor. A little black powder, a pipe and a wick. That's it."

"Excuse me for just a moment," the judge said when he saw more people pushing into the courtroom. "I see there are some young people that want to come in. There are some jury seats. Let them come and sit in the jury box. Let those young people in."

"I am sorry," he said to Slotnick. "Proceed."

Slotnick continued to put Kahane in the most positive light possible. Concluding he said: "I will ask you Honor

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to judge the defendant as a man who will have a place and a time in history. Whether it will be a big nitch or a small nitch, I think we have to look to the future. My client is a relatively young man, your Honor. I ask your Honor to judge him as a man who has been sincere, who has a devotion and belief in what he is doing. He did not plan to rob banks or hurt people. He attempted to do things that other people have refused to do. . . ."

"Do you want to add anything to what your counsel has said, Rabbi Kahane?" the judge asked turning to the defendant.

"Yes I do." Kahane replied. And then, in one of the most remarkable speeches of the trial, Kahane stood up in front of Weinstein and spoke in what best can be described as respectful defiance. "There are certain things that stay with a person," Kahane began, "and I think that of all the things that I learned there was one lesson which stayed with me. I think that when someone asks what is a Jew and what is the basis of being a Jew, the answer is love of one's fellow Jew. This is a very easy statement to make. Many people make it. It costs very little. Love of one's fellow Jew means doing what has to be done. I have spent three years now with the Jewish Defense League and I do not know what will happen this morning, but I will look back on those three years

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as the culmination of this love of Jewry. I have gotten from the Jewish Defense League much more than I have given to it, because I have met people who have been willing to give of themselves. I was asked this morning by one of the press as to how I felt and I would like to tell you how I feel.

"In the Talmud there is a story about a great rabbi, Yochanan Ben Zakkai and on his deathbed, his students came to him to bid farewell and he began to cry and they asked him, 'Rabbi, why do you cry? You have no fear. You will surely enter the world to come.' He answered, 'If I were merely facing a human judge, a man of flesh and blood who could merely put me into prison for a number of years or at the very worst take from me my human life, I would still fear. How much more so that I am now going to face a judge of all judges, the Almighty.'

"I am not happy being here, even though you are only a judge of flesh and blood. I do not look forward to being put in prison, although that may very well be, but some day I will have to face a second judge and with Him there will be, I believe, a great many souls. And I believe those souls stand by his side and when every Jew comes they have a question that they pose to the soul that has just arrived and that question is: where were you when we were in trouble? Those are the souls of the

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Jews of Eastern Europe and they will be the souls of the Jews of the USSR. I want to be able to say I was there and I did what I could. I have tried to do what I can and whether I go to prison or I do not, I am going to continue doing what I have to do and I only hope that the members of the Jewish Defense League and all Jews, no matter what happens this morning, will do what they have to do. Thank you."

"Now hearing the defendant," the assistant United States Attorney responded, "and particularly Mr. Slotnick, would lead one to believe that this is a case involving one device in a swimming pool at a camp in Woodbourne, New York. Of course, this criminal proceeding was interrupted at its earliest stage. . . . Now of course, when a criminal proceeding is interrupted by a plea of guilty at an early stage of the proceeding, the public, the Court and the government has not been given an opportunity to show what evidence it had and therefore on sentencing they are able to come into the court and minimize the extent of the involvement."

Although the assistant United States Attorney bristled when Slotnick minimized Kahane's activities, there was no indication that a seasoned judge such as Weinstein was in any way swayed by Slotnick. The judge was well aware of all the government's evidence and spoke about

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it before concluding sentencing: "There is no direct evidence that the 197 sticks of Trojan brand dynamite found on July 11, 1971 at the Palisades Interstate Parkway was under the control of the defendant Kahane but there is good reason to believe that this is the case. Trojan brand dynamite was found on June 22, 1971 by the Nassau County Police at the Russian Mission to the United Nations estate at Glen Cove, Long Island and also at the Manhattan office of the Russian import firm known as Amtorg, bombed at the height of business hours. . . .

"This information with respect to other events is based on hearsay and were there a trial of the issues it might well be shown that the defendant Kahane had nothing to do with them since the plea accepted by the government was only to a single narrow conspiracy. The defendant must be presumed to be innocent of these other activities. Nevertheless, the undisputed fact of the finding of these objects shows how serious these activities can be and how much danger they present. . . .

"This case, as does every sentencing decision, presents excrutiating choices. For what is involved is a balancing of imponderables -- possible benefits and harms to both society and the individual defendants. . . . The impact of a harsh sentence on the individual defendant is devastating whether he is well known or suffers in anonymity. But when, as in this case, publicity has been

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widespread, the impact on the public may be greater and there is some pressure towards harshness to increase deterrent value.

"Every sentence based primarily on deterrence sacrifices the individual for the good of society, but it seems quite unfair to increase the degree of the sacrifice merely because a defendant has achieved some fame so long as the reason for public notice does not itself reveal a grave defect of character or danger to the public. Thus, a professional bank robber who has achieved notoriety and whose life, as depicted in the media, appears glamorous might be harshly treated as an example to the young that this rosy appearing path leads only to degradation. The defendants are not in this category of professional criminals though they do represent great -- some would say even greater -- dangers to society which cannot be tolerated and which must be forcefully discouraged.

"The Court has before it full probation reports, the profile of January 24, 1971 of Meir Kahane from the New York Times, the record of the pretrial hearings in this court, the wiretap logs and the statements of defendants and their counsel. It has also received a large number of communications on the sentences from the public. In all cases, once there has been a finding of guilt -- and here the defendants have pleaded guilty -- the

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Court reads all letters respecting sentencing since it wishes to understand as fully as possible, each defendant and his background. The exclusionary rules of evidence do not apply on sentencing.

"First, there are those -- almost all the letters fall into this group -- who plead for mercy on the ground that the defendants meant well, being motivated by the unselfish goals of helping fellow Jews in Russia who are being persecuted by governmental denial of the right to freely practice their religion or to emigrate and of assisting Jewish people in this country subject to abuse by private persons; they also point to the memory darkening Holocaust as explanation, if not justification, of the defendants' acts . . . .

"A number of the letters evince some misapprehension about the nature of the charges. We do not have here merely a technical failure to pay a tax on the making of a demonstration explosive device or merely one instance of detonating a demonstration bomb on private property to teach children what violence is like and the terrible harm that it can cause -- presumably so they will oppose it. Rather what we have here are conspiracies to illegally obtain many guns and to illegally transport them across state lines; we have here conspiracies to illegally obtain many sticks of dynamite and great quantities of gunpowder and other explosives and to store much of this material

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in crowded areas -- at great danger to the innocent public -- and then, presumably to use them.

"There are some who accuse the government of persecuting these defendants by prosecuting them on technicalities. Nothing could be further from the truth. The prosecution was properly concerned with protecting many innocent persons -- and these defendants themselves -- from the terrible tragedies that would have resulted had any of these explosives been set off accidentally or purposefully. Nor are the claims that these were merely technical laws sound. These gun and weapons tax and registration laws are part of a program to begin to control guns in this country. Lack of control has led to many deaths and a homicide rate in this country which is unacceptable.

"The issue of the technique of wiretapping without a court order is not before me because of the plea. All I need say now is that the government, as well as individuals, must act lawfully under our constitution and laws, and our courts will insist that they do so. . . .

"While these three defendants may believe themselves to be in a superior moral position, so far as the law is concerned when they use guns and bombs illegally they are not readily distinguishable from the Weathermen or Black Panthers on the left or the Klu Klux Klan on the right. Those groups too, use terror to encourage a way of life their members -- in good faith no doubt -- think needs

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to be encouraged and protected.

"Fortunately for themselves and innocent persons so far as we can determine, none of these defendants have had anything to do with armed violence that injured human beings; their activities had not gone much beyond the planning and preparation stage. Their plans were thwarted by a combination of good police work and chance discovery of caches of munitions. Had they used these weapons their plea to one indictment would not have been accepted and upon conviction they would have gone to prison for many years. The fact that they showed contrition by admitting guilt, turning in all weapons and acknowledging wrong before anyone was injured must count heavily in their favor. . . . The public will not be safer, the Court is convinced if any of these three defendants is in jail."

Accordingly, Judge Weinstein sentenced Cohen to three years probation and a $500 fine; Bieber -- three years imprisonment and a $2,500 fine and Kahane to five years imprisonment with a $5,000 fine. Weinstein suspended both Bieber's and Kahane's jail sentences. "In addition to the normal conditions of probation," the judge added, "they may have nothing to do directly or indirectly with guns, bombs, dynamite, gunpowder, fuses, molotov cocktails, clubs or any other weapons."

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"The Court is levying a fine though each defendant is a person of little means. The fines it may be, will be paid by others, presumably by those who have supplied the money for the weapons and explosives. They remained in the background but are partly responsible for this mischief by these defendants who at least had the courage to publicly plead guilty.

"The Court is not enjoining the defendants' free speech or peaceful picketing. They can say what they wish and praise or denounce as it pleases them. They may carry on the constructive parts of their work by teaching young people about their Jewish heritage and by showing them how to lead useful Jewish lives. They may, by use of the phrase 'never again,' and by lawful demonstration keep the conscience of the world alive to the horror of genocide in all its forms, past and present.

"But their activities must be carried on without violence. In this country, at this time, it is not permissible to substitute the bomb for the book as the symbol of Jewish manhood. . . . These defendants now stand condemned before their fellow citizens as fellons -- perpetrators of a serious crime. For members of orthodox Jewish families this public condemnation is a serious punishment.

"The Court has been informed that Rabbi Kahane wishes to migrate to Israel with his family. He is free

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to do so." And then in a very subtly phrased criticism of the Soviet Union, Judge Weinstein added, "Our Constitution and laws permit freedom of movement both in this country and through foreign travel or migration. This conviction does not deny him that great right."

A large group of supporters waited outside unable to find seats within the courtroom and every so often a JDLer would go out and inform them about the proceedings. When Weinstein pronounced Kahane's suspended sentence, the youth ran out jumping up and down in glee. Others came out cheering. When Kahane emerged minutes later, a few JDLers lifted him up on their shoulders and for a quarter of an hour people danced and sang around him. Kahane was exhilirated.

Everyone crossed the street to a park in front of the courthouse; "I want you to know," Kahane said standing on a bench, "that I can't talk about guns. But I want you all to have this," he said, raising his thumb and forefinger the way children do when they are playing with imaginary guns. "And not only this, but that," he said raising his other hand. People giggled.

"Our campaign motto will be 'Every Jew a .22'," he told newsmen. "I didn't ask [the judge] for mercy, I cannot compromise my principles with expediency. Some time or other, there is no other way than violence. I

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am not against the use of violence if necessary."

"Who determines that?"

"We do."

Clearly Kahane was still contumacious. (New York Times, 24 July 1971)

III. Every Jew a .22

The League made good on Rabbi Kahane's motto of "Every Jew a .22" when Eli Schwartz, in August 1971 addressed a Brooklyn community. Speaking in Williamsburg, at Congregation B'nai Israel on Bedford Avenue, Schwartz told neighborhood residents that Jews should legally purchase inexpensive guns and train themselves in their use. To underscore his point, a fellow holding a shotgun and a young woman carrying a .22 caliber rifle, stood on either side of Schwartz.

What interested reporters who covered the meeting was Kahane's presence in the synagogue. Knowing of Weinstein's order for him to have "nothing to do directly or indirectly with guns," Kahane had not participated in any of the discussions and had remained in a side room. His presence, however, was noteworthy and a Daily News journalist photographed Kahane leaving the synagogue accompanied by a rifle carrying JDLer. "I'm not here," Kahane told the newsman who asked him what he was doing there. "I don't know anything about it. I was here to

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pray today, that's all." The guns were put into the trunk of Schwartz's car and the two drove off.

Although Kahane denied his involvement in the gun campaign in Williamsburg, there was no reluctance on his part to write about guns in his Jewish Press column. "If Jewish neighborhoods are prey to muggers, rapists and robbers because it is well known that Jews and Jewish homes have no guns, let it be changed," he wrote. "If there is a difference in the level of crime in an Italian neighborhood as compared with the Jewish one, the difference is that within the mind on the hooligan, one has the shadow of the gun while the other is filled with peaceful ignoramuses." (Jewish Press, 13 August 1971)

The gun campaign gained momentum after two blacks murdered a Jewish candy store owner. At about 6:15 A.M. one August morning, two young blacks walked into Beno Spiewak's candy store on Church Avenue. The candy store, located in East Flatbush, was in a neighborhood that some officials thought to be "the scene of the fastest racial transition in the history of New York City." In 1960, only 281 blacks had lived there out of a total of 101,000 people; the 1970 Census revealed 24,236 blacks residing in East Flatbush. (New York Times, 4 October 1976)

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Mrs. Beno Spiewak was behind the counter early that Firday morning preparing coffee when the two blacks walked in. "Gimme some apply pie," one of them demanded. Mrs. Spiewak explained they were out of apple pie. "Sit down," she said, "I'll give you some nice pineapple Danish." The youth, who was wearing a windbreaker and one green earing let out with a long string of obscenities.

Mrs. Spiewak's husband Beno, was bent over a bundle of newspapers cutting open the wire holding them together. "We asked for apple pie," the black said turning towards Spiewak. The sixty year old owner straightened up from the newspapers, still holding the pliers in his hand.

Pulling out a pistol, the black shot Spiewak point blank in the chest. Twice. Spiewak staggered to the door and fell dead.

His wife screamed. The second youth shot her too. The bullet entered her chest; striking some tissue, it ricocheted downward and lodged slightly to the right of her spinal column.

Two patrolmen came running, having heard the shooting from two blocks away. One chased the blacks into a used car lot but lost them when they ducked into a back yard and disappeared. The other patrolman reached the store and tried to call an ambulance over

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his walkie-talkie. The radio failed and he ran to a pay phone instead.

Mrs. Spiewak was taken to Brookdale Hospital. She survived but terrified that the two youths would come back and kill her, she refused for five days to fully cooperate with the detectives working on her case. (Even after she began cooperating, there was little information to go on and the police never apprehended the murderers.)

Spiewak's senseless death was shocking and terrifying. The murder was not lost in anonymity. The Spiewak's, both Nazi concentration camp survivors, had many ties in the community; some JDLers even knew Spiewak's son Larry, having gone with him to Yeshiva University's High School in Brooklyn.

Many thought the time had come for self defense. The police, it was clear, could not protect all the residents at the same time. "If J.V.L. [Mayor John V Lindsay] cannot do it, perhaps we have to turn to JDL," one of the rabbis said in an emotional eulogy at the funeral chapel. "He came to this country from the concentration camps and the crematori," the rabbi continued, "and in this fun city of New York he lost his life. Hitler could not destroy him, but this wonderful city and its leaders did." (New York Times, 23 August 1971)

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After the funeral, Kahane himself came for a condolence visit to the Spiewak home. Newsmen waited outside to question him when he left. As he emerged, Kahane informed them JDL was planning to hold a rally the following week to promote self-defense. "We will distribute rifle registration forms to the people," Kahane said standing on the steps of the Spiewak home, "and train them at ranges on how to use the weapon. We will also enlist volunteers to man cars with two way radios and patrol the area every night. Although our main aim is to protect Jews, we will make these patrols interracial because there are Negro residents of this neighborhood who suffer from hoodlums too. We will supply Defense League members with shotguns to merchants who want to pay for their services." (New York Times, 25 August 1971)

A JDL spokesman also told reporters that groups of JDL members would be "visiting every real estate broker in East Flatbush. We'll be giving notice, that any blockbuster will have their blocks busted." (New York Post, 25 August 1971)

The day of the rally was an unusually hot muggy day. The auditorium of Tilden High School was rented for the occasion and JDLers were busy mimeographing their gun leflets. Before the rally, however, Kahane

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had to make a court appearance. Originally charged with inciting to riot at the League's second 100-Hour Vigil, he pleaded guilty that day to the lesser charge of unlawful assembly. Afterwards, he went to Tilden High, where more than 1,500 people had assembled to hear him speak. It was the kind of hot muggy evening that sent beads of perspiration dripping down one's forehead and back. The temperature in the crowded auditorium only added to the tension. On stage was a symbolic coffin affixed with JDL stickers, topped with six memorial candles.

Before the speech, Larry Fine urged everyone to fill out the gun permits being passed around, calling it essential for their safety. "Hoodlums look for easy pickings," read the circular, "and what is easier picking than a Jewish neighborhood? Jews . . . do not own weapons, therefore, little or no risk is involved in perpetrating violent crimes in [these] neighborhoods. . . . If the potential burglar felt he was running the risk of getting shot he would hesitate before 'casing' a Jewish neighborhood." The leaflet advised potential buyers that a .22 caliber rifle cost $34, a twelve gauge shotgun $84. "Make all checks payable to Leslie Edelman, Inc. who is our supplier. Do not make them out to the Jewish Defense League."

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Again, more for the sake of drama than for self protection, a few JDLers came with weapons to the school. When the police arrested two of them for carrying unloaded shotguns, the atmosphere grew even more heady.

"We came here," Kahane said in his speech, "to give you our pledge that East Flatbush will never become another Brownsville. Who killed the two merchants last week"? continued Kahane. "It is simple enough to say that it was the people who pulled the triggers. But there are other murderers and don't forget who those murderers are. As East Flatbush for months and for years has seen parisitic block busters destroying the area, has seen hoodlums and rapists and murderers turn what was once a beautiful neighborhood into an area of terror, the man who would be president of the United States, Mayor John Lindsay sat by." Loud booing resonated throughout the room as Lindsay's name was mentioned. "The police arrested two of our people outside," Kahane went on, "because it is easier to arrest them than the punks and hoodlums."

At the conclusion of the rally, about 200 people joined Kahane as he marched to the local police station. As the marchers made their way to the precinct, they passed the Spiewak store where they paused in silent tribute before continuing to the police station. At the 69th

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precinct, Kahane spoke to Inspector William Rockwell. "We agreed that it was a good idea for citizens to cooperate with the police for protection," Rockwell told reporters "and we'll be happy to work with groups who'd like to set up patrols." (New York Post, 31 August 1971)

The following evening, about 500 people showed up at Congregation Rishon L'Zion to learn more about the volunteer patrols. Bennett Levine, who was conducting the meeting, told a Times reporter that about 120 had already joined. Hours before however, Chief Inspector Michael Codd warned that anyone carrying a loaded rifle either on foot or in a car would be arrested. The city's Administrative Code forbade carrying a loaded weapon. "As for posting youths with rifles or shotguns in stores, that is illegal too," Codd added. (New York Times, 1 September 1971)

Nevertheless, the following week, about twenty teenaged JDLers, divided among five cars, began patrolling the neighborhood. With an eye towards television publicity, Bennett Levine, came down with a ferocious looking German shepherd attack dog. "We will do nothing illegal," Levine assured the reporters. The group was not carrying firearms, "but if need be, we will use bats, pipes and chains -- whatever means necessary to stop any violence we encoutner."

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Under Levine's direction and in full view of the newspaper and television reporters, the patrols set out. "Basically, you're just going to make your presence known to the shopkeepers and residents in these areas," Levine told the occupants of the five cars. (New York Post, 3 September 1971)

"The cars will have radios next week, when the regular patrols begin," Levine said turning to the reporters. "Adults will do most of the patrolling then and those with pistol permits will carry their guns."

Levine's prediction was overly sanguine. The following day, in a move whose timing may be suspect, authorities arrested seven JDLers for the previous spring's Amtorg bombing. Since the police knew the identities of the JDLers well before that day, the timing of the arrests was more than coincidental. With the organization in disarray because of the arrests, the East Flatbush patrols never really got off the ground. Perhaps its coup de grace may have been Kahane's leaving New York four days later to settle in Israel.

The publicity created in the press over JDL's gun campaign was too much for Kahane's parole officer to ignore. He submitted the newspaper articles describing Kahane's presence in Williamsburg and at Tilden High (while at the same time either deliberately or unknowingly omitting Kahane's Jewish Press article which was

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at least as damaging if not more so) to Judge Weinstein as evidence that Kahane had violated the judge's conditions of probation of having "nothing to do directly or indirectly with guns."

After reading the probation report, Weinstein ordered a hearing on the allegations. "The defendant shall be given a copy of these charges and notified forthwith of the hearing, Weinstein wrote. "Unless he [Kahane] admits the allegations of fact the United States Attorney shall be prepared to prove them at the hearing."

The hearing was convened eight months later, when Kahane left Israel for a visit to New York.

"Do you know that that article [from the Daily News of August 6th, entitled: 'JDL, Kahane & Show of Guns'] has been presented in evidence and is used against you at this time?" Slotnick asked during the direct examination of Kahane.

"Yes, I know," replied Kahane.

"Would you explain exactly what occurred on the date mentioned in the article?"

"At that time, following a meeting of our executive board of JDL, that executive board meeting passed a resolution calling upon the residents and neighbors in East Flatbush to legally arm themselves with

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weapons for home and stores. For that purpose a press conference was called for that day. . . . I had to go to the airport for a speaking date on that day. I had no car. Eli at that time, who drives said, 'If you come with us to the synagogue in Williamsburg, we can then take the Brooklyn-Queens Expressway to the airport.' That's what I was doing there at the time.

"Unfortunately the press, which of course was interested in making something of this, saw me waiting -- and I was very careful to wait in the side room and not take part in the press conference -- despite the fact [that] my own personal feelings are [that] even taking part in the press conference might not have constituted anything wrong or illegal."

"On August 5, 1971, did you have in your own mind anything to do directly or indirectly with guns?"

"I? No. The organization did, I didn't. I would really at this point -- I don't know if this is proper, if I should add this?"

"Yes?" Slotnick asked expectantly.

"There is a great difference between myself and the JDL."

Slotnick asked Kahane to explain what he meant when he told the Daily News reporter, "I am not here."

"That was a joke," Kahane replied. I assumed that he would treat it as a joke. I have since learned you

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don't joke with the news media. Actually what I meant was I am not here for this press conference."

"Since July 23, 1971, have you ever had anything to do directly or indirectly with guns, bombs, or dynamite or any other forms of weapons?"

"Absolutely not. There are a great many, many things that I feel I have to do and I am certainly not risking or jepordizing five years for anything which I remotely thought would violate the sentence. . . . If I had thought that what I was doing was a violation, obviously someone else would have made these statements. Certainly there was no great need for me to make these statements."

At the conclusion of the hearing, the judge did not revoke Kahane's probation but again warned him to have absolutely nothing to do with guns and to avoid being present when guns were displayed.

"When I am in Israel," Kahane inquired of Weinstein, "I am asked to go to the Israeli army to speak to the troops. There are a great many weapons in the area."

"This applies to the United States. What do you in Israel is for the Israeli government. However, I don't want you to use Israel as a platform for making speeches here. If you want to talk to the Israeli troops and it is suitable for the Israeli government, that is up to you."

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"Many, many times I speak in Israel and the world press is there. I would simply like to have guidelines. Is that allowed or isn't it?"

Judge Weinstein was reluctant to rule on Kahane's behavior in Israel. "If you have any doubt, I suggest you don't say it. If you want me to forbid you from saying all of that" --

"I would rather get a flat no now," Kahane interrupted. Bristling at authority Kahane egged the judge on.

"All right, I will give you an answer: you may not encourage the use of weapons by anyone."

"Even in Israel?"

"Right."

"Even to the Israeli army?"

"Yes."

"Fine."

"I am sure," the judge added, "you can find other things to talk about to the Israelis. I am sure they don't need your encouragement to carry weapons."

Three years later Judge Weinstein's words were to haunt Kahane. Ultimately, Kahane's insistent questioning, which he would deeply regret having started, would lead to his own imprisonment.

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IV. Gun Smuggling and the Knesset: JDL Comes to Israel

"I will never stand for any public office nor will any official member of JDL," Kahane declared in September 1971, as he was about to settle in Israel. (JTA, 14 September 1971) Fourteen months later he announced his candidacy for the Knesset. In Kahane's mercurial thinking and in his change of heart lies the key to understanding JDL's fortunes.

An important event for Kahane in Israel was his attempt to smuggle weapons out of Israel. There had always been talk, particularly at camp, of getting mortars and submachine guns from Israel. However, after the eleven Israelis were massacred at the Munich Olympics, many more people lent a sympathetic ear to Kahane's gun smuggling plans. Among those who supported conducting reprisals against Arab terrorists in Europe was Amihai Paglin, former chief of operations of the Irgun and somehow he and Kahane teamed up. Using his oven manufacturing plant as a cover, Paglin packed two Karl Gustav submachine guns, two revolvers, three hand grenades and ammunition into one of the crates being sent to America. To ship the crate, Kahane enlisted the services of Avraham Hershkovitz, the bungling amateur hijacker who had been imprisoned in the States for possessing a forged passport. Nathan Lewin, brilliant in his legal work managed to have Hershkovitz deported to Israel since he was a citizen of

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that country. Lewin had successfully argued that no justice would be served in continuing Hershkovitz's imprisonment since he faced immediate deportation upon release from jail anyway. After a number of months, Lewin's work bore fruit and Hershkovitz was expelled to Israel where Kahane recruited him.

At a pre-arranged location near the industrial area of Petach Tikvah, Paglin handed the crate over to Hershkovitz and also gave him false labels indicating the crate contained a $46 biscuit roller. Hershkovitz brought the crate to Paglin's usual customs brokerage for shipping. Paglin had even telephoned ahead and told them Hershkovitz would be bringing some machine parts. When Hershkovitz came to the brokerage, he paid for the shipping and the crate was routed to El Al's cargo department where (beause of a tipoff?) it was examined.

The crate was to be sent to Chaim Stern, owner of a Brooklyn company manufacturing kitchen dinette sets, but at the last moment Kahane (or so he claims now) decided to send the crate to Europe instead. "The logistics would be much easier for us in America," Kahane later said. "We have the people, the transportation and ease of movement but we might have antagonized public opinion here in the States so we changed the label from

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Stern and wanted to ship it to Brussels."

Israeli authorities notified their American counterparts about Stern and the FBI questioned him and put him under surveillance. "The FBI called me every day and followed me day and night," Stern said. "They were fair though," the middle aged concentration camp survivor added. "I didn't want to cooperate so they followed me." Nothing came from it though and the only people arrested remained those in Israel.

In the midst of the police investigation, Kahane ever defiant of authority, announced his candidacy for the Knesset. Accusing the government of "plans to liquidate the JDL," and condemning the Police Minister's "talks of outlawing us," Kahane declared, "if the government of Israel wants a fight with the League, then it will have one." In the process, however, Kahane managed to alienate even those who had shown some sympathy. He insulted Paglin's lawyer Shmuel Tamir, a Knesset member himself, ("I refuse to be the slave of a slave") and also snubbed the Justice Minister who apparently had leaked the contents of a conversation he had with Kahane. ("I thought a Minister could keep a secret. They say there is only one woman [Golda Meir] in the Cabinet. Now I know there are two.")

Later in court, Tamir openly protested that Kahane had freedom of movement, while his client, Paglin, was in police custody. Tamir also questioned Kahane's freedom

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in light of some of the JDLer's statements, particularly one, revealing his intention of returning to the States that week to enlist the aid of the Mafia. For whatever reason, the police ordered Kahane's detention that very day, twenty four hours before he was to leave for the States, but a full three weeks after the plot had been uncovered. Furthermore, the police confiscated his passport to ensure his remaining for trial. "This is not Brooklyn," Police Minister Shlomo Hillel announced, "and we will not operate by imported methods. We will not countenance exploitation of our democratic society for actions which are outright violations of Israeli sovereignty." (Los Angeles Times, 25 September 1972)

Kahane now found himself in the center of the controversy over how Israel should counter the increasing acts of Arab terrorism carried out in European countries. Kahane was at the forefront of those arguing that Israel's only effective means was adopting the tactics of the terrorists themselves. Kahane of course was not at all loathe in publicly advocating this alternative, a course which gained further news coverage for himself. "We've gotten a million dollars worth of publicity out of this thing," Kahane told a New York Times (2 October 1972) reporter. "The government has made a big mistake by going after us this way. It has made us seem like a big

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important organization which we're not yet."

Released on bail, Kahane continued his agitation within Israel. One afternoon he was arrested after trying to affix a mezuzah to the Damascus Gate in the heart of the Arab section of Jerusalem. (Jerusalem Post, 31 October 1972) He continued threatening to conduct a mock trial of Sheik Jaabari for his role in the 1929 massacre of Jews in Hebron. And appearing on the Op-ed page of the New York Times, (29 November 1972) he reiterated his counter terror campaign. "It is up to the Israeli Government," he wrote, "to mount a merciless, cold blooded campaign against Arab targets all over the world."

In addition, Kahane started a campaign to persuade Arab residents of Israel to emigrate. Fearing that the higher Arab birth rate in Israel would some day again relegate Jews to a minority status, Kahane saw Arab emigration as the only solution. Along these lines, he planned to get an Arab by the name of Emmanuel Khoury to settle in the States. Kahane wrote Perl in Washington to arrange for his visa. The U.S. Consulate in Israel denied Khoury's request to enter the States, frustrating Kahane's plans to have Khoury go on a speaking tour to raise money for the resettlement of other Arabs. Kahane nonetheless, sent letters to a score of Arabs urging them to leave the country. Their names were chosen

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at random from a telephone directory and unfortunately for Kahane, one of the letters was sent to a member of the Druse community who serve in the Israeli army. By then the resulting scandal was inevitable and Kahane was arrested. "He can't be allowed to walk around with bombs and with letters that are worse than bombs," said one high official. (Jerusalem Post, 8 January 1973)

Kahane was released on bail, but before he was brought to trial, he got himself into even worse trouble when he tried to write Josh Joffe in America. On the occasion of Leonid Brezhnev's trip to the United States, Kahane wrote Joffe that "all possible efforts have to be made to stop Brezhnev's trip or failing that, to ruin it." Accordingly, Kahane suggested "an immediate kidnapping and/or shooting of a Soviet diplomat. I once received the name of Alexander Ereskovski, 4513 31st Street, Shirlington, Va. Apt. 101. He drove a 1965 Chevrolet DPL 2317. A careful check should be made to see if this information is still pertinent. A very discreet and careful visit to Dr. William Perl . . . will help." Furthermore, Kahane suggested bombing the Occidental Petrolium Company or Chase Manhattan Bank because they dealt with the Russians; he also proposed shooting into the Soviet Embassy "from the AFL building roof across the street." "After anything is done," Kahane instructed Joffe, "wait to hear the news broadcast and if no innocent person was killed, phone the press." (USA v. Meir Kahane, 71 CR 479)

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The letter was intercepted by the Israeli police and Kahane was again arrested. Charged with "conspiring to harm Israel's relations with a foreign country," he was brought to the police station for questioning. First he was asked about the message "Now do everything necessary" which he had telegramed to the States. (The telegram slipped by Israeli censors and had reached American successfully.) Thinking it was the only evidence against him, Kahane started answering, but when he was also shown the letter he kept quiet and refused any further explanations.

He was imprisoned but even from there he tried to smuggle out letters to the States. One written to Ari Ilowitz, urged the JDLers to seize an office -- Kahane suggested the "International Red Cross or some Russian office." "Announce that you have seized the place to read a special message from me and then you will leave," Kahane instructed. The message pleaded with Jews to "smash" detente "for so long as Brezhnev needs it and cannot get it, he cannot act against Soviet Jews." After reading the message, Kahane wanted Ilowitz to point out, that this was not a call for criminal action, but was a plea for "each Jew to listen to his own conscience." Kahane also wanted Ilowitz to deny that the JDL leader had anything to do with the takeover. "If you do seize an office, please do it with sense and security. Everybody including the police knows everything before it happens.

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Look the office over carefully; choose five big guys . . . keep your mouths shut and grab it. Don't phone at all to people who will take part in it. And burn these papers except for my message." This letter was also seized by Israeli censors and was used in his indictment.

While running for the Knesset therefore, Kahane found himself faced with three trials: gun smuggling, conspiring to mar Brezhnev's visit, and inciting rebellion by urging Arabs to emigrate.

His passport was taken from him, insuring authorities that he would remain for trial. Unable to return to America, Kahane found himself totally dependent on Hilton Kramer, a lawyer from New Jersey who had volunteered to raise money for Kahane's Knesset campaign. As time went on, Kahane's letters to Kramer became more and more desperate. "Almost no money at all has come in," "Our financial situation is desperate," "We need money badly." A fund-raising dinner was held in the now defunct Cafe Yaffo but even that was not enough. "Last Sunday we ran out of money," Kahane wrote Kramer after the dinner. "I want you to know because I get reports of glowing optimism from America from people who thought that $13,000 was the next thing to the Messiah."

Despite his money problems, Kahane hoped the large number of Soviet emigres in Israel would vote for him. Certainly with them he needn't money to publicize himself.

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Nevertheless, in that respect he was bitterly disappointed for when the votes were tallied, Kahane didn't even have enough for a seat.

Now that he could not cloak himself with parliamentary immunity, the forthcoming trials facing Kahane were much more grave. Fortunately for him, his conspiracy trial for the Brezhnev trip ended with his receiving a two-year suspended sentence. With that trial completed, the government permitted him to leave the country. Kahane had been away from the States for more than two years, and he now faced a very difficult decision. If he returned to the States, he was pretty sure the U.S. Attorney would seek his imprisonment since while in Israel, he had repeatedly violated Judge Weinstein's term of probation. Despite that, Kahane decided not to avoid coming to America. He couldn't see being stuck in Israel forever; given a choice he wanted complete mobility and if that meant first serving a prison sentence, so be it, he thought. However, nothing happened on his first visit to the States and Kahane returned to Isreael unscathed. The government had not yet received all the legal papers from Israel and was still unprepared for a hearing. Things were different on his return trip in January 1975. Within hours of his landing, he had caused a riot outside the Soviet Mission and he and forty-seven others were arrested. And if that was not enough, two shots were

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also fired into the Soviet Mission. "We stormed the barricades," Kahane told newsmen after his release from the precinct house. "For the first time, we wanted to do something a little radical to wake up the American Jews."

The Chief U.S. Probation Officer had by then prepared his case against Kahane and he informed Judge Weinstein of all of Kahane's activities. A month after his return to the States, Kahane was brought before the judge for violating his terms of probation. Barry Slotnick was again Kahane's attorney but there was little room for defense. Kahane admitted all the accusations against him. Furthermore, Slotnick could not even argue that Kahane was outside the States when the violations occurred because at the first probation hearing three years before, Kahane had foolishly asked Judge Weinstein if "Even inside Israel?" he could not handle or advocate the use of guns. The judge had been reluctant to give such an order but after being pressed by Kahane, Weinstein finally was very explicit in forbidding such behavior in Israel also.

Little was left for Slotnick to do except throw Kahane before the mercy of the judge. "Admittedly," Slotnick said, "it was a calculated risk." To marshal up Weinstein's sympathetic feelings, Slotnick called a number of witnesses to testify about Kahane and the good he had done.

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First to testify was Mrs. Lea Slovin, a lawyer from Riga, Latvia, now living in Israel. She had left the Soviet Union six years before with two of her three children, but the Russians didn't allow her eldest daughter to leave with her. "I can tell you that Jews were threatened and persecuted all the time in Russia," she told the court, ". . . and a big part of Soviet Jewry saw the solution only in leaving Russia for Israel. Now we wondered why in the Free World people do not understand us . . . we did not hear a single demand to let the Jews go from the Soviet Union. The first such demand we have heard from the League -- from the movement of Rabbi Kahane. How [did] we know [about] it? You know until today not a single week [goes by] in Russia without [their] printing materials in Soviet newspapers about Meir Kahane. . . .

"Maybe I can tell one example from my personal experience. When I was allowed to go to Israel, I was not allowed to take my daughter with me and she stayed there in Riga. I fight it here in the free world to get her and nothing helped. In January 1972, in Belgium, at a meeting with the Soviet ambassador, I told him I have a daughter in Riga. I addressed all Soviet organizations [and] I addressed all the organizations in the free world . . . [but despite that] you don't allow her to go [and leave for Israel]. I am desperate and I will pass my case to Meir Kahane and I will let him do what he wants. About

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two months later, my daughter was with me."

Moved by the intense emotional testimlny of Lea Slovin, many of the spectators in the courtroom broke spontaneously into applause. "Excuse me," Weinstein said interrupting Slovin's testimony. "If that occurs again the courtroom will be cleared. This is not a performance, ladies and gentlemen. This is a very serious trial and I don't want a recurrence. Is that clear? Proceed."

"I say that maybe it is only a chance [coincidence that my daughter got out after I threatened the ambassador with Kahane's participation]," Slovin said continuing her testimony, "but such lucky chances, I know many . . . . You know in each orchestra, must play many instruments, both fiddles and drums and Rabbi Kahane is a drum of this orchestra. I felt that it is my moral duty to come and to tell . . . not only for the sake of Rabbi Kahane but for the sake of those who are still in Russia. If Rabbi Kahane will be sent to jail it will be a moral shock to many, many Soviet Jews, and not only Jews, I think the Russian democrats too."

Others came to testify on Kahane's behalf: Rabbi Fabian Schonfeld, president of the Rabbinical Council of America; Rabbi Moses Tendler, Chairman of the biology department at Yeshiva University and professor of Talmudic law; Rabbi Avraham Weiss of the Judaic Studies department

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at Stern College; Nathan Bulman, rabbi of the Young Israel of Far Rockaway and Dr. Samuel Korman, chief of the Cancer Division of Kingsbrook Medical Center.

Korman had visited Russia in 1962 to present a research paper on cancer and while there had some contact with the Jewish community in Moscow. Most jarring to him, was their great fear of being Jewish and at the hearing, Korman described their fear in great detail.

"In your lifetime you have seen fear among your patients," Slotnick began. "Can you equate that to the same fear that you saw on the faces of the Soviet Jews?"

"No, there is a difference. In the cancer patient . . . we try and convince him that he has hope. . . . The fear that I saw in the Russian individuals was a fear of hopelessness. . . . I would say that the[eir] fear was worse than most cancer patient." (U.S.A. v. Meir Kahane, 71 CR 479)

Korman's completely spontaneous and unrehearsed statement was so electrifying that Slotnick years later was able to repeat it verbatim. "I'll never forget that," Slotnick said, recalling his emotions on that day. "I have never been as affected by a court proceeding in all my life as I was then. I felt joy in other cases, when for example, I got certiorari from the Supreme Court, or after my first acquital, but I have never been so affected. That was one of the saddest, most impressionable

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hearings I have ever had. I try a lot of criminal cases from the highest white collar crime to perhaps the most savage ones but this was really very different. It was almost a eulogy. There wasn't a dry eye in court; they were attesting to Rabbi Kahane's place in history."

At the conclusion of the hearing, Judge Weinstein as expected, found Kahane guilty of violating his probation. Slotnick had thought Weinstein would sentence Kahane to three years, but instead the judge ruled that Kahane must only serve the remainder of his probation in jail, which by then was only one year.

Afterwards Pattison accompanied Slotnick to the judge's chambers to discuss some technical matters. Judge Weinstein was sitting there, his jacket and vest open, looking visibly drained and exhausted. "I'm really concerned about the effect this will have on Jews in the Soviet Union," Weinstein said, "I did what I had to do, I just hope the Jews in Russia understand."

"Judge Weinstein is a responsible jurist and he does not pass over things lightly," Slotnick later said. "He takes everything rather seriously. He is a true judge. Few people are as bright, as honest, as sharp, and have as much ability as he does. He's probably the finest district judge in the county. I am very impressed by him and I think that he was very affected by the entire proceeding. He was very much in pain but he did what he felt he had to do in terms of his oath."

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CHAPTER X

THE GRAVE ON THE SIDE OF THE MOUNTAIN

When planning the disruption of the Russian cultural exchanges in January 1972, the JDLers did not realize their activities would cause the murder of a Hurok receptionist, who was in fact Jewish.

Their actions began innocently enough. Columbia Artists, a talent booking office similar to Hurok enterprises, had arranged an American concert tour for the Soviet's Osipov Balalaika Orechestra. As in the past, JDL wanted to disrupt the cultural exchanges not only by marring the concerts, but also by intimidating the companies importing the Russian talent. Accordingly, Stuie Cohen and a few others thought of disrupting, all on the same day, an Osipov concert and the offices of both Hurok and Columbia Artists. The JDLers eschewed dynamite. Instead they thought of placing smoke bombs in the talent booking offices. The devices, they thought, would not cause any serious damage but the smoke would be enough to upset the workers a bit.

Stuie Cohen bought about 100 pounds of potassium nitrate from the Salin Chemical Company and he, Sheldon Davis and Sheldon Seigel met towards the end of January

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to construct and test the smoke device.

The evening before the smoke bomb was to be used, Seigel, Davis, Cohen and one or two others met to prepare for the disruptions. For each of the two smoke devices, Seigel combined a five pound bag of sugar with eight pounts of potasium nitrate. He put the mixture into two bags, attached two feet of fuse to each bag, and put the bags into attache cases that he had bought with money provided by Cohen. The smoke bombs were ready for use. Since they themselves were reluctant to place the bombs -- Cohen was on probation for the JDL Thirteen case and both he and Seigel were facing trial for Amtorg, while Davis, a rolly polly looking youth, was too easily recognized -- they picked four reliable high school JDLers, who had no police record, and asked them to come down early the following morning to the League's New Utrecht office for a very important mission. The four selected were Jeffrey Smilow, Murray Elbogen, both of Brooklyn, Jerome Zellerkraut (Zeller, for short) of New Jersey, and Richard Huss, a resident of Staten Island. Huss at sixteen was the youngest, with the others a year or so older.

It was not until 7:30 the next morning when Sheldon Davis met them at the Brooklyn office, that the four were told of their mission. Davis demonstrated how to ignite the smoke bombs and assigned two to deliver each device.

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It was only then that the "delivery boys" learned of JDL's plan.

The five drove to Manhattan in Zeller's car. Columbia Artists, at 165 West 57th Street was their first target. They arrived at 57th Street a little after 9 o'clock and Elbogen and Smilow emerged from the car with one of the smoke bombs and walked over to Columbia Artists ground floor offices. As the office opened only at 9:30, very few of the office personnel were around when the JDLers walked in -- only twenty of the 120 employees were there.

As a pretext for entering the office, the JDLers inquired about free tickets to a performance. They were told to return after the office opened. "We'll come back," one of them told Leon Pearson, a building maintenance man. No one, however, saw them light the fuse to the smoke bomb and when they left, the abandoned attache case remained unnoticed. Moments later, Pearson heard the "woosh" of the burning sugar. "Everything was bright," he later said. Smoke filled the office. Most workers ran out the back steps and escaped harm, but one man who was working on the top floor of the five story building when the smoke bomb went off, jumped onto the roof of an adjoining building. For the JDLers, however, everything went according to plan. Smilow and Elbogen had slipped out of the building without being caught.

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After letting the two JDLers out of his car at 57th Street, Zeller found a garage and parked the car. Davis stayed behind while Huss and Zeller walked with the attache case to 56th Street and entered the building on the corner of Sixth Avenue. They took the elevator up to Hurok's office on the twentieth floor.

Hurok had arrived minutes before in his chaffeured car. Walking past the workmen finishing the reception area, he nodded hello to the ten other employees who had arrived before him, and entered his inner office.

Huss and Zeller reached the twentieth floor at 9:25 A.M. They walked in and asked the receptionist, Kelly Brown, about tickets to a performance. Brown told them to wait in the reception area while he went to find out about their requested information. They headed for the chairs. Next to one was a table holding a lamp and they put the attache case under the table. When Brown wasn't looking they lit the fuse with a cigarette lighter and stealthily left the room.

Sheldon Davis called NBC and the Associated Press and told them -- annonymously -- that smoke bombs had been placed in the two offices. "This culture destroys millions of Jews. Cultural bridges of friendship will not be built over the bodies of Soviet Jews. Never again." (JTA, 27 January 1972)

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Upstairs, Kelly Brown, a college student working temporarily for the office, looked up from his switchboard. The two young men had left a few moments before but a cloud of smoke was coming from the lamp next to where they had been sitting. The smoke seemed to run up the wire of the lamp and engulf the lamp itself. When it reached the lamp shade, the light bulb exploded with an intense blue flame. "I heard a whoosh," Brown later recalled, "a red, pinkish, purplish flare emanated from the lamp in the room." (New York Times, 27 January 1972) The college student ran from his seat.

The JDLers never considered the intense heat the smoke bomb could generate. The ignited sugar-potassium nitrate mixture reached temperatures close to 1,700 degrees Fahrenheit, melting and incinerating everything around it. Fire department officials later explained that the smoke and the floor plans of the high rise building had given rise to conditions resembling a mousetrap, preventing those inside from fleeing. The fire at the entrance to the office trapped those inside from escaping to the elevators or the fire stairs.

Joseph Bolton was supervising the workmen finishing the reception room when suddenly the chairs near the switchboard caught fire. They shouted for fire extinguishers but it didn't do any good. The chairs were a furnace so I put my coat over my head, ran through the flames and down the twenty floors."

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Peter Gelb, eighteen, who had a summer job with Hurok, was late for work. As he arrived at the twentieth floor he glanced at his watch. Nine thirty-five it read. "The doors of the elevator opened," he said, "and a wall of flame leaped into the car. I heard someone yell, 'Get a fire extinguisher.' All I saw was bright fire and smoke as the elevator continued to the twenty second floor."

Heavy black smoke poured onto the office ceiling and quickly began to fill the other rooms in the suite. John Gingrich, a publicity man, filled a waste basket with water and heaved it toward the flames. The effort was futile. When Gingrich tried to telephone the Fire Department, he discovered all the lines had been severed by the fire near the switchboard. The typewriters and the other office machinery were melting also. Gingrich lunged towards the elevators just as a young lawyer from the thirty-first floor was descending. The lawyer had seen smoke rising through the building and tried to escape down the fire stairs. "The stairs were useless, full of smoke," he said. Instead he used the elevator, meeting Gingrich on the twentieth floor. Gingrich stumbled onto the elevator and the men held the door open for any other fleeing workers. When none came, they descended to call the firemen. (New York Times, 27 January 1972)

The Fire Department received the alarm only at 9:44 A.M. The first piece of equipment arrived sixteen minutes later.

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On the twentieth floor, those remaining behind retreated into the inner rooms. Many smashed the dense tinted windows by throwing heavy objects against them. Police and firemen later said this probably saved their lives. Through the broken windows the people screamed for help.

Iris Kones, twenty-seven; Myra Armstrong, forty; and Virginia Proodian, fifty three, escaped into one of the inner rooms and closed the door. Virginia Proodian tried to break open a window but without success. Black smoke flowed unceasingly into the room; the thick noxious black gas covered the ceiling and filled the room. "We were scared stiff," Myra Armstrong recalled. "Smoke was coming in the ventilators. We put ourselves down on the floor and covered our faces. I burst into tears. Virginia said, 'It's alright. Somebody will come for us.' Iris was real frightened. I can't remember what she said but she was absolutely still after awhile. I could hear the firemen hammering to get in to us before I went out completely." When the firemen battled their way into the room, they found all three women lying on the floor. The firemen gave them oxygen. Armstrong and Proodian revived. Iris Kones was already dead.

Hurok himself was taken to Polyclinic Hospital where he was treated for smoke inhalation. "I could be better, but I'm alive," he said. "I think if the firemen had

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arrived five or ten minutes later, I wouldn't be here. (New York Times, 28 January 1972) Twelve other employees also suffered smoke inhalation and were taken to various hospitals. Among them, two received first and second degree burns on the shoulder.

A reporter for UPI telephoned Kahane in Jerusalem. Since the anonymous caller said 'never again,' the reporter asked the JDL leader whether Hurok was the work of the League. "It isn't the first time our slogan has been used," he replied. "I know our group wouldn't do this. I think the people that did this are insane. What else can I say?" (New York Times, 27 January 1972)

The five JDLers who drove to Manhattan that morning did not immediately learn of the death. After calling the news agencies about the smoke bombs, Davis went to Zweibon's midtown office. Zweibon was late and Davis waited for him. When he did arrive, Davis recalls discussing with him a problem JDL was having with their postal delivery. The conversation was disrupted by a telephone call. A reporter wanted to know if JDL took credit for the firebombing. "Did you know someone was killed at Hurok?" the reporter asked. Zweibon was stunned. "Someone was killed at Hurok!" he repeated, enabling Davis to hear the question also.

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Zweibon denied any JDL complicity. Indeed he had nothing to do with any of the planning for the smoke bombs nor was he informed about it in advance. "Irrespective of the JDL's feeling on cultural exchanges with the Soviet Union," Zweibon told the reporter, "we deplore an attack of this nature upon an American organization. We are aware of the ease with which phone calls are made and that suspicion can be cast by the use of this or that organization's motto or phrase. In the Communist world the use of provacateurs is common practice to discredit an organization . . . in this case, JDL." (Jewish Week, 3 February 1972)

"'Never again' -- we don't own those words exclusively. It could have been anyone. If someone commits a crime and says 'God Bless America' do you automatically question President Nixon? It's just a phrase. But we are not going to stop using that motto because of the acts of some insane people. It's hard when you leave your usual anonymity to represent a cause. You leave yourself open to smear attacks like today's. [In the past] even if we weren't responsible for some . . . incidents, we applauded them. Do you know what applause means? It means we draw fire from the police, the media, Washington. And with that attention we can talk about what's happening to Soviet Jews. But there's no applause for this incident

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because it's a contemptible act. If you attack Soviets, you can explain this to Americans; they can understand it. This act though, is so out of context with our aims -- how could you explain it to anyone?" (New York Post, 27 January 1972)

Indeed no one could justify the tragedy. Officiating at Iris Kone's funeral -- she was an active member at Temple Beth El in Cedarhurst, Long Island -- Rabbi Harold Saperstein, president of the New York Board of Rabbis, said her death "is the bitter fruit of the climate of violence. . . ." (Jewish Week, 3 February 1972)

In Florida, Mayor Lindsay condemned the attack while campaigning for the Democratic presidential primary. New York's Police Commissioner Murphy, along similar lines told newsmen that because of JDL's violent rhetoric, they "must accept responsibility when violence occurs," even if they weren't themselves involved. The harshest of critics, for example, point to Kahane's own assertion, written fifteen months before: "the words of the great Israeli poet Slonsky . . . remain with us: 'One does not conquer the mountain top unless there is a grave on the slope. . . .'" (Jewish Press, 9 October 1970) (At the time Kahane wrote it, he meant the self sacrifice of JDLers -- not others.)

Although Zweibon did not publicly voice any apprehension that JDL caused Iris Kone's death, privately

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he feared the worst. "It looks like we have a murder trial on our hands," he later told Robert Persky, JDL's general counsel. In any case, one of Zweibon's first actions that day was to cancel a JDL demonstration against the Osipov Balalaika Orchestra scheduled for later that week.

However, in the panic and confusion that arose after the death, no one that evening remembered to call off a demonstration in Torrington, Connecticut, where the Osipov was performing. A group from New York left and picketed in front of the Warner Theater prior to the performance. During the concert, a number of JDLers inside the theater uncapped ammonia bottles and rolled them down the aisles. To add to JDL's troubles, a middle aged woman claimed she suffered a miscarriage and filed suit against a few JDLers. Police arrested seven people, among them: Herman Erdan, nineteen; Irving Shurnik, twenty-four; Chaim Gewirtz, nineteen; all of Brooklyn, and Michael Brown, twenty-one; of White Plains. (Brown, it later turned out, was another undercover New York City Policeman.) The other three arrested were girls and for some reason, the police did not release their names.

New York City police immediately suspected JDL to be responsible for the death -- or murder, as Police Commissioner Murphy put it -- of Iris Kones. Chief of

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Detectives Seedman spoke about the cause of her death. "If the people on the twentieth floor . . . [would have been] able to get to an outside room, break a window and admit oxygen, there would have been no death. Nobody was burned to death. Lack of oxygen caused death and injuries." (New York Times, 27 January 1972) Seedman told reporters that based upon descriptions provided by witnesses, police were looking for two teenaged youths who had visited Hurok moments before the fire. However, Seedman incorrectly believed that the pair who entered Columbia Artists, where damage was estimated at $50,000, were men in their thirties.

FBI agents attempted to interview all the active League participants. The day after the bombing, agents knocked on Renee Brown's door and asked to speak to her. She refused."Listen," they said, "we're trying to help you. Whoever was at Hurok might try and harm you also. You never know. Try and help us." Nonetheless Brown didn't let them in. Others, however, allowed themselves to be interviewed by the agents. The information they gave wasn't helpful.

At the same time, experts from the police department's bomb squad, in their search for leads, were carefully examining several barrels of water-sodden material. They met with little success for even after the tedious examination, they had not learned what the incendiary device had been made from.

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In the glare of the investigation, members of the League were not sure how to act. Zweibon ordered everyone not to talk to the press. Borrowing from Joseph Colombo's tactics, thirteen JDLers, picketed police headquarters accusing the Police Commissioner of harassment and anti-Semitism. JDL "will not tolerate another Hitler in New York," read one of the leaflets. Similarly, Lawrence Fine, told newsmen that he had given detectives photographs of two men who resembled the suspects in the police sketches. The photographs, Fine explained, were taken by League members of people who counter demonstrated at JDL rallies. Chief Seedman said it was "a little far fetched" that the people in the photographs were responsible, but the police would check anyway. (New York Times, 12 February 1972)

Iris Kones's death stunned almost everyone in the League. Those who were involved in the crime, fearing recognition by witnesses, stayed away from JDL activities. Others were demoralized. The bombings were difficult for some JDLers to accept, but murder was inconceivable. People left the League in droves and the 'hard core' either dropped out, or shifted direction, devoting their energies to self preservation. Avoiding arrest became even more important than attacking Russians. The strident tone of the League was gone.

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A few, however, perhaps no more than four or five in number began attacking Nazis. These JDLers were not involved in Hurok, nor were they aware of the identities of those who were. Unburdened by feelings of guilt over Hurok, they planned to bomb the homes of American Nazi party members.

Their first bombs were thrown in the midst of the police investigation of Hurok, after members of the National Socialist White People's Party had attended a board meeting of the Bay Shore Public Library demanding the library stock two racist books. Jean Charlebois was among those who attended. A fifty-five year old Canadian, his home was the party's mailing address. Twenty year old David Kerr, a sophmore at Hofstra University and a spokesman for the Nazis, was also there. Their presence, complete with swastika armbands, at the library meeting was widely publicized. A few weeks later Kerr aroused further indignation, when he hung a large Nazi flag from his Hofstra dormitory window.

A loud thump early one February morning, awoke Charlebois at his home in Bay Shore. Someone had thrown a molotov cocktail attached to a pipe filled with gunpowder. Looking out the window, Charlebois saw the shrubbery bordering his house on fire. The bomb had hit the side of his home but had failed to go off. The gasoline in the molotov cocktail, however, had ignited

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the bushes. "Assault Team B of the Jewish Resistance Squad just bombed the home of a National Renaissance Party member," a JDLer announced over the phone to a news radio station in Manhattan. (Newsday, 29 February 1972)

At about the same time, at one in the morning, the home of Kerr's parents in Fanwood, New Jersey was attacked. The bomb went through the dining room window, setting a rug on fire, but there too the bomb failed to go off.

Tragedy was again barely averted two weeks later, when the JDLers attacked the wrong house. The target for their third attack was Mrs. Hermine Braunsteiner Ryan, a former guard at the Majdanek and Ravensbrueck concentration camps. In 1949, she was convicted for Nazi war crimes by an Austrian court and sentenced to three years in jail. After her release she met Russell Ryan, an American, who was then vacationing in Austria. They married and by way of Canada she emigrated to the United States. The couple settled in Queens where in 1963 she was granted American citizenship. Although the Justice Department had learned of her past in 1964, little had been done to deport her until 1971 when the United States Immigration and Naturalization Service began a long series of hearings to revoke her American citizenship and expel her on the grounds that she had concealed her wartime atrocities when applying. West Germany had requested her extradition,

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charging her with the "mass shootings, gassings, hangings, fatal whippings and deadly injections" of over 1,000 Jews when she was a twenty-three year old supervisor at Majdanek in Lublin, Poland. (New York Times, 1 November 1976)

Meanwhile the "Jewish Resistance Squad" decided to bomb her house, a tan shingled one story home at 52-11 72nd Street in Maspeth, Queens. At 1:35 in the morning of March 11th, the JDLers set out with their, by now, twice failed bomb; a molotov cocktail attached to a pipe.

These League members were as inept in their sense of direction as they were in constructing bombs. Instead of going to 52-11 72nd Street, they turned down the wrong block and went to 52-11 79th Street. The two story house was owned by a twenty-eight year old couple, Linda and Robert Ambrose. Their two older children were asleep, but their three month old son was ill and the couple was tending him. Upstairs, their tenant, a crippled woman in her seventies was also asleep.

Ambrose had just filled a jug with water intending to fill the infant's steam vaporizer, when the JDLer lobbed the bomb through the living room window. Minutes later, the New York Daily News received a telephone call informing them that the "Jewish resistance Squad" had just bombed Braunsteiner Ryan's house. (12 March 1972)

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The blast threw the TV set a few feet, ripped a large hole in the living room floor (ruining a new carpet), damaged the ceiling, and started a small fire. Fortunately, the bomb had little explosive power and no one was wounded or killed. The ineptitude of the JDLers saved them from a tragedy that could have been even worse than the single death at Hurok. After the trauma of the bombing, Linda Ambrose bundled up her sick infant and together with her two older children, left to spend the night at her parents' residence. Ambrose himself stayed at their bombed home which did not suffer extensive damage -- their loss was real though because the couple carried no insurance for home furnishings. As for Mrs. Ryan, her lawyer said, "She was shaken badly by it." (Daily News, 15 March 1972)

It was entirely by accident though, that two months later, Nassau County police apprehended four youths making pipe bombs. Late Tuesday night a woman called local police and told them there were "suspicious boys" prowling around the Lido Beach Jewish Center, a four-year old Orthodox synagogue. The woman, who did not leave her name, feared the boys intended to desecrate the building. Actually the four were JDLers seeking a safe, quiet place to construct a few bombs. Once inside the second floor washroom, they began making two eighteen inch pipe bombs.

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Patrolman Willaim Quinn responded to the woman's call. "At approximately 11:07," Quinn wrote in his police report, "I was patrolling in car 423 when I received a call by radio that there were boys in the vicinity of the Lido Jewish Center. I responded to the scene and made a spot check of the area. The premises appeared secure and I saw nothing unusual at that time." Quinn left the area.

The woman, however, called back. "I'm the same one who called before," she told the police. "I see a light inside this time. They're still there." Quinn, whose tour of duty was almost over, returned to his relieving point at Lido Boulevard and Blackheath Road when the second call came through. Quinn's relief, Patrolman William Woolsey, who was to take over at midnight, had arrived at the corner and together they went to the synagogue for what they thought was a possible burglary. When they got to the building, Quinn saw the second floor lights on. He parked the police car on a side road and he and his partner split up. Woolsey went to the back entrance. It was locked but, while there, he heard people scampering inside the building. Knowing that his partner had gone to the front door, Woolsey ran there fearing for Quinn's safety.

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Quinn also heard noises inside as he headed for the front door which wasn't locked. He entered taking out his flashlight in one hand and gripping his revolver in the other. As he climbed the stairs, two JDLers walked out of the toilet wearing green rubber gloves which they removed the moment they spotted him. Almost immediately, two others emerged through the same toilet door. Quinn ordered all four downstairs. Woolsey had entered by now and both policemen questioned the four. What were they doing there?

"We're cleaning up afer a meeting," David Levine answered.

"Which one of you is a member here?" Woolsey asked. None of them were, one of the four explained, but they had permission to be there.

"Why were you wearing gloves?"

"We're using strong soap for cleaning."

Woolsey left the four with Quinn and proceeded to inspect the upstairs rooms. A pipe, partially filled with powder, was in the toilet sink and next to it was a five pound can of Dupont gunpowder. On the floor leaning on the sink, was a compelted bomb. Two H-80 firecrackers and a fuse were on the windowsill. Matches, scissors, gloves, pliers and electrical tape were also lying around.

Woolsey flew downstairs, pulling out his gun. "Hands up, against the wall!" he commanded. "You're

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under arrest." Quinn looked at him askance, unsure of what had caused his partner's abrupt change; the four had insisted they were only cleaning up after a meeting. "They're making bombs," Woolsey exclaimed, replying to his partner's unstated question.

He searched them for weapons, removing the contents of their pockets and putting it all in a plastic bag. Later when police were looking through these possessions, they found a handwritten note giving directions to Kenilworth, the Russian Mission at Glen Cove, a sketch of a building and gate -- similar to the Glen Cove Mission -- marked with the rudimentary code words, "Kremlin," "boom" and "oh no"; and instructions to call the Daily News, Associated Press and United Press International.

Having only two handcuffs, Woolsey bound the four in pairs, instructing them not to communicate with each other. After calling police headquarters for assistance, he asked them what they were going to do with the bombs.

"What bombs?" they retorted.

"I sure hope you weren't going to blow up any station house."

"No, we're good Americans and would never blow up a station house," one replied.

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When other patrolmen came, Woolsey received attitional handcuffs and bound each prisoner separately. So that they wouldn't talk and collaborate on a cover story, each was put in a separate corner of the room. "Why didn't you make the bombs at home where you wouldn't get caught?" Woolsey asked as he handcuffed the last one. "Who would expect to get caught in a synagogue," the youth replied.

Quinn left to search David Levine's seven year old Chevrolet, which was parked next to the synagogue. Inside the car, he found a machete under the driver's seat. A knife and a six inch pipe were under the other seat, while a woman's wig was on the seat itself. In the trunk the policeman found a ski mask, nun-chucks, a large quantity of anti-Nazi literature, and green rubber gloves similar to those the four had worn inside.

The arrests of the JDLers (identified as Mark Binsky, a seventeen year old; David Levine, nineteen; both of Long Island, Ezra Gindi, sixteen; and Robert Fine, twenty-five -- the brother of Larry Fine, the League's executive director) greatly interested top Justice Department officials, particularly since President Nixon was in Moscow at the time. Equally significant, it was the first arrest on charges of bombing since the Hurok fire. Understandably therefore, Acting Attorney General Richard

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Kleindienst the following day in Washington, announced the apprehension of the four. Robert Morse, the Brooklyn United States Attorney said Kleindienst had taken a "personal interest in the case." The four JDLers were insignificant, however, and Kliendienst's interest in the case was premature and unwarranted. "It was very funny when you think how amateur we were," Levine later recalled. "We went about it in the most haphazardly way."

For Levine, it was the first serious brush with the law. As a sixteen year old boy interested in karate, he went to the League's first summer camp after reading about it in the Jewish Press. His first arrest was four months later when along with Kahane he took over Tass's office in Rockefeller Center. In March 1971, at their trial, the jury after a day and half of deliberations, announced that they were hopelessly deadlocked. Instead of dropping the case, the State, under heavy pressure to prosecute Kahane, decided to bring him to trial again. The second trial also ended in a hung jury. Finally, on March 6, 1972, after more than two years of court pressure, Kahane agreed to plead guilty to criminal mischief -- and Levine to criminal trespass -- if the State would drop the other charges. Levine was fined $200 which he thought the League would take care of. A month later,

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returning home from a weekend, he learned that a warrant had been issued for his arrest because the fine has not been paid. His mother had opened the paper that morning and was stunned to read the headline: "JDL Protestor Faces Arrest." (Newsday, 8 April 1972) Levine's father paid the fine a day later.

Levine's second publicized arrest occurred in August 1970 during the League's 100 Mile March, when a Philadelphia policeman mistakenly thought he was one of the four holding rifles. Levine scribbled a pseudonym, Samson Sampson, on a piece of paper as identification and throughout the trial he was known by that name. Although acquited in March 1971, it took the FBI months before they associated "Sampson" with Levine. "Efforts to observe the subject at his residence for the purpose of identifying him with 'Samson Sampson' met with negative results on May 13, 1971 and May 19, 1971," read an FBI memorandum. "On August 24, 1971," a note stated, "a Special Agent of the Federal Bureau of Investigation observed an individual answering the physcial description of and resembling the photograph of Samson Sampson, leaving [David Levine's] premises. . . ." Finally, in September 1971, after working on it for four months, the FBI formally noted that Sampson was another name for Levine.

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After the arrests at Lido Beach, Lieut. John McGowan, commanding officer of the Fourth Nassau Detective Squad, said that federal agents had sought the JDL'ers "for sometime in connection with other bombings in New York City." (New York Times, 25 May 1972) Newspapers (Newsday and Long Island Press, 25 May 1972) noted that the two bombs found in the synagogue were similar to a dud thrown the previous Saturday, through a window of the Long Island Association of Commerce. The Associated Press and Newsday had received calls afterwards saying the bombing was to protest American trade with Russia. Police also suspected that the four had been involved in a bombing the previous December when a crude bomb -- three aerosol containers ignited by a lit can of Sterno -- exploded on Fifth Avenue and 27th Street, in frontof a gift shop specializing in Russian goods. Five minutes after the explosion that Sunday evening, the "Jewish Armed Resistance" called the Associated Press and took responsibility for the action.

Two weeks after the Lido Beach arrests a number of people were subpoenaed to testify before a federal grand jury investigating the Hurok death, and by the selection of those subpoenaed, it was obvious the government had learned a lot about the Hurok fire. Barry Slotnick, who began taking an interest in the legal

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affairs of the JDLers ever since he represented Kahane in the gun smuggling case, called the Jewish Telegraphic Agency and informed them that two males and one female -- whom he declined to identify -- had been called to testify June 30th, in Federal Court. Before that, however, authorities on June 16th, arrested three other people. Stuart Cohen, Sheldon Davis, and Sheldon Seigel were brought to the District Attorney's office and charged with the death of Iris Kones. Jeffrey Smilow was also arrested, but he was only linked to the Columbia Artists fire.

After being charged with second degree arson -- a state offense -- he was realeased on $3,500 bail. But the federal charges against the other three were noteworthy. Murder trials were usually the domain of state courts but the federal government interceded in this case, however, and charged them with: damaging and destroying offices "used in activities affecting interstate and foreign commerce" and for possessing an unregistered "firearm, to wit . . . an incendiary bomb."

Hearing of the arrests, Kahane in a visit to New York rented the Lincoln Room of the Belmont Plaza Hotel and before assembled journalists charged that President Nixon, "after his triumphant return from Moscow, was trying to get rid of the JDL." The Hurok bombing was an insane

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act, Kahane repeated, but those "nice Jewish boys" arrested were "absolutely innocent," and were detained "because they were JDL leaders and for no other reason." Kahane called on Jewish organizations to raise money for the JDLers bail, just as the organizations had raised bail for "the Berrigans and Angela Davis. Join us and contact us and we'll hit the Russians harder. We want to make life miserable for the Russians and break the detente until all Russian Jews are freed -- not most of them." (New York Times, Long Island Press, 17 June 1972)

The government gave the League very little opportunity to "hit the Russians" for a most troubling revelation demanded their attention when they learned of the complaint signed by an FBI agent. The complaint, which listed the charges against the JDLers and the reasons for them, was necessary for the issuance of arrest warrants and in this complaint, Special Agent Robert Nixon wrote that the Hurok charges were based upon "information received from a reliable informant."

> Said informant has on at least three prior occasions provided the Government with information which was subsequently found to be wholly accurate. . . . Said informant states that he was present at meetings with the defendants . . . on January 25, 1972, during which the defendants planned the bombings and constructed the incendiary devices which were planted and exploded at the said offices on the following day.

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This complaint became known after the arrests. Its implications were stupefying. There was a traitor in their midst and the League for all purposes, was paralyzed. First, they were without effective leadership because Kahane had returned to Israel where he was setting up a summer program for Americans. Zweibon was in charge in Kahane's absence, but because of his law practice, the amount of time he could give to running the League was limited. Furthermore, the Hurok arrests forced him to devote all his energy to their legal affairs and no one was around to lead the League's street demonstrations. Second, with knowledge of an informant in their midst, no one could be trusted. The Hurok smoke bomb wasn't meant to cause bodily injury and as a result, its planning wasn't done in absolute secrecy. Many in fact, knew of the Hurok plans. Now all of them were suspects. One couldn't plan an anti-Russian activity while fearing betrayal. Third, some of the most dedicated people fled to Israel to escape unwanted subpoenaes or arrest. Jerome Zeller went to Israel soon after Iris Kones's death. Now with the upcoming grand jury investigation, some of those called to testify also fled to Israel. In this respect, Kahane's summer program was a convenient excuse. Those who feared being called to testify speeded up their departure from the country.

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In New York meanwhile, the Hurok suspects, after being imprisoned for a few days, were released on $25,000 bail each. Everyone's efforts though, concentrated upon finding the informant. Neil Rothenberg became a possible suspect. Although he was the international coordinator of the League's youth movement, the twenty-one year old had never been arrested for any federal offense. What puzzled many was their knowledge that he was present when at the end of the 1970 summer camp, Stuie Cohen detonated the experimental bomb. Rothenberg had even taken a piece of the bomb home with him as a souvenir. Yet among all those present, only Rothenberg was never charged with a bomb conspiracy. The only way he could have avoided arrest, other JDLers thought, was if he was cooperating with the police.

Larry Fine, the executive director, also was suspect. His brother, Robert was among those arrested at the Lido Beach synagogue and rumor had it that Larry was attempting to help his brother by giving information to the police. A number of people decided to put Fine to a test. They incorrectly "confided" to him that Kahane had ordered Neil Rothenberg's interrogation and that during the questioning, Rothenberg had been severly beaten and had died from one of the blows. They wanted Fine to assist them in burying Rothernberg. Of course this was all

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false but they figured that if Fine was the informant, he would tell the police about Rothenberg's death. Kahane, who was going to Israel the following day, would be barred from leaving the country and those who supposedly helped bury Rothernberg would be picked up for questioning.

Late that evening, Gary Shlian and a few others, using Meir Kahane's car to further implicate him in the plot, took what purportedly was Rothernberg's body and drove to a desolate spot in New Jersey. They met Fine at a prearranged location and giving him a shotgun, assigned him the task of guarding the road while they went to bury the body. Shlian and his assistants returned all muddied as if they had been digging a grave.

Nothing developed and since the police never barred Kahane's departure and no one was called in for questioning, the JDLers revealed to Fine their attempted entrapment of him. Afterwards he was viewed with less suspicion.

Circumstantial evidence strongly implicated Richard Huss. Of the five who went to Hurok that January 26th morning, Huss was the only one in New York not arrested. Seigel, Davis and Smilow were apprehended and Zeller had fled to Israel. Only Huss was free.

That summer, sixteen year old Huss worked as a stage hand in a dinner theater -- Caesar's Monticello

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Diner and Motel -- in Framingham, Massachusetts. One day in July, Neil Rothenberg, Larry Amsel and Gene Kleinhandler visited him. Huss met them in the parking lot. "You know the police have let it be known that there is an informer in JDL," Rothenberg began. "People are looking for you because they think you're the one. If they find out you're the informer, you won't be around for long."

Huss insisted he was not the informer. "Be careful," Rothenberg said trying to intimidate Huss further. "If you hear anything or see any of these people, call me immediately. Don't come back to New York until you check with me."

"I wouldn't want to get caught in the same room with these people," Larry Amsel warned.

At another point in the summer, Robert Fine approached Huss. "I sure hope you aren't the informer. You know you have a family," Fine said pausing significantly, "and for your sake I sure hope you're not the one." Huss was petrified. Much later he confided to his uncle that he constantly looked behind him throughout those summer months.

Robert Persky, the League's twenty-six year old general counselor, also met with Huss. "Word is out you're the informer," Persky said. "If you are, they'll

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kill you." Huss's eyes widened in disbelief and incredulity, Persky recalls.

"Bob, I swear to you, I've never informed on anyone," Huss replied.

"His reaction seemed genuine," Persky later said. "I believed him."

The identity of the informer was still a mystery when opening hearings began towards the end of the summer. Anticipating the difficulty of the federal case -- and since a death occurred it was a murder trial -- Martin Elefant, co-counsel for Stuart Cohen, sought to obtain the help of as many good attorneys as he could. The trial was a very serious one, for if found guilty, the defendants conceivably faced the death penalty; capital punishment was still in effect.

Elefant decided to call his boyhood friend, Alan Dershowitz who taught at Harvard Law School. They had known each other for many years having lived next door to each other while growing up in Borough Park. Both had gone to law school, but Dershowitz, an exceptionally talented man, distinguished himself, and clerked for Supreme Court Justice Arthur Goldberg. Now an experienced lawyer, Professor Dershowitz had a national reputation; his articles appeared in the country's leading magazines and scholarly journals.

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"Would you consider representing Sheldon Seigel in the Hurok trial?" Elefant asked after finally reaching Dershowitz who was vacationing in the Grand Tetons of Wyoming. "We can't get many very good lawyers to represent these kids." Dershowitz remembered Seigel as a kid seven or eight years younger than he, who also lived in Borough Park. Dershowitz's younger brother had been Seigel's camp counselor. In fact, Seigel's family attended the same synagogue as did Dershowitz's.

While on the national board of the American Civil Libertarians Union, Dershowitz had defended many leftists; he had been very active in the Chicago Seven conspiracy trial, while at the same time representing William Kunstler in the case; he had also been one of the advisers for the Angela Davis case. "By then I was really very happy to go and defend someone on the right." Dershowitz later recalled. "[M]any civil libertarians were beginning to forget their mission as neutral defenders of civil liberties . . . [and] were beginning to emerge . . . as the institutional defenders of left wing causes." (Dershowitz, 1976)

"My great disappointment was that other lawyers wouldn't take a role on a case as important and as potentially devastating for these kids as this one." "I tried to persuade several lawyers -- Jews and non

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Jews, civil libertarians and conventional criminal lawyers -- to take the case. None would agree to represent members of the unpopular Jewish Defense League." (Dershowitz, 1976)

And so on July 25, 1972 Dershowitz took on Seigel's case. "I had been called earlier on a JDL case," Dershowitz explained, "but at that time they had Nat Lewin representing them and anybody who has Nat Lewin, dowsn't need anybody else. But Nat wasn't involved in this case, so I thought they did need some more academically inclined lawyer to be involved with them."

Hearings started on September 8th in front of Judge Arnold Bauman. Dershowitz was lead counsel and he began the case as a regular murder trial. Dershowitz too, strongly suspected an informant, and among his early motions, he requested the government to "take adequate steps to make sure that if there is an informant, he is in no way participating in any legal consultations and informing the government about any legal proceedings that are going on in this case." Later that month, after completing much of the preparation for the trial, Dershowitz learned the stunning news: the informant was none other than his own client, Sheldon Seigel.

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CHAPTER XI

THE TRAITOR WITHIN

Seigel's transformation into an informant had started more than a year before with the Amtorg bombing. Two bombs had been placed: the nineteenth floor one had gone off but in the process, it had neutralized the bomb on the floor above. The intact bomb, although it yielded no fingerprints, nonetheless provided the police with their first solid clues. By examining the bomb and tracing its various components, police hoped to locate the stores where the parts had been sold.

The Amtorg investigation also served as one of the first tests of the newly formed Arson and Explosives Squad. Before then, members of the bomb squad defused explosive devices but finding out who placed the bomb was the job of local precinct detectives. This procedure was cumbersome because if a person left bombs in a number of places, various precincts would be looking for the same bomber.

A reorganization changed all that. The bomb squad remained. Essentially skilled technicians, they were needed to dismantle the explosives and as in the past,

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they undertook no investigative role. However, the newly formed Arson & Explosives Squad, whose staff was selected by Chief of Detectives Seedman, would overcome the needless duplication by coordinating bomb investigations throughout the city.

Seedman picked Joe Gibney and Santo Parola, two veteran detectives and put them in charge of the JDL bombings. They began searching for the stores where the parts were bought. The vinyl brief case which concealed the bomb proved disappointing. No one could identify the manufacturer. Police examined the bomb's 1.3 volt battery. Union Carbide, its manufacturer traced the shipment to a New York distributor, but it was impossible to trace from there. Gibney and Parola, however, were more successful with the white enamel timer. The word 'micronta' was stamped onto it. Made in Connecticut, it was sold exclusively by Radio Shack, a nationwide chain of stores.

The detectives began tracing the timers. They knew Stuie Cohen and Eli Schwartz were involved having learned that from Rosenthal's reports. As will be recalled, Rosenthal had been at Garfinkle's apartment right around the time of the bomb's construction. He had even taken a piece of wire for evidence. Gibney and Parola consequently went to the most likely Radio Shack stores:

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those near Flushing where Cohen lived and the one in Borough Park, the neighborhood most concentrated with JDLers and the home of Eileen Garfinkle and Eli Schwartz. At the Queen's Radio Shack they began examining all the sales receipts recording micronta timers. Sure enough they found one such slip listing six timers sold three weeks before the Amtorg bombing to a 'Father Monoghan' at a Harlem address. Those JDLers with their weird sense of humor Parola thought to himself. Nevertheless the detectives routinely checked out the address. Oddly enough it turned out to be real. They learned the timers were bought to be given away as prizes at the church's Friday night bingo games.

Their search at the Borough Park store, however, bore fruit. Sorting through the slips, they found one from April 10th, recording the sale of copper wire and two micronta timers to "Harry Feldman" of 6136 Eighth Avenue. As expected, no such Feldman existed. Who was Feldman? Seedman left this question for his two detectives to solve, as he himself went vacationing to Israel, with his second wife, whose brother was in that country's airforce.

Parola didn't know who Feldman was but he requested the stores manager, a Mr. Paskuhn, to notify him immediately if Feldman came back to purchase material.

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On June 3, 1971, Parola's work paid off. That Thursday afternoon Seigel drove over with Israel (Izzy) Danziger to Radio Shack's store on 13th Avenue. Danziger waited in the car while Seigel went in and bought some wire and a box of twenty four batteries. Again he gave his name as Harry Feldman, this time of 482 43rd Street. With the batteries in hand, Seigel walked back to the car. Paskuhn unobtrusively followed him and after observing him getting into the yellow Volvo, marked down the car's license plates and called Parola. Police records indicated the car was registered to Seigel's brother but Parola knew Seigel actually owned it. Plainclothes detectives were immediately assigned to follow Seigel, Irving Calderone, Garfinkle and other suspected people. Parola himself rushed over to the Radio Shack store with pictures of known JDLers and asked Paskuhn if any of those pictures resembed the two in the car. Although not positive, Paskuhn thought Danziger's picture bore a resemblance to the one waiting in the car. "If I see him in person," Paskuhn said, "I'll know him."*

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*All conversations involving either Santo Parola or Sheldon Seigel are based upon the trial transcript of USA v. Stuart Cohen et al., 72 CR 715 & 778.

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Detectives began following Seigel. Early the next morning, Seigel drove down his block headed for the League's Borough Park Office. When he got to the corner, he spotted Eli Schwartz working on his car. "Do you need any help?" Seigel asked. He got out and started taling to Schwartz.

"Hey look across the street," Schwartz said. "Do you see those two guys in that blue Plymouth? They're watching us, but I don't know if they're tailing you or me. Let's find out. I'll get into my car, you into yours and we'll drive in opposite directions. That way, we'll see who they follow."

At the corner, Seigel and Schwartz parted, driving up different streets. The unmarked Plymouth followed Seigel. Detective Jeremiah Howard was driving the four year old Plymouth. He and his partner, Andrew Gutierrez, were from the Safe, Loft & Truck Squad whose main function was trailing truck hijackers and safe burglars. Backing them up were two more detectives in a second unmarked car, a five year old red Chevrolet. Seigel drove in circles. The detectives followed him by driving down parallel streets, one or two blocks away. Eventually, Seigel ended up going into the JDL office. Detective Gutierrez got out of the car and waited for Seigel to come out.

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Seigel told some JDLers about the detectives trailing him. In fact, Seigel said, one of the detectives was out there at that very moment waiting for him to come out. For fun, a few JDLers left the building and started trailing the detective. Inside meanwhile, Seigel telephoned Izzy Danziger and asked him if he wanted to go for a ride. When he agreed, Seigel arranged to pick him up at 54th Street and 14th Avenue, the heart of Borough Park. "We drove around for awhile," Seigel later testified, "just getting in out of the car . . . to see whether they were following us. They were within a block or two. If we got out of the car, they got out of their car." After awhile, becoming bored with their game, they decided to go to Manhattan. Seigel wanted to apply for a passport and he figured he might as well hand in his application that day.

Howard followed them as they drove across the Brooklyn Bridge and proceeded up the East River Drive. At 42nd Street, Seigel exited. Traffic was very heavy. At Third Avenue, the cars hardly moved at all. The detectives watched the traffic lights change colors a few times but the cars hardly inched forward. Using this opportunity, Howard got out of the car. Gutierrez took over the wheel as his partner, dressed as a construction worker wearing a hard hat, high shoes,

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dungarees and a sweatshirt, walked over to Seigel's car. The JDLers didn't pay much attention to the construction worker, and Howard was able to walk around the Volvo without raising too much suspicion. He first walked alongside the driver's side where Seigel sat, passed around the front and then alongside the passenger's seat where he thought he saw Danziger working with black powder. "That son of a bitch is working on a bomb right now," Howard told Gutierrez as he got back into the car. They followed Seigel to Rockefeller Center where, shortly after the lunch hour, the JDLers attempted to park in a garage. It was full and Seigel backed the car out and headed for another parking place. The detectives followed him to Radio City Garage on 49th Street. Seigel got out, put some items in the trunk of the car and then he and Danziger left for the passport office all the while trailed by a number of detectives. Gutierrez went to the garage's cashier and asked for the manager. Jack Geha, the thirty-four year old manager was standing nearby. "What can I do for you?" Geha said turning around to face the detective. Gutierrez showed him his shield.

"What's the problem?"

"A car license plate VY5462 just came in."

"Twenty cars came in. Which car in particular?"

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"A yellow Volvo." One of the attendants said he had parked it on the second floor. "We were following the car all day. There are bombs inside the Volvo and we want to look at it."

Geha took the detectives up in the elevator. When they got to the car, Howard and Gutierrez searched it. "Mace," said one finding a can of tear gas. Howard then told Geha not to park any more cars on the second floor. The detectives went downstairs and called their superior. Arson squad plainclosthesmen came down to the garage and lounged around outside the building, waiting for Danziger and Seigel to return. In the interim the four Safe, Loft & Truck Squad detectives took off their hard hats and sweat shirts and donned parking attendant uniforms. The instructed Geha to personally drive the car down when Seigel returned and to park the car facing the wall, so it couldn't be driven straight off. Geha suggested that he'd even do one better and drop the keys on the floor slowing Seigel down if he wanted to escape.

Towards the start of the evening rush hour, Seigel and Danziger returned. Seigel went over with his parking stub receipt and paid the attendant in the booth. About fifteen other people were waiting for their cars also. The employee looked on the bulletin board, then turned to the manager and said, "You have the keys to this car."

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Geha took the car down in the elevator. Howard, who had been guarding the car while it was on the second floor, accompanied Geha down in the elevator. The manager did as instructed, driving the car towards the wall and dropping the keys. Seigel picked up the keys. He was carrying an empty binocular case, having forgotten to put it away before he parked the car; he headed towards the trunk to finally put it away.

With guns drawn, Howard and Gutierrez rushed Seigel and Danziger and pushed them against the car. The plainsclothesmen waiting outside drew their guns and rushed inside. Some of the customers thought they were about to be robbed. "Police, Police," the plainsclothesmen screamed. "Don't get nervous."

Seigel and Danziger were handcuffed and told to face the wall without looking back. The police took the trunk key -- Seigel had given the manager only the ignition key -- and they searched the car again. After a few minutes, the two were put in back of Seigel's car and were driven to a local precinct where police announced that they had found in the car two bombs -- one a small fused film canister filled with gunpowder and the other, a cardboard toilet paper tube filled with gunpowder and "spiked" with thumb tacks taped together. Wire, mace, several pieces

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of plastic, work gloves, ten empty alarm clock boxes and a list of necessary material for making bombs were also found. (The alarm clocks, Seigel later testified, were to be used for making timing devices for bombs.) In addition, Detective Howard said, "when Mr. Seigel was arrested he had a camera. The film was taken from his camera and developed. It showed two pictures of my partner in front of the JDL headquarters in Brooklyn." (USA v. Cohen, 72 CR 715 & 778)

Harvey Michelman, one of the lawyers volunteering to defend the JDL, was at home when he heard of Seigel's arrest. "There was going to be a party in my house that evening. I was in dungarees and a work shirt. I called the 18th precinct immediately to confirm that they were holding my clients. I told them I didn't want Seigel questioned or anything like that and to please hold my client until I got there. It was a very warm night because I had the top down of my new Mustang convertible. When I got to the precinct, the TV cameras were already running and they had handcuffed these two boys and were pushing them into vheicles and taking them away. At that juncture I went to see the commanding officer who told me he had no power over the case. 'If this was a murder case,' I said to him, 'you'd have given me a greater deal of courtesy' and he said 'well it's out of my hands.' I asked him what he meant by that but he refused to tell me.

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I was then interviewed by Channel 5 and I told them I felt these boys were being maltreated and kidnapped."

Michelman had become a very strong supporter of JDL. "My feeling on constitutionality prohibited me from using force to achieve my goals except for self defense. That's the way I believe. But in order to put my money where my mouth was, I volunteered two and a half years of my time intermittently to defend these young people. I had been brought up in Borough Park. It was a mixed Jewish-Italian area and we used to get into fights along those lines. Unfortunately, my introductions to rabbis was not a favorable one -- the old orthodox rabbis who used to rap you on the knuckles with rulers and seemed totally immersed in their books with no practical touch with reality. I could never get into religion so to speak after that. But I went to a university in Richmond, Virginia and ran up against anti-Semitism in various ways. A friend of mine, Mel Horowitz, a scholarship football player, went to caddy on the golf course of a Virginia country club and they wouldn't allow him on the course because his name was Horowitz. A few years later I was watching television. I saw this rabbi telling the world to watch out because we Jews are no longer going to march into ovens. He said out loud that which I always believed so I felt compelled to do something.

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I met him one day quite by accident and I said to Kahane, 'If you need help rabbi, you can always call me 'cause I'm on your side.' I got a call shortly thereafter and I was in. I was their trouble shooter. I lived in Manhattan on the upper West Side. My office is here on 57th Street and Broadway and when somebody got busted in Manhattan I was generally the first one there."

Not surprisingly therefore, Michelman was the first lawyer to see Seigel shipped from precinct to precinct. Finally around midnight, Michelman got Seigel released on $10,000 bail.

Authorities didn't want Seigel, although free, to slip through their fingers. Until then, sophisticated police techniques hadn't worked. The FBI was terribly deficient in information on JDL; New York police weren't much better off: Rosenthal had surfaced and Eisner was suspect. As for the ATF, in some cases of radical bombings they had even resorted to such unconventional techniques as checking local "library records for the users of books on explosives" (Cowan, 1974:6) but in JDL's case, either it wasn't done, or else it proved ineffective. And so in the Amtorg investigation, authorities turned to the traditional technique of getting one of the insiders to talk. Detectives knew Seigel held the key to solving

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the Amtorg bombing and they were not about to let him go without inducing him to talk. Doing so would be a problem to be sure, but if handled correctly, using a mixture of threats and inducements, Seigel might begin collaborating.

A strategy to win his cooperation developed, although it was complicated because the offices of the city police, ATF and state and federal prosecutors all had to be harmonized. But authorities succeeded in coordinating them all. Their plan was to intimidate and overwhelm Seigel with all the evidence they had against him: the "bombs" found in his car and the "Feldman" sales slips. The evidence of course was flimsy and would hardly stand up in court, but they would never tell him that. Instead they'd threaten to 'throw the book at him' if he didn't cooperate. They'd also try to demoralize him, but threatening to confiscate his brand new Volvo, for although he was released on bail, his car had not been returned. If he collaborated, however, they'd return his car and provide him with immunity for his past crimes. Thus in essence, authorities realized that his arrest could be used as leverage against the League's small core of bombers.

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The importance of Seigel's detention was lost on the JDL attorneys both because Seigel was taciturn about his troubles and also because his arrest occurred the same day as the start of the 'JDL thirteen' pre-trial hearings. The very morning of Seigel's arrest for example, Michelman had been in Judge Weinstein's courtroom representing both Alex Sternberg and David Sommer. Occupied with the hearings in front of Weinstein, the League's attorneys had little time for such a minor arrest as Seigel's. Their lack of attention was fatal.

When Seigel returned after the weekend to retrieve his car, the plan was put into action. His car was parked across from the police station and he walked in and asked the desk sergeant for it. "He was about to release the car to me," Seigel said, "and give me the other half of the registration with the keys, when another officer said, 'You have to get a release from the District Attorney's office in charge of the case. So he made a few phone calls and he gave me the name of Melvin Glass, an assistant D.A. He said I should go see him." (USA v. Stuart Cohen et al., 72 CR 715 & 778, 5 February 1973: 234)

Complying with the policeman's advice, Seigel visited Glass and requested the release of his Volvo.

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"Well, there's no further need for your automobile. Here take these papers, fill them out and bring them back to the precinct." When Seigel returned to the precinct, however, his car was gone. It had been taken to the department's automobile pound in the Bronx. Travelling there, he walked into the office located near the entryway and gave them the papers. "Okay go find your car." Seigel looked around the entire lot without success. He returned to the office; a policeman looked up the files. "The car's not here. I don't know why, but it was released to the Treasury Department's Alcohol, Tobacco and Firearms Bureau."

Using the information given to him by those at the pound, Seigel arranged to meet with Michael LaPerch, coordinator of 'militant affairs' for ATF's New York region. LaPerch had been one of those involved in searching for Gilbert Laurie and he now planned to try his skill on Seigel.

"Yes we have your car. Right now it is the only car that we have confiscated. Truthfully, the odds are that you won't get it back and one of our agents will probably end up driving it. Your car certainly will make an excellent unmarked vehicle. However, you might get it back if you cooperate with us and give us information about future bombings or things like that.

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You know the Bureau pays for important information and it might even be worth $5,000 to you."

"I have no information about anything. I'm only interested in getting my car back."

"That's not very likely to happen," said an officer. "Getting your car back is not your only worry, you know. The Volvo is registered in your brother's name and very likely he may be arrested also because he's the official owner. Not only that, but your father helped pay for the car, and he might get into trouble too. So not only are you losing your car, you're also getting other members of your family into serious trouble."

When Seigel got up to leave, LaPerch walked out into the hall with him. "You remember that explosion in the Greenwich Village townhouse? A bunch of SDS radicals were making bombs there and the thing exploded in their faces. It's serious stuff. People get hurt and everything."

Becoming disillusioned with ATF, Seigel gave the papers for releasing his car to Bert Zweibon to handle. Zweibon forwarded them to another lawyer who wrote Seigel he was going to file them. Nothing happened.

In the interim, Seigel had to appear in court on the bomb possession charge. Seigel's case had been severed from Danziger's so that authorities could work on Seigel without others knowing. When Seigel came back to court a second time, his lawyer wasn't present and Seigel requested an adjournment. It was granted.

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With the lawyer absent, Mel Glass seized the opportunity to talk to Seigel and sent an assistant who approached the JDLer: "If you want to find out about getting your car back, go upstairs to Mel Glass's office."

Seigel did so. Sitting next to Glass was Sergeant George Howard, commanding officer of the Arson & Explosives Squad (not to be confused with Jeremiah Howard, Seigel's arresting officer.) With Seigel having experienced considerable frustration and anguish, Glass figured it was a 'propitious' moment for threats. "You know we can help you get your car back from the feds, that is if you cooperate with us. But it's to your advantage to help us for other reasons too. You see we had the crime lab analyse the red insulated copper wire found in your car. The laboratory reports unequivocally prove that they are the exact same wires as the ones used in the Amtorg bombings. They're from the same roll. We also know you're Feldman," Glass said, producing the sales slips from Radio Shack and showing it to Seigel for the first time. "The salesman can identify you."

If Seigel didn't cooperate, Glass said, he not only would face charges of having explosives in his car, but would also be charged with the Amtorg bombing, and at his trial, Glass would demand a long sentence since Seigel was a dangerous bomber. But if Seigel did cooperate,

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Glass wouldn't prosecute him on any of the charges and, in addition, would help get the car back.

Seigel was terribly frightened and through complete naivete regarding police tactics, didn't realize that the case Glass outlined was extremely weak. Burdened by an extremely guilty conscience, Seigel hardly appreciated the fact that if Glass's case was as strong as maintained, the assistant district attorney would not have asked for his cooperation but would have indicted him without the slightest hesitation.

Glass kept up the pressure by introducing Seigel to Sgt. Howard. "You know our case against you in that Russian bombing is airtight. See? We got all the phony names you gave on the sales slips. We got all the lab reports. Here's the list of stuff we got from searching your car -- two more bombs and the empty alarm clock boxes. Every judge knows alarm clocks make excellent bombing timers. There's no way you're going to get out of this one."

Glass called Santo (Sam) Parola, who was wearing tinted sun glasses, and his partner, Joe Gibney into the office. "Take your glasses off Sam" the prosecutor said, and turning to Seigel added, "Get a good look at him without his sunglasses. You will be seeing a lot of him in the future since he is the detective assigned to the Amtorg case."

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As they were leaving the meeting, Sam Parola came over to Seigel in the hallway and beckoned Seigel over to the men's room. "If you're worried about anything," Parola said in a reassuring voice, "cooperate with Mel Glass and he will help you out on anything you want to know. There is a good possibility that you could get immunity if you help us out on the case."

Seigel returned to court the following week. Again his attorney wasn't there, but the clerk told him "the D.A. in charge" had postponed the case. And as in the previous week, the assistant told Seigel to go upstairs. Howard, Parola and Gibney were already there. Glass initiated the conversation. "We're still investigating the Amtorg case, you know. Now if any future events that JDL is planning can be stopped, or if you give us information about any future events, we can get your car back and the case will be dropped."

Seigel finally yielded and in a vain attempt at extricating himself, told Glass that a bomb had been placed on the thirty-eight acre estate of the Soviet Mission at Glen Cove. Although he gave Glass the exact location, he didn't tell them that the bomb was a dud, having been there for more than a week without having gone off. Since no one was going to get caught if the dud was found, Seigel thought his disclosure was

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fairly innocuous; while not harming JDL, he was helping himself get the car back.

Hours later, instead of appreciating Seigel's help, Glass was furious at being deceived. Members of the bomb squad had gone to Glen Cove and had found nothing. Seigel drove out there alone and saw that the bomb hadn't been moved. The green paper that the bomb was wrapped in helped conceal it under the weeds, but the three packages of the device were still there, about forty five feet from the entrance. Seigel telephoned Glass and told him the bomb was under a patch of poison ivy. The police returned the following morning and finally ten days after it was placed, they found the device. But fearing it might be booby-trapped, they fluroscoped the device before disarming it.

From Glass, Parola learned that the JDLer's blustery silence had been broken, if only a bit. Keeping up the pressure, the detective telephoned right before Seigel left for a summer job at the Pioneer Country Club, a resort up in the Catskills. Again Parola asked for the JDLer's cooperation but Seigel was reluctant to talk. "We will probably see you up at the hotel," Parola said before ending the conversation.

Towards the end of July, Parola telephoned the Pioneer and spoke to Seigel. "Me and Joe Gibney are coming up to see you today. Is it safe to come to the hotel or will some of your friends spot us?"

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"No, don't come into the hotel. Somebody might see me talking to you. A lot of JDLers hang around here."

"Tell you what. When we get up to the mountains, we'll call you from nearby and arrange something."

At 5:00 P.M. Parola telephoned again. He was in Ellenville, ten miles away. "I can't see you yet," Seigel said. "I get out of work at 5:30. I'll walk down the road and meet you at 6:00." To pass the time, Parola and Gibney drove slowly down the country road. When they arrived near the Pioneer, they spotted the lanky six foot three figure of Seigel waiting, as prearranged, along the side of the road. Seigel quickly got in and the detectives, not wanting to risk being seen with Seigel, hurriedly sped away. They cruised around, ending up in Greenfield Park, a fifteeen minute drive from the Pioneer and by coincidence, a few miles down the road from JDL's camp. There, the detectives began reviewing all the evidence they had against him; the Radio Shack bills for the micronta timers and the similarity between the wires in the Amtorg bomb with those found in his car. Again they asked for his help in the Amtorg investigation and they repeated their promise of immunity. Seigel was suspicious.

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"He just sort of looked at us in amazement," Parola later testified, "and he said, 'How can I believe this is true? I don't believe [any] of your guys. They took my car -- they didn't want to give it back to me. How do I know I can trust you guys?'" Glass had promised to get Seigel's car back if he gave information, yet even after he told them about the Glen Cove bomb, his car was still in police hands. "You keep on asking me about Amtorg, yet what can you guys do for me?" Seigel demanded.

The conversation was going nowhere and Parola headed back to the Pioneer, realizing they would get no information while Seigel remained without his car. As Seigel was about to get out of the car, Parola told him, "Mel Glass wants to cooperate with you -- you cooperate with us. You can get your car back and your case will be dropped."

"Why doesn't he give me my car back already? He has no reason to hold it," Seigel said slamming the car door and walking away.

The two detectives pulled up alongside of him. "We will get your car back for you," Parola said before driving away.

Parola telephoned ten days later. "Come to the city Monday and bring your brother, Irwin, since he is the registered owner of the car. Meet us at the 6th precinct

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station house and we will go and get your car back."

When Seigel met his brother and Parola in front of the station house, the detective said, "We have to go to the Treasury Department and get a release from Mike LaPerch." The three drove in Irwin Seigel's car to ATF headquarters. LaPerch was there. So was Joe O'Dowd, a marshall from the Fire Department, on loan to the Arson & Explosion Squad. O'Dowd called Seigel aside and asked him for information.

"You don't have to make any promises now," Parola said defending Seigel. "We are giving you your car back because we want to." It was a classic ploy. Alternating threats with sympathy, police often took a good guy/bad guy approach to cajole suspects into revealing incriminating information. Parola excelled in his sympathetic role.

"We are not giving you your car back -- we expect some cooperation from you," La Perch said sharply. Nevertheless, LaPerch signed the papers releasing the car. When Seigel left LaPerch, he found Parola outside the room trying to get his brother, Irwin, to convince him to talk.

The three drove to ATF's parking storage at 215th Street and took the car. Irwin left and Parola asked Seigel to drive him back to the 6th precinct where the detective had left his own car. "Listen," Parola said on the way, "why don't you cooperate with Glass. If you

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give us information about the Amtorg bombing and about events that we can stop in the future, the Brooklyn case will be thrown out the sindow. You won't have to testify. We will do all the ground work. We will do the investigating and we'll come up with enough leads so we won't need you. You have everything to gain by helping Glass out."

Seigel left feeling great unease. He called Parola a short while later and arranged to meet him the following evening at the edge of Borough Park, at 6th Street and Tenth Avenue. Again Parola repeated all the evidence they had against him, telling him that if he confessed they would give him complete immunity. "He didn't believe us at the time," Parola recalled, "he sort of just sat back in disbelief. And then again we just went our way and he went his way."

The pattern repeated itself. The next day they met again at the same location, with Parola talking about immunity. This time Parola increased the pressure. "Normally, the first one that gives us information . . . get[s] himslef immunity from prosecution in this type of case." Seigel clearly understood Parola's threat. If someone beat him out and gave them information before he did, the police would throw Seigel in jail without his having any way out. Parola made it seem that Seigel's predicament was not only getting out of the state bomb charges, but also of being pitted against his JDL accomplices, whom

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Parola now portrayed as supposed adversaries. The best way out was for Seigel to get immunity and begin cooperating. "And at this particular time," Parola told Prosecutor Jaffe, "I do recall that again he stated, 'How can I believe you guys?"

"Listen if you don't believe us," Parola said, "do yourself a favor. Go to a lawyer that you know and ask him what immunity is . . . or if you have any friends that have ever . . . had immunity, ask them . . . what is the procedure, if you don't believe me."

Seigel left and returned to the Pioneer. On Friday, August 6th, Parola called again. "Listen did you do what I told you? Did you speak to a lawyer? Now be careful, don't speak to anybody in the JDL because . . . they might find out . . . and you might get yourself hurt. Go to a lawyer that is independent of the JDL or go to somebody who has no knowledge of what took place because you might put yourself in jeopordy." Again Parola asked if he would cooperate with them.

"Could I have a couple of days to think about it?" Seigel asked. The following day was Saturday and Seigel was unable to leave the Pioneer and see Parola because of the Sabbath.

"Okay, I'll be home Sunday. If you want to come down [to the city] give me a call."

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Seigel telephoned Sunday night. "Are you ready to talk to us?" Parola inquired.

"Can I meet you somewhere?"

"Sure, meet us on 65th and Tenth. How long will it take you to get down here?"

"About an hour and a half, two hours."

"Fine, we'll meet you around midnight." Parola called Gibney and excitedly told him about the meeting. They arranged to rendezvous in Borough Park and both were at the corner waiting, when Seigel, a few minutes past midnight, came by in his yellow Volvo. Parola got out of his car and went over to Seigel. "You understand that if you are going to help us with this case," Parola said as he entered Seigerl's car, "you have to give us the information that is necessary. You cannot lie to me. You can't give me some cock-and-bull story that I can't prove. It's not going to help you; it has to be something that I can go out and investigate in order to help you. If there is going to be any immunity in this case, I have to be able to prove that your information is correct."

Seigel nodded his assent, and as he started talking about Amtorg, Parola took out his notebook and started scribbling down Seigel's narrative. A few minutes lapsed before Parola interrupted him. "Listen, this is not too good a place to be. Would you mind coming into the Sixth

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precinct. It's very late, there's no problem there, we have our own office and we could sit down and go over a few things. I have pictures there of the scene; I have pictures of the bombs and it would be better for us to refer to this that way."

Seigel agreed, and leaving his car at the Borough Park corner, drove into the city with Parola while Gibney followed them in his own car. Parola, Gibney and Seigel went into the deserted main office. "Well, we might be here awhile," Parola commented. "How about some coffee and maybe we could get some soda or something, a couple of pieces of cake, before we start." Seigel was hungry, having travelled all the way in from the Catskills and Gibney left to fetch the cake and coffee. Afterwards, they sat around the desk eating and joking a bit. Parola later described the scene: "We were having coffee trying to establish a little more rapport with the informant and we sort of laughed that they would make stink bombs with ammonia, go into places and just pull the cork off and roll them down the aisles and really smell the place up."

Parola was very curious about the items they found in Seigel's car. "What were the gloves for?"

"We used those gloves so we wouldn't get black powder on our hands."

"But why keep the black powder in your car?"

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"Just in case we need a quickie. We have to have something ready to go."

Seigel also told the detectives about the Glen Cove bomb: One day in June the JDLer met Jacob Weisel near Hunter College. Weisel called Seigel over to the back of the car and showed him the bomb he was trying to make. "Man let me tell you," Seigel later confided to Parola, "that was some mess they were making there. I was glad to get the hell out of that car [alive] because they didn't know what the hell they were doing." Weisel was with another person but for some strange and unaccounted reason, Seigel never informed on the second person, telling Parola that he didn't know who the accomplice was. All three got in back of Weisel's car, with Seigel trying his best to fix the bomb's mechanism. Wanting to keep the explosives in a different place from the other components, Weisel had put the fifteen sticks of dynamite in someone's trash can a few blocks away. "Apparently it was someone's garbage can in front of their house," Parola later told Judge Bauman. "They just picked this particular one about a block away from Hunter College."

When the mechanism was ready, they went to the garbage can, took the sticks of dynamite into the car and put the bomb together. "The state that bomb was in," Seigel

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told Parola, "the damn thing should have gone off in the car. I don't understand how it didn't blow the three of us up."

Weisel and his accomplice were discussing how to get to Glen Cove when Seigel got out of the car leaving them with the bomb. Later that Saturday night, Weisel stealthily crept onto the Mission grounds and placed the bomb under a patch of poison ivy.

Parola also learned that another bomb of Seigel's manufacture was used to bomb the Communist Party headquarters the previous March.

Much later that August 9th morning, Seigel finished describing the bombings he knew about. Parola drove him back to Borough Park and the following day he returned to the Pioneer. Parola forwarded the information Seigel had given him, to Mel Glass, who in turn passed it on to a federal prosecutor, assistant United States Attorney Thomas Pattison. Pattison, who had been at his job for only a few months, participated in the 'JDL Thirteen' case leading to Kahane's guilty plea. Now he was assigned to Amtorg.

Pattison and LaPerch wanted to interview Seigel to learn first hand about the bombings. They arranged with Parola and Gibney to go upstate to Liberty, New York, where they rented a motel room. Seigel came over from the Pioneer and repeated all the details he had given to

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Parola. "You might have to testify before a grand jury," Pattison told the youth. "The next time we come up we will see the best way to work it out."

Pattison, Gibney and Parola returned to Liberty two weeks later. Seigel drove up and met Parola outside the motel. He was very worried about testifying; the last thing he wanted was for his friends to know he had squealed on them. His statements must be kept secret. Parola reassured him they would be.

"Well Pattison didn't say that the last time we met."

"Look, he's a DA. They never tell you definitely one way or the other. All the prosecutors are like that. Didn't I get your car back for you. Have I ever done anything to harm you? When we go in and Pattison asks questions, I'll sit behind him and if there is a question you shouldn't answer, I will shake my head and just let me answer it."

The entire meeting was devoted to Seigel's willingness to testify. Pattison explained that if the other JDLers who participated in the Amtorg bombing were arrested -- the government demonstrating thereby that they knew the identities of the bombers -- chances were that, as in the 'JDL Thirteen' case, some would plead guilty to a reduced charge, rather than face the possibility of a jury conviction and the risk of a long

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jail sentence. He had ninety percent odds that they wouldn't need him at the trial. But the only way the government could obtain warrants for arresting the others was for Seigel to testify before a grand jury. Grand jury proceedings were secret and no one in JDL would ever learn about his testimony. And if some of the JDLers pled guilty, there would be no need for a trial nor for Seigel's public testimony. Reluctantly, the JDLer agreed to testify before the grand jury.

"If you agree to testify," Pattison continued, "then we'll give you full transactional immunity both for Glen Cove and for Amtorg, but the only way we'll confer immunity on your, is if you agree to testify at a trial, if worse comes to worst."

"Well of course he will," Parola interjected. Seigel nodded his consent.

Pattison explained that if he accepted the immunity before he testified to the grand jury, he would not be arrested along with the others, since he would not be named a defendant (but only a co-conspirator). But if wasn't arrested it would be obvious that he betrayed his comrades. Seigel wanted to avoid this at all costs, fearing that if his collaboration became known, his friends, his community and even his family would ostracize him for his betrayal. The solution Pattison advised, was for him to technically accept immunity only after his grand

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jury appearance. This way he would have a "cover" by being indicted and arrested along with everyone else.

After meeting with Pattison, Seigel left distressed that the prosecutor told him there was a chance he would have to testify. "Don't worry," Parola reassured. "He's the federal attorney. He can't tell you flat out you are not going to testify. They never tell you anything is one hundred percent certain. They're all like that. All lawyers are like that but you can be sure we'll never reveal you. Never."

Towards the end of the summer, Seigel made good on his part of the bargain. Having returned from the Pioneer, he went to Federal Court in Cadman Plaza where in the very same building, six weeks before, Judge Weinstein had sentenced Kahane, Bieber and Cohen.

Before doing anything, Seigel wanted Pattison to put his promise into writing. A bit surprised, the prosecutor sat down and drew up a handwritten note on Justice Department sationery:

> Please be advised it is the intention of the U.S. Attorneys' office . . . to apply for a grant of immunity for Mr. Sheldon Seigel concerning the cases of the bombing of the offices of the Amtorg Trading Corp . . . and the attempted bombing . . . of Glen Cove.

"It will be much better if I give this to Parola to keep. I don't know if you should carry it with you and it will

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be safer with him."

Seigel didn't object. As long as the promise was in writing, he didn't care much about who held onto the note. With that accomplished, Seigel came before the grand jury.

The indictments -- against seven of them -- were filed moments after Seigel finished. Orders for their arrest were given.

Eli Schwartz, the twenty-one year-old national youth chairman, was the most dangerous the government thought, and he was listed first on the bill -- United States against Eli Schwartz et al. The police went after him.

It was his first day back in New York City. During the summer he had run Camp Jedel and after closing it up at the end of the season, he drove to Philadelphia to attend a convention of the World Union of Jewish Students. He returned to the city that Tuesday for his cousin's wedding.

Kahane was back from Israel and since Schwartz hadn't seen him yet they arranged to meet at the Borough Park office after the wedding. It was two in the morning when Schwartz drove over. Out of the corner of his eye he noticed a car with two men slowly passing him by. He made a mental note of it before going into the office.

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He saw them again when he drove home. They were undercover police, Schwartz realized, probably out looking for someone to follow. In the past, police used to keep JDLers under surveillance following them until they went home. Schwartz thought he'd reverse the procedure and follow them instead. "The idea was that they probably were looking for someone to follow and as long as I tailed them from behind they couldn't follow somebody else. I followed them all over the place. Really I don't know why. Like sixteen times I wanted to break off and go home but for some reason I didn't. As it turned out, they were leading me, but really following me. At Bath Beach Avenue they stopped. Since they stopped their car, I figured I'd stop mine. I pulled alongside them. One rolled down the window.

"How would you like to go for coffee?"

"I don't drink coffee."

"How about pulling to the side? I want to talk to you."

"I got nothing to say."

"Ah, stop over for a minute."

Schwartz complied.

"Are you Eli Schwartz?"

"I don't have to tell you. You must know."

"Let me see your license and registration."

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"Let me see your license and registration. Who are you to talk to me?"

"Well I think you're Eli Schwartz."

"Well what of it?"

"You're under arrest!"

"What for?"

"I don't know. I have orders for your arrest. You want to get out of the car."

They frisked him, then put handcuffs on. His hands were in front of him and he was able to smoke the cigarette they gave him. ("It's so disgusting when your hands are cuffed behind your back; you feel like a trussed pig.")

At seven in the morning, police went to Flushing, Queens and knocked on Stuart Cohen's apartment. His mother opened the door. Joe O'Dowd, from the Fire Marshall's office and another agent, brushed by her and went into Cohen's room. "When I woke up, I was looking right up a .38 caliber muzzle."

"Move out of bed slowly. You're under arrest."

"What did I do?"

"Bombing the Russian Mission."

"Russian Mission?" Cohen thought of all their previous bombings. The Mission was their most inviting target but they never had bombed it. It was too well guarded. "What are you talking about? The Russian Mission was never bombed."

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"Well that's what the warrant says." Much later, Cohen realized he was arrested for Amtorg, property of the Russian Mission.

Cohen dressed. When he went to use the toilet an agent followed him in. He was taken to the Arson-Explosives Squad office on 10th Street, and he found Schwartz and Garfinkle there already. Garfinkle was trading insults with Joe Gibney.

In Laurelton, agents waited outside Bieber's house for him to leave for work. He sped off and they lost him. ("I didn't know I was being followed. That's just the way I drive.") They waited for him at his place of work and they arrested him, when he walked into the building carrying his roll and morning coffee.

Parola and Gibney went over to Seigel's house at eight in the morning and went through the charade of arresting him. By then all the others had been rounded up. Jacob Weisel was picked up for Amtorg and Glen Cove. Hershkovitz again was easiest. Serving five years for passport violations, he was merely hauled out of prison for a few hours.

The authorities were elated at the arrests. During the previous two weeks -- following the death of Beno Spiewak -- JDL had widely publicized their "Every Jew a .22" gun campaign. Only the day before, Bennet Levine

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had announced the start of an East Flatbush patrol. Under great pressure to curb JDL's activities, authorities jumped at the opportunity to widely publicize the arrests. The timing, however, was suspect, since they had known about the Amtorg bombers for more than a month.

Cooperation between city and federal agencies suddenly turned to competition as both raced to take credit for the arrests. United States Attorney Robert Morse and the city's First Deputy Police Commissioner announced a joint news conference. Chief of Detectives Seedman desiring his own conference, declared his would take place first.

Reporters congregated at the Arson-Explosives Squad offices where Seedman was to speak. Before he did so, he went downstairs to the holding pen to look the seven JDLers over. Peter Hellman, who was helping Seedman write his memoirs, went with him. All the male JDLers were caged behind bars; Garfinkle was lounging around outside of the cage since the detainees were segregated by sex.

Schwartz and Garfinkle were the only ones who recognized the Chief of Detectives. "Who's this turkey with you," Eli Schwartz said referring to Hellman. "Is he the guy who sucks you off?"

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Garfinkle started laughing. Seedman ignored the remark. Schwartz didn't mind getting arrested, but there was something about Seedman's leer that he resented very much. "Why are you gloating?" Schwartz snapped. "You're looking at us like we're a bunch of animals." Schwartz spit at him.

When Seedman left, each of the JDLers was taken out separately to be photographed. Parola and Gibney were in the room where the Polaroid photos were being taken and they tried to persuade each one into confessing. They didn't succeed. Garfinkle for example, just yawned in their faces. When it was Seigel's turn, they reassured him everything was working out well. "Go along with whatever happens," Parola said. "They will probably fix bail low so everybody can get out tonight." Parola proved correct for they were released after each posted only $1,000 of a $10,000 personal bond.

None suspected an informer. Pattison had indicted all seven for the bombing conspiracy and the number seemed excessive. The JDLers figured the government -- just guessing -- made the sweeping arrests to keep them off the streets. Robert Morse at his news conference further tried to dissuade the JDLers from believing there was an informer by stating: "The arrests are the result of a highly specialized investigation that included complex laboratory analysis

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of bomb fragments. (New York Times, 9 September 1971) What Morse left out, however, was that the lab tests were meaningless without Seigel's collaboration.

Seigel meanwhile, remained active in JDL while at the same time continuing his secret meetings with Parola. When calling the JDLer to arrange a meeting, the detective would use the alias Steve Horowitz. "Please call Steve," Parola would tell Seigel's step-mother if Seigel was out. Seigel and the detective would often talk in the JDLer's Volvo, usually parked in very tough or desolate neighborhoods to minimize the risk of discovery. A favorite meeting place was in the black neighborhoods of downtown Brooklyn or under the West Side Highway, opposite the Market Diner at West Street.

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CHAPTER XII

SHOTS HEARD 'ROUND THE WORLD

The sniper crouching on the roof of Hunter College, aimed his rifle scope down at a lighted window on the eleventh floor of the Soviet UN Mission. No one had really paid much attention to him as he entered the college building carrying a cello case. He and his friend -- some say as many as four were involved -- blended in with all the other students bustling through the corridors. But once on the roof, the sniper jammed the door shut with a board and removed the Remington semi-automatic rifle from the cello case.

The Mission was more than a block away but its top floors were very visible over the rooftops. Looking through his Redfield variable telescopic gunscope, the sniper checked for signs of human activity. He tried to remain as calm as possible knowing how significant his work was to Kahane's plan to free Silva Zalmanson. Zalmanson, one of the eleven imprisoned in the first Leningrad trial, had again come to Kahane's attention when Kahane migrated two months before to Israel. Her

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uncle, who had left Russia and was living in Bat Yam, Israel, contacted Kahane. "He pleaded with me to do something," Kahane wrote, "saying that his niece suffered from tuberculosis and ulcers and was dangerously ill." (Kahane, 1975:296) Kahane jointly addressed newsmen in Jerusalem on September 27th. "If anything happens to Silva Zalmanson or another Jew," Kahane declared, "Soviet diplomats throughout the world will be open targets for Jewish militants." (New York Times, 28 September 1971) He reminded them of the League's slogan, "two Soviets for every Jew" and assured the newsmen that militants -- if need be -- intended to carry it out.

Returning to the States soon afterwards, Kahane took advantage of Soviet Premier Alexei Kosygin's planned trip to Canada, by announcing he would also fly there to demand help for Zalmanson, who was "near death in a Siberian prison." Kahane knew he could have easily slipped into Canada but the Russian would be too heavily guarded to get close, so he widely publicized his intentions knowing the Canadians would bar his entry, "and from past experience, that would be a bigger story than anything I might do if I did get in." Sure enough, as Kahane left the plane, he and six other JDLers were detained, held overnight and then expelled. "But the major objective was achieved as the newspapers picked up the Silva Zalmanson story and gave her name its

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first worldwide publicity." (Kahane, 1975:297)

Kahane was in New York, October 20th, the night the sniper climbed onto Hunter College's roof. Lights went on in one of the rooms and the sniper pulled the trigger four times. His accomplice in the college building had pulled the fire alarm and the gunshots were not noticed. In the ensuing tumult, the two walked out of the building and got away.

The shooting that Wednesday night created great confusion inside the Soviet building. For more than an hour the Russians debated over what to do. Some obervers surmise that officials in Moscow were being consulted. Finally at 8:50 P.M., First Secretary Aleksei Skotnikov telephoned the police across the street. The Russians allowed the police into the building and escorted them to the shot-up apartment. The room, contended the Russians, had been occupied by a family of six, including four children. None were hurt but the room's windows were shattered and the wall, refrigerator, and a mirror had been hit.

Five hours after the shooting, at 12:43 A.M., a man called the Associated Press and said the shooting was in response to Silva Zalmanson's imprisonment. "Much more could have been done. Never Again."

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"The message this action gives should be heeded," Kahane told journalists the following morning. "This action was done to make it clear what could be done in the future. I don't think it should be taken lightly." (New York Times, 22 October 1971)

It wasn't. The United Nations General Assembly was in full swing and the delegates interrupted their debate on admitting China and began lengthy shouting matches of rare bitterness. The chaotic floor debates often included epithet laden speeches disparaging Judaism and Zionism. Yakov Malik, the chief Soviet delegate, bitterly condemned the "Zionist fascists" who the morning after the shooting had phoned the Mission. "An insolent, cynical voice," Malik informed his fellow delegates had phoned a member of his staff to say JDL was behind the attack. Carefully avoiding mention of JDL's demand for Zalmanson's release, Malik went on to denounce the United States for failing to curb "Zionist extremists." Turning to Yosef Tekoah, he challenged the Israeli degegate to rise in the hall and say that Jews were "a chosen people" and were "closer to God" than others. "This is religious racism, religious fascism," Malik shouted.

Tekoah, who according to reporters was "trembling with indignation" advanced to the rostrum and in a voice

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filled with emotion said: "It was the Soviet Union, not Zionism nor the Jewish people who had concluded a treaty with Hitler and von Ribbentrop," a reference to the 1939 Soviet-German nonaggression pact. Zionism had fought "imperialism long before the Russian and Ukranian people were on the maps of the world." Zionism had preceded Leninism, Marxism and other liberation movements and if Jews were a chosen people, they had been "chosen to suffer." Tekoah went on to attack Russia's treatment of its Jews.

Jamil Baroody, Saudi Arabia's delegate said he had been told by many diplomats that "their lives were becoming untenable in this city of New York. Who is responsible? The politicians, the Mayor [Lindsay] who goes to synagogues and acts like a rabbi to obtain Jewish votes." (New York Times, 22 October 1971)

The General Assembly debate was underscored when two youths vandalized the Soviet Mission. Pretending to seek literature on Russia, a young fifteen year old couple gained access to the lobby where the girl started spraying "Am Yisrael Chai" near the reception desk. Swinging a hammer, the boy smashed a plated glass door injuring his knee in the process. Police detained them both.

At Aeoflot's office, virtually the same thing was repeated. Shortly after noon, another young couple

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entered. When the fourteen year old girl started spraying the walls, a woman clerk ran over to her. The clerk ended up being painted also. Both attacks were followed by telephoned messages to the Associated Press demanding Zalmanson's freedom.

No other activity caused such intense diplomatic maneuvering as the shooting did. The American administration had in the past made many apologies to Soviet authorities but those following the sniping were the most profuse. United States Ambassador to the UN, George Bush, hurried to the Soviet Mission and offered his deep regret to Malik, while in Washington, minutes after the shooting, a State Department duty officer, telephoned the Soviet Embassy with the first official apology. Secretary of State Rogers telephoned Ambassador Dobrynin in the morning to record "his shock and outrage." Mayor Lindsay too expressed his distress over the incident to George Bush and to United Nations Secretary General U Thant.

Late in the evening two days later, the United States Ambassador in Moscow was summoned to the Foreign Ministry and handed a note -- made public by Tass -- in which the shooting was termed "an attempt at murder," while at the United Nations, Soviet and Israeli delegates continued to verbally assault each other for a second day.

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The pressure on the police was intense. The Times in an editorial entitled "Shots Heard 'Round the World" called it "essential not only for the peace of mind of foreign guests . . . but also for the honor New York . . . that the . . . perpetrators of this latest outrage be speedily apprehended." (22 October 1971) Underscoring this urgency, Secretary of State Rogers telephoned Lindsay to discuss the shooting and to receive the city's assurances of full cooperation. The State Department was very concerned the shooting would mar President Nixon's planned trip to Russia or worse still would lead to violent reprisals against Americans in Moscow.

Lindsay called the Chief of Detectives, conveying the State Department's concern. Police wanted to station men on the Mission roof, but the Soviets, who had secret spying equipment there, refused. Instead, police were posted on at least five adjoining structures with a vantage on the Russian building.

Lindsay repeatedly telephoned the chief of detectives to learn of any progress in the investigation. Seedman had first heard about the shooting while at a cocktail party with his wife. He raced over to Hunter College, where, leaving his wife in the car, he went up to the roof and met Sgt. John Mahoney of the East 67th Street station. Mahoney had surmised even before the ballistic

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experts arrived, that the shots must have been fired from Hunter College. Mahoney climbed to the roof to verify the possibility and Seedman met him there.

When the experts came to the Mission, they confirmed Mahoney's theory by examining the bullet holes and tracing the slugs' trajectory. Their search for the gun soon bore fruit when after midnight, police found a .243 caliber Remington semi automatic at the bottom of an air shaft used to vent chemistry lab fumes. The sniper,while still on the roof, had ditched it down the vent before fleeing.

The JDL, however, had not learned from their past mistakes. The gun's serial numbers were perfectly legible and it was easily traced to a Hempstead, Long Island gunsmith, Charles Greenblatt, Inc. of 120 Main Street. Seedman remembered Greenblatt, who years before had been located right around the corner from the old police headquarters. "My own hammerless revolver came from his shop," Seedman recalled.(Seedman, 1974:320)

Police went to Greenblatt the following morning. His records showed that a "Henry Faulkner," using a draft card to identify himself and giving a Bronx address, had purchased the rifle for $250 twelve days before. Detectives went to 830 Arthur Avenue, the address that "Faulkner" had given and as they surmised, they found it

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was non existent. Furthermore, the Selective Service reported that no draft card had ever been issued to a Henry Faulkner at any address.

Detectives brought pictures of JDLers to Greenblatt's. Perhaps somebody at the store could pick "Faulkner" from among the photos. As it turned out, the salesman and the gunsmith remembered him because he asked that his rifle be equipped with a Redfield variable power gunscope. Based upon the type of questions "Faulkner" was aking, the gunsmith knew he wasn't going to use it for hunting. The kid hardly knew anything about rifles and his purchasing the gun was a little more than unusual. Identifying his photo, however, was more difficult, but Kenneth Aull, the gunsmith, tentatively picked out Isaac Jaroslawicz.

Eighteen year old Jaroslawicz, who served as the League's public relations director, had pled guilty about a month earlier to criminal trespass of the Board of Rabbis office and was awaiting sentence for that incident. A Borough Park boy, he graduated Torah Vadaat High School and briefly attended Yeshiva University before abandoning the school for Brooklyn College. His five foot seven inch hulk came almost to 200 pounds but other than that, there was nothing distinguishable about him except that the League had rented its headquarters from his father.

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Police ordered Jaroslawicz's arrest based upon the salesman's identification. Nobody was sure where he was, but 19th precinct police, along with Joe Beattie, went to his Borough Park house. Joe Beattie, although not his real name -- he used that pseudonym when dealing with the JDL kids -- was a member of BOSI who hung around the JDLers trying to learn who was who. His knowledge was invaluable to the police because he was one of the few detectives who could recognize and identify the kids. His inclusion among those searching for Jaroslawicz was understandable.

Not finding him home they drove back to the 19th precinct where as fate would have it, Beattie spotted Jaroslawicz sitting in a parked car during a League demonstration at the corner of the Russian Mission. They apprehended him two blocks from the scene of the previous evening's crime. Astonishingly, less than twenty four hours after the shotting, police had arrested a suspect.

Normally Seedman would have waited until the morning, before calling the gunsmith and the elderly salesman down to have them pick Jaroslawicz out of a lineup. But Seedman "was under abnormal pressure to get results fast" (Seedman, 1974:320) and he had both men come down that evening. The gunsmith picked the JDLer out, but the elderly salesman picked instead, a policeman put in to augment the lineup. Afterwards, as the salesman left the

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room, he spotted Jaroslawicz and said, "Hey there's the kid, why didn't you put him in the lineup?" Parola who was among those in the room, was exceedingly frustrated that the salesman's identification would be invalid in court. Nevertheless, the identification convinced Parola that the police had their man.

The evidence against Jaroslawicz was extremely flimsy. To complicate matters, Harvey Michelman showed up on the scene. "I got called down from JDL headquarters; they told me some people were detained with respect to a sit down at the Russian Mission, so I went hopping over there and Jaroslawicz had already been taken into custody. It seemed that Izzy's girl friend had been detained that afternoon and he had gone there to get her out -- to vouch for her on a desk appearance ticket and they fingered him. I was downstairs in the precinct and I went upstairs. They were holding Jaroslawicz and there was a whole crowd of people up there, different kinds of police officers from every different unit under the sun. I kept on asking what the charges were and nobody answered me.

"In walked Al Seedman and I went over to him and said, 'Listen Mr. Seedman, I'd like to know what the charges are 'cause if you don't charge my client I am walking him out of here right now.' He got on the phone with the Mayor -- there is no question in my mind because he said Mr. Mayor --

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and there was a conversation. I was getting impatient and I took Jaroslawicz by the arm and we started walking out and Seedman then made a big grandstand play. He said to Izzy, 'You're not going anywhere. You are under arrest for attempted murder.' Meanwhile there were two feds sitting at the table all the time and they were really interested in what I was doing. They kept listening in and everything."

What happened was that Seedman was unsure of what to do. "Under normal circumstances," Seedman wrote in his book, "I never would have ordered Jaroslawicz arrested so quickly."

> But with everyone so anxious to see fast results, the gunsmith's identification would have to suffice. In the morning George Bush could stand up at the UN and mollify the Russians by announcing that an arrest had already been made.
>
> At midnight I tried to call Bob Morse [the US Attorney] to see if he would order the ATF to make the Federal charge right away. There was no answer. Then I called George Bush, who had given me his number in case anything important broke after office hours. Not feeling qualified to decide, he called the Attorney General in Washington. By this time -- about 2 o'clock -- Bob Morse came home. After listening to the facts of the case, he checked with the Attorney General and then called back to order Jaroslawicz locked up for violation of the Federal Gun Law [but not as Seedman told Michelman, for the shooting.] By then it was nearly four A.M. (Seedman, 1974:322)

In the morning, Robert Morse brought Jaroslawicz before Magistrate Vincent Catoggio and asked that bail be fixed at $100,000. He asked for such high bail

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because Nancy Hershkovitz had fled to Israel although out on $25,000 bail; he didn't want Jaroslawicz joining her. Nevertheless, the magistrate fixed bail at $25,000 also.

Kahane was in the courtroom and as he and Morse were leaving, the rabbi angrily turned to the US Attorney, "Not only don't you help the Jews, you hurt the Jews. I am ashamed you are a Jew. Your brother wrote about Jews like you."

"The wrong Morse died," another JDLer added.

"I do not lose my temper," Morse coldly said before walking away. (New York Times, 23 October 1971)

Kahane was referring to Arthur Morse, who in 1968 wrote, While Six Million Died, a highly critical book condemning the Roosevelt administration and some American Jews for not doing anything although they knew Hitler was exterminating European Jewry. Arthur Morse had died only a few months before in a car accident in Yugoslavia.

Later, Kahane was to explain his remarks about Robert Morse.

"Now this man is an American official," a journalist asked Kahane. "What is his responsibility in such a case? Does he have a dual loyalty?"

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> No. Mr. Morse has an obligation to the U.S. Government. Let me try and explain this to you with a bit of a story. During World War I, there was a very very famous rabbi. He was asked by Jewish soldiers who had been drafted into the Russian army whether they could eat pork since that was the only thing served. He said, "Yes, if this is the only food served, then eat it -- to live. You can eat the pork. But don't suck the bones."
>
> My point was that Mr. Morse can come into court and ask for his $100,000 bail. You can ask for it -- and you can ask for it. You can say, "We ask for $100,000 bail because he's a dangerous criminal" -- and then shut up. The judge hesitated. He wavered. And Morse kept at it and kept at it and hammered at it as if he enjoyed it. He was sucking the bone. (New York Times, 21 November 1971)

Despite Jaroslawicz's widely publicized arrest, police were unsure if he was the criminal they claimed him to be. Parola was sent to try and cajol Seigel to talk. As it turned out, Seigel too was very interested in speaking to the detective because Garfinkle had just telephoned to inform him that hearings for Amtorg were to start in less than three weeks. Feeling very guilty about informing on his friends and regretting his actions greatly, Seigel contemplated telling Michelman about his betrayal. Before he did so, he wanted to meet again with Pattison, whom he felt was about to have him testify. He asked Parola to arrange the meeting. For different reasons therefore, Parola and Seigel found it mutually desirable to continue their clandestine meetings.

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Seigel telephoned Parola. He was feeling "screwed" and had no one he was willing to confide in; he decided through some gut feeling to record the conversations. In this way Seigel amassed hours of taped conversations. Few such recordings appear in legal history, and they offer uncommon insight into how police manipulate their informers.

"Hello Sam?"

"Yeah, what's doing brother?"

"Nothing. Did you call Pattison?"

"Yeah, I can't reach the bum. He's on trial or some god-damned thing. I must have called him about sixty five times today. He don't live too far from me but I don't want to go over to his house, you know. I left my number with the secretary there and everything and never got a call back and I can't tell her what it's about."

Parola told him to call back the following day which he did.

"Shelly, watcha doin'? I spoke to our boy -- it has to be either Friday, Saturday or Sunday . . . Why don't you make it Saturday during the day or Sunday during the day?"

"Okay, now that's Sunday during the day."

"What time during the day?"

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"Well as early as possible."

"Well I'll ask him and then I'll get back to you . . . Did you do anything on the other thing?" [find out who bought the gun]

"Nope."

"Are you gonna?"

"I can't."

"Why?"

"Cause I can't."

"Tell me why."

"When I see you I'll tell you why."

"Okay . . . then I want to see you. I want to ask you why. I'm just curious. . . ." They arranged to meet at 3:15. "Same spot."

Ingenious with electronic technology and by all accounts devious and resourceful, Seigel wired his car with a casette tape recorder.

"Come on, tell me," Parola demanded when they met. "Don't fuck me around. I've got things--"

"Number one, I don't know who did it. Number two, I really don't even think that JDL had anything to do with it because I'm beginning to think that Izzy Jaroslawicz had nothing to do with buying the gun also."

"Tell me why. Tell me why. Listen I want to know, I'll get the kid out if I can prove this."

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"He definitely had nothing to do with the shooting. . . ."

"Well how'd you get into a conversation about this to start with?"

"Because everybody's joking about it. He's joking about it also. He thinks it's ridiculous. . . ."

"I just ask for one little fucking personal favor, the thing with the gun. It's got nothing to do with the federal government -- it's got nothing to do with any fuckin government. It's just I figure if we can get the fuckin answer to that, we'd be in tremendous condition and I know we can't prosecute the case. I know we can't. That's all I'm interested in, just the fucking name of the guy. All I want to be able to do is produce a picture and say this is the guy that did it but that's all I can do. They'll probably put in wiretaps and all that kinda shit and that ain't gonna put ya on the hook. They can't use you for anything. . . ."

"I thought in this case [Amtorg] I wasn't going to be used either."

"Well you know what the situation is in this case. What did you tell the guy? [Pattison] That you would testify as a last resort, didn't you?"

"Except I knew I wasn't."

"Hey what do you got in this case?"

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"Huh?"

"Yeah, what did you do? You made a fuckin bomb, you planted the bomb and you're gonna walk away from it ain't ya? So what the hell ya worried about? . . ."

"I'm not gonna walk away from it. I could have walked away from it if I didn't say anything before. Nothing he [Pattison] could have done. . . . If somebody goes to jail it's going to be me, but they [other JDLers] are not going nowhere. They're not going to jail. . . ."

"I don't give a fuck if they let 'em all out right now. I mean as far as I'm concerned that's past tense, that's yesterday's cold potatoes. Who cares? The Russians are screamin' now. And now you're gonna tell me that this kid ain't the kid that bought the gun? . . . I'm just disappointed you fuck, cause I asked you for a personal favor and you say no to me, nah, can't do it. Can't get it. An I ain't gonna hurt the fuckin guy either. I'm only doing it for prestige. . . ."

"What if I told you it was me up on the top of the roof?"

"You want to know something Shell? I'd believe you. You know why? 'Cause I know you're good and I know you're capable. And for one fuckin instance there on the phone, I said to Joey [Gibney] 'you know maybe this fuckin kid says he can't tell me because it's him and he's out of his fuckin mind. He's good, he's a good shot and he knows

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his fuckin guns. He's nobody's fool and I figured this silly prick just might do something like this just to show them that he's tight with them and that he's not a fuckin rat.' That's exactly why you might do it. Cause you're that kind of a nut."

Parola tries flattering Seigel to get a confession.

"Listen, there ain't many guys that could do that. I don't give a fuck what you say about where they're [JDLers] shootin' at targets under stress circumstances. There ain't many guys that can shoot that good. It's different when you're sitting by a car cause you can baba da bing, didi bang, didi boom -- you can put them all in the bull. But under certain stress conditions, man it's difficult. Take my word for it. Cause I've done a little shooting and I've shot a few people in my time and it's a little difficult. Did you really [shoot from the roof]? Huh?"

"Do you want me to tell you?. . ."

"Ah I gotta go. If you can't help me, you're no fuckin good to me. Shell can't do nothing with ya. I'll have to run you over next time I see you. . . ."

"You better get a faster car than that. . . ."

"Did you have anything to do with that shooting at all? If I get the guy that did it, could it be traced back to you in any way? . . . Is that the problem?"

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"It doesn't bother me if it is. . . ."

"I asked ya, Shell, a question. Answer me yes or no, you fuck."

"I said there's no problem."

"You're fuck kid. You're a fuck. You gotta aggravate me. I gotta go home and take two more pills for my stomach. I hope you didn't give him the fuckin ammunition or something like that hey? Was it old ammunition or was it recently bought?"

"How would I know?"

"Ah Shelly, I don't want to play games."

Parola began talking about Amtorg when Seigel refused to disclose any names.

"Supposin' you went and told your friends, huh? Is that gonna make you feel better? And what are you hemmin' and hawin' for? Why don't you do it? You don't need anybody's permission."

"I just want to find the best way of doin' it, the best way of . . . getting them out of the most trouble."

". . . If you fuckin threw yourself in a river that would be the best way to get 'em out of trouble."

"I been thinking about it."

"Eh, Shelly, you talk like a fuckin little kid with a paper ass. . . . Before you commit suicide -- if you're goin to -- don't leave a will but do me a favor, just

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tell me who the guy is that did the shooting. This way you can go out of this picture helping your friends and you're helping me too, cause . . . I consider myself a friend. Up to a point of course. You go around killing people, then you're on your own. So this way you can do me a favor, you could do Joe a favor and you can do all your friends over there a favor. And that's the end of that. And then you can drive this car right off the bridge. [Better yet] don't drive the car, leave the car, sign the registration. I'll give it to my son."

Seigel couldn't help taunting Parola. "You gotta get the bugs out first." Parola didn't realize Seigel meant the tape recorder microphone.

"How could there be any bugs in this car? You guys keep fuckin around with [fixing] these cars."

After going in circles, with Seigel refusing to give any information, Parola finally gave up and left. The following day, Seigel called Parola from a telephone near his brother's house in Long Island. He wanted to know if the detective had arranged a meeting for him with Pattison.

"How ya feelin?" Parola asked. "Feeling better than you sounded yesterday? . . . Man you sounded bad . . . like the end of the world was coming or some shit. [Seigel banged the tape recorder] Anybody on this extension?"

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"Nope, I just banged the phone. . . ."

"Does [your brother] . . . know you're calling me?"

"No."

"Well goddamnit, that's a toll call and it's gonna show on the thing [bill]."

"No. I'm not talking from the house. I'm calling from a phone booth. . . ."

Parola told Seigel about the meeting he was setting up with Pattison. "I don't think the guy wants to sit in the car, though, Shelly. You know he's not like me and you sitting together. . . . He's talking about getting a room and all that kind of crap . . . did you put that paper away?" To inspire Seigel's trust, the detective the day before, had given him Pattison's letter granting immunity, pretending he was doing it against the lawyer's wishes. ["If not for our friendship] you would a-never got that paper," Parola said the previous evening. "In a million years I wouldn't a gave ya that envelope. I could have fuckin told you I lost that envelope. And don't tell 'em I gave it to you. . . ."

"Make sure you keep it stashed," Parola now said over the phone. "If you tell the guy you got the thing, don't tell him I just gave it to you. Just keep your mouth shut -- just say that you got it period -- or you'll get me in hot water. And keep me in mind. If you was a

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nice guy, you fuck, you'd call me up and tell me on the telephone, anonymously, just mention a nice name to me so that I could get into the good graces downtown again so's I can get promoted."

Parola had hit upon a new tactic, trying to convince Seigel his job depended upon solving the sniper case. "Well listen to me, I'm serious, it's a personal favor I'm asking. I'm not asking for the good of the fuckin department. . . . All right, listen I'll talk to you in person. I don't like to talk on telephones anyway."

"They put me in a fuckin spot," Parola said a week later. "I don't like sittin on it. It's too hot. I didn't ask them to make me come and ask you -- the last fuckin thing on my mind was to come and ask you. . . . But I figure if you were goin to do anybody a favor you'd do it for us. . . . [If you told me who the sniper was] all I can do [is] just break their balls . . . I'll go out, I'll pick em up, I'll make like I know the fuckin end of the world is coming but I can't say where I got the information and I can't produce you at all. I can't. It's just that I can turn around and stick my fuckin chest out -- this is the fuckin guy, boss."

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After trying to trick Seigel into saying more than he admitted to, and after all his attempts at cajoling and pleading failed, Parola tried threatening Seigel. Despite the seriousness of the matter, the detective's earnest attempt in finding the right gimmick to get Seigel to talk was quite comic. "You're not going to jail on either one of them [Amtorg and the state bomb charges]. And if you ever say that I said it, I'm gonna deny it and I'm gonna meet ya some fuckin night and I'm gonna run ya over with a truck."

"Maybe I'll call you up to do it before the truck."

"Ah bullshit . . . But I'll tell ya, ya ever fuck me up like that when I tell you something and you ever rat on me, boy I'll fuckin brain ya that I told ya. You're not supposed to know that shit. . . . that you're going to win that other case hands down. . . . The day that you went and bought those other batteries, Izzy was in the car . . . once you bought them we ran right out and we put plants on every fuckin body there that night. We had your dopey friend at Idlewild [Kennedy Airport] covered."

"What dopey friend out at Idlewild?"

"What's his name -- what's that kid's name who owns the trucks? . . ."

"Calderone?"

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"Yeah, Calderone . . . He's Jewish ain't he? He ain't Italian? . . ."

"Maybe he is. I think he's a lietenant in the Italian American club [IACRL]. . . ."

"Sure because he's probably robbing everything with them. They steal everything from that fuckin airport. Maybe he's a captain, there ain't too many lieutenants. I'm gonna go over there now and see 'em and tell 'em to get rid of that fuck. That he's a stool pigeon prick -- get rid of him. He robs shit and he tells the feds on ya. I'll get him killed. . . . It's right up the street here [the IACRL headquarters] . . . between Fort Hamilton and 10th. I'm going in there and tell 'em, 'Listen Sam, there's a fuckin guy, he's fuckin up everything. You better get rid of the prick.' They'll fuckin blow him right up. Are we going to do business or ain't we?"

"There's no business to do."

Ten days before the pre-trial conference, Seigel finally succeeded in meeting with Parola and Pattison. They spoke in Seigel's Volvo after all and as before, he recorded everything. "Last time," Seigel said, "you mentioned about seeing if they could take a plea -- any chance of getting [the Amtorg defendants to plea bargain?]"

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"This is not done in open court. This is when I meet with the lawyers, you know, privately, either up at my office or out in the hall or something like this. And then you just start to shoot the shit . . . but from a trial tactic point of view . . . it's rare that the government asks for [it because] . . . it puts ya in a weaker hand. If he's asking me if I want to plea, maybe he doesn't have that great a case. So I won't [approach them to plea bargain]. It's like a bluff . . . we act as if, fine, let's go to trial, we're ready . . . then they say, wait a minute, maybe we better talk about this."

Pattison promised Seigel that if he cooperated they would use the Federal Witness Protection Program to relocate him in California where he could start a new life and a new identity. The prosecutor also spoke about Seigel's desire to reveal his informer status to his friends. "Look I can understand that. I think it's a normal feeling. But I would advise you not to . . . it's up to you . . . but I think it's better all the way around if you just don't do it now. . . . [But wait until after you plead guilty.]"

"Yeah, but that's like walking up to them and tellin them, you don't have a chance . . . but if I wasn't to plead and I told them [I was the informer]

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then they'd have a better chance."

Seigel was correct but his argument touched upon Pattison's worst fear. The government's case revolved around Seigel and if Seigel admitted his duplicity to his friends, he might also refuse to testify against them at which time the government's entire case would fall apart. Since Seigel had no intention of becoming a government witness at their trial, Pattison's strategy was to induce the others to plead guilty, by having Seigel enter a guilty plea first. If everyone pled guilty, Seigel would not have to testify. But if Seigel revealed himself, the prosecutor's case could go awry.

Somehow the naive defendant thought Pattison would advise him on how he could get his friends off the hook. Naturally, Pattison avoided responding. Why don't you want until after the pre-trial conference of November 11th, to see what will happen, Parola and Pattison advised.

"Seigel was in way over his head," Michelman later explained. "It's like getting a little bit pregnant. In fact he possibly could have backed out, but he feared his statements to Pattison, LaPerch and the grand jury would be used against him." Thus Parola often used this argument when trying to convince Seigel to continue cooperating.

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"[Pattison's] gonna go on the strength of the fact that you testified before the [grand] jury," Parola said to Seigel in the car one day, "that's what he's gonna go on. . . . Produce what you said. You can't deny that you said those things." Parola knew that Seigel's grand jury testimony was secret and could never be used in open court, but in his zealousness to get Seigel to cooperate, Parola tried all sorts of tricks, even resorting to outright lies.

Parola also told him if he backed out of the Amtorg case, they would convict him for the State bomb charges. "I personally think you're stepping on your prick. . . . You'll be prosecuted. You'll be in the same shoes, only you'll be hurt a little worse cause they'll throw the fuckin book at ya. . . . Don't think they can't withdraw any agreement they made."

At another time Parola says, "If he [Pattison] gets wind that you might pull it, then he won't give ya the fuckin immunity.* Then what do you do? . . . you don't think he ain't gonna turn around and play games his own way ain't he? You're gonna stick your fuckin neck right in a noose. And they'll send you cigarettes and you'll go to jail with what's his name, Avraham whatever the fuck

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*There is considerable controversy over the veracity of this. The position of Seigel's attorney, Alan Dershowitz, was that Seigel had complete immunity from the moment he appeared before the grand jury and that none of his statements could be used against him.

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his name is [Hershkovitz]. You'll be sittin right next to him. The two of yas can talk to each other."

Seigel nonetheless didn't need much convincing to continue hiding his duplicity. Meanwhile his friends never suspected him and he remained a very active League member.

The Monday after the sniping attack, Kahane led a demonstration to the United Nations Mission. George Bush was leaving the building and the two came face to face. "You have damaged your country's cause and the cause of Soviet Jews and the name of American Jewry," Bush lashed out.

"Well I came for a dialogue."

"I don't want to see you!"

Kahane was infuriated. "Worse acts of violence" might be committed, Kahane told newsmen covering the scene. "It is possible that terrible, terrible acts will be committed in the next few weeks. You are dealing with militants who are irrational and unpredictable." (New York Times, 26 October 1971) "I know that if Mrs. Zalmanson dies, two Soviet leaders will be killed. I know it," Kahane added a few days later. (New York Times, 21 November 1971)

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Parola knew Seigel was their only source of learning about these "terrible acts." Realizing this, Seigel saw the possibility of using it to his own advantage. "Supposing I could tell you about something that is going to take place," Seigel told Parola. "Do you think it would help me with [not being revealed in] the Amtorg case? Do you think if they knew about a plot to bomb the Russian Mission it would help me in that case?"

"I just sort of sat back in amazement," Parola later testified, "and I shook my head a little bit. Well what is it about? Can you tell me?"

"What kind of a deal can I get?"

"[Before we can postpone your case] you have to tell me something [first] so that I can go over there [to the Feds] and tell them about certain things that are going to happen."

So ingenious and astounding was Seigel's revelation that it seemed within the realm of science fiction. JDL was building an airplane guided bomb! To make this, Stuie Cohen gave Seigel $370 with which to buy sophisticated electrical equipment to guide a remotely controlled model airplane. Two airplanes had in fact been built. After attaching twelve and a half sticks of dynamite and detonating equipment, they planned to fly the plane either out from the East River, landing it on the Russian's

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UN Mission roof, or else launching it out at Glen Cove, aiming the pilotless bomb at the estate's sprawling mansion.

Seigel had been out in Flushing Meadow Park with Stuie Cohen and Garfinkle testing the plane's radio controls, when the plane suddenly "took a nosedive and cracked up." The JDLers "had run into a few problems with it," Parola later told Judge Bauman, "because of the air currents and aerodynamics -- which I am not familiar with -- but it could be done."

As an alternative to the flying bomb, they thought of mining the Soviet UN Mission, for they had discovered a weak spot in the Mission's security. When cars drove down into the building's basement garage, a guard just waved the driver by, but the car's exterior was not checked. It was relatively simple to follow one of the Russian limousines leaving the garage and when the driver left the car, attach a time bomb to the underside of the vehicle. When the Russian returned to the Mission garage, the attendant would wave him through. "The car would not be stopped," Parola testified, ". . . and at such and such a time, it would explode and blow the building up that way." (It is unclear whether Parola was testifying that Seigel said this, or whether "blow[ing] the building up," was Parola's own conclusion. Either way, although

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the few sticks of dynamite would destroy the car, it could not bring the building down.)

If that didn't work, Seigel disclosed to Parola that someone would place a time bomb against the front of the Mission. "What about the cop that stands in front of the place." Parola asked. "Wouldn't his presence deter you?"

"You know, you can walk into the Mission at any time because the cops there don't stop you. We would just walk up and casually put a package down close to the building."

"What would that do?"

"Maybe it wouldn't blow the building down, but it would make a hell of a lot of noise and we would get publicity out of it anyway."

Parola rushed to Glass with the information. Pattison was notified and biting Seigel's "bait" agreed to postpone the November 11th conference so that he could learn more about JDL's future bombing plans. Parola returned to Seigel and made it appear that they had postponed the case for Seigel's benefit. But in return they expected Seigel to provide them with more tips. "Even if you don't have information, say something might be happening. We will keep postponing the case. I can go to the top; I will call Washington and tell

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them to keep pushing the case off. They won't use you but will keep postponing the case until the JDL lawyers move to dismiss the case for lack of prosecution. Then the Feds will drop the case because they're not interested in it anymore."

Seigel began to resemble the lengendary princess Scheherazade, telling more and more fascinating tales to save his own skin. Seigel revealed that JDL had brought in plans from Israel on how to make a home made mortar and were working on building one for themselves. "This particular mortar would be placed out at Glen Cove, a projectile would be put into this mortar, it would be ignited and it would go over the fence. They would try to aim it directly at the house . . . if possible and blow it up."

Although JDL had abandoned most of these plans, thus easing Seigel's conscience when telling Parola about them, the government reacted to Seigel's revelations with great trepidation and alarm. Despite being an unwitting agent, doing everything without Kahane's knowledge or assent, Seigel <u>at that</u> moment, couldn't have been better placed had Kahane tried, for ironically, Seigel was fulfilling one of Kahane's main purposes: getting Washington to focus on Soviet Jewry. As a credible agent, Seigel was putting government officials in a frenzy without JDL even having to act.

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The Justice Department was notified about Seigel's disclosures and from there the information flowed into all the government's major departments and agencies; the State Department was in contact with their Ambassador to the United Nations, George Bush, who hurriedly arranged a major security review at his Waldorf-Astoria headquarters the last day of November.

Even before that, New York City police increased their coverage at the Soviet Mission from thirty six patrolmen and two sergeants to fifty three patrolmen and four sergeants. Deployed in three eight-hour shifts, the men provided twenty four hour coverage, including two officers who patrolled adjacent roofs to the Mission with walkie-talkies, high powered rifles and day/night binoculars. (New York Times, 18 November 1971)

Tuesday, November 30th, Chief of Detectives Seedman, Sgt. Howard, Gibney and Parola rode the elevator to Bush's thirty fourth floor suite at the Waldorf-Astoria Hotel. There, the representatives of the New York City Police Department were confronted with a vertibable list of who's who in New York City law enforcement. Bush, who was later to become director of the Central Intelligence Agency, had contacted the District Attorney's office for New York County, United States Attorneys' Office,

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Department of Justice, United Nations Security, Bureau of Alcohol, Tobacco and Firearms, Federal Bureau of Investigation and United States Secret Service and each agency had sent representatives to the meeting.

Seedman described the meeting:

> Bush stood up . . . and . . . explained that Attorney General Richard Kleindienst (sic) and the President himself were anxious to prevent JDL from doing anything . . . he proposed a task force of Federal agents and . . . detectives who act in teams. (Seedman, 1974:333)

The detective teams would follow the JDLers everywhere preventing their free movement. Seedman assigned twenty five men to the job and the Justice Department sent a special representative to the Waldorf Astoria to coordinate this task force.

By some perverted logic, someone directed the FBI to put a "prophylactic" national security wiretap on Seigel's home phone, even though Seigel was the one giving the government all the information in the first place. To add to the paradox, Seigel was praised highly by both Parola and Pattison for "saving lives" while other government agents at the same time were distrustfully eavesdropping on Seigel's home. The government would later suffer greatly for their illogical move.

Authorities unceasingly followed the JDLers. Nothing was subtle about their surveillance -- they

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were everywhere not even bothering to hide their presence. An FBI agent overheard Mrs. Seigel complaining to her husband over the phone, that someone the previous evening had banged into their neighbor's blue Pontiac parked on the street. The agents must have done it, Max Seigel replied, because they take off like wild fire. Their cars are the same but they keep changing the license plates. The previous evening, when Sheldon left with two friends, a car with Connecticut or Massachusetts license plates immediately started following them and this morning two agents, whom he recognized, were sitting in a car with New York plates. He doesn't know what they are doing around here, but Irwin (his son) said agents are outside his Long Island home also.

At another time, Harriet Seigel told her husband that as she returned from shopping, she noticed a young man waiting in a parked Bonneville and when he saw her looking at him, he took off in a big hurry. Could it have been one of the FBI guys?" her husband asked. Mrs. Seigel didn't know. Perhaps she was starting to see things, she replied.

The wiretaps at the Seigel residence were useless and provided the FBI with no investigative leads, but the FBI summaries of the conversations did reveal in embarrassing detail the personal discord between Seigel and his step mother. No better example could exist than

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these logs of the government's illegal invasion of their privacy.

Over the phone one day towards the end of December, Max Seigel began discussing Seigel with his wife. Max Seigel told her that the only thing that counted for Sheldon was JDL. They are the only ones that count. "They have brainwashed him alright; they brainwashed him to such a degree that whoever did it, did a fantastic job. . . . They are like the Mafia when this guy gives an order -- and if the guy says kill somebody, they go kill somebody. That's it."

"He was ripe for that."

"No, he was talking to Irwin about it and Irwin said that JDL is a club and a hangout and this is what happens from a hangout. Seigel told his wife not to get aggravated over Sheldon; both agreed he was immature." (FBI Log, Summary of Activity Recorded, 24 December 1971)

One of Harriet Seigel's friends, Stan, called her the first week in January and asked her how she was getting along with Sheldon. He knew their relationship had been bad a few weeks ago. Mrs. Seigel told him that two weeks ago, she had it out with both Sheldon and her husband; she raised hell, so much so that even the neighbors heard the fight. But things have been better since. Her husband has taken her side and has now admitted he

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can't handle his son. "Sheldon is a real problem," Mrs. Seigel told her friend, according to the FBI summary of the conversation. "He's a self centered rat, selfish, unthinking, lazy and tries to treat her like dirt. Last night, Sheldon came home at 6:10 P.M. and wanted her to fix supper. She refused -- said she was not his slave. . . . She again says [to her friend] that she's ashamed of Sheldon. He won't get a job. She and Max have already thought of throwing him out but they'll wait awhile yet . . . he's a terrific mechanic but just won't get a job."

"Sheldon has that [Amtorg] trial hanging over his head. It is scheduled for February 4th, she thinks . . . the entire community is raising money for the JDL [trial]; already one group has raised $1,500 for the JDL legal defense. She herself would help raise funds if Sheldon was just a little like a son instead of an enemy." (FBI Log, Summary of Activity Recorded, 4 January 1972)

Naomi, another of Mrs. Seigel's friends called three days later asking about Sheldon. "Oh he was making bombs," Harriet Seigel bitterly commented.

Was that because he was a weak character and was being led?

No, "that type of thing is Sheldon's cup of tea. He loves to sneak around and loves undercover work. He

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likes to show how smart he is." At another point Mrs. Seigel says, "Sheldon is an obnoxious little cheat and a sneak who loves his 'underground' role in JDL. Sheldon took seven years to graduate from college; he got his degree last June and has done nothing to earn a living since. He is totally committed to the JDL and Rabbi Kahane."

He should stop using the title 'rabbi', Naomi interjected, Kahane is a disgrace to Jews everywhere. He is no good, is self important and is teaching Jewish youth to be criminals.

Sheldon had Max addressing 250 JDL envelopies last year, Mr. Seigel continued. He ran his father 'into the ground' until two weeks ago when she 'blew her top.' Last year in April, Sheldon was sick in bed and she was cooking for him. One day the doorbell rang and when she answered it, found a young man who wanted to see Sheldon. She returned to the kitchen but happened to look towards the front door in time to see Sheldon come downstairs and hand this kid a rifle. The kid left with nothing else said. "Sheldon will be twenty five years old in July and is well on the way of destroying his life and the lives of those around him." (FBI logs, 7 January 1972)

It was in this atmosphere of grave discord at home, while confronting at the same time the unrelenting pressure of the 'Feds' that Seigel continued his dual

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loyalty existence with the League. His conversations with Parola had virtually ceased by then, realizing that he might have to testify in the forthcoming Amtorg trial set for February. At the end of their last December meeting, right before leaving for Florida, Seigel had stormed away from Parola and their state of non-communication had not been altered.

Kahane, who had initiated the Zalmanson campaign, returned to Jerusalem intending to run JDL by commuting back and forth. Totally unaware of the spy in their midst, the JDL leader thought things were going well and if anything, seemed rather pleased with his Zalmanson strategy. "I know there was anger . . . at the Russian Mission," Kahane told a Miami audience right before he left for Jerusalem, "and by the way, there were no children in the room as the Russians claimed. But that shooting -- you should have seen the Soviet ambassador the next day on TV. He was not only angry, he was scared." (Miami News, 17 January 1972)

Attention in New York, however, began to shift away from Silva Zalmanson. In Kahane's absence, the JDLers again rekindled their interest in Hurok, planning this time to harass him with smoke bombs. Only a few JDLers -- Seigel among them -- planned the smoke bombs, but since it wasn't dynamite or anything like that, their

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intrigue wasn't carried out in absolute secrecy and many ended up knowing about the scheme. Nevertheless, because of the previous month's intense police surveillance, the conspirers didn't tell those delivering the smoke bombs about the plot until the morning of the bombing.

Seigel helped construct the bomb and pre-test it. The night before the event, after a final meeting with Cohen, Davis and perhaps one or two others, Seigel drove home, dropping Murray Elbogen off on the way. The smoke bomb was lit the following morning and what was to have been minor harassment turned into a catastrophic shocking tragedy. January 26th 1972 became the most significant day for JDL, the more so because Iris Kones' grievous death was totally unforseen. The acrid, poisonous smoke at Hurok had irrevocably transformed JDL's sophomoric conspiracy into a diabolical machination.

The smoke was still smoldering when one of the detectives, two hours after Iris Kones' death, contacted Seigel to arrange a meeting. Seigel denied JDL had anything to do with the tragedy but feeling very scared and guilty, he gave Parola what for the last two months the detective had been looking for: the person who had bought the sniping gun was Gary Shlian, while Gary Fishman and Israel Danziger were involved in the shooting. Since the police had no evidence against the latter two, they concentrated mostly on Shlian hoping he would confess and implicate the others.

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Arresting seventeen year old Shlian and his friends was a bit of a problem. He could the police detain them without giving Seigel away? A prosecutor ingeniously thought of a "cover" fortunately provided by the JDLers themselves. Shlian and Fishman were leaving Saturday night to visit Israel. Since they were still technically out on bail for the Board of Rabbis incident, why not have them arrested for bail jumping, then finger -- and palm print Shlian, announcing afterwards the discovery of Shlian as the gun purchaser, his palm print matching the one that ATF agents lifted off from Greenblatt's firearms transaction record.

Saturady night, Shlian and Fishman checked in at Kennedy Airport for their El Al flight and with their boarding passes, walked onto the plane ramp. Plain-clothesmen were right behind. Two feet from the air-craft, four detectives lunged at them and grabbed each one by the hand. "Try anything and we'll blow your brains out." The two were separated. "They put me in one room -- probably an office -- and Fishman in the other. They never told us we were under arrest, just that they wanted information about the Hurok bombing which had occurred the previous Wednesday. I knew nothing about Hurok and told them so. I also kept on telling them I'm going to miss my plane but they said I didn't have to worry about that. I didn't answer any of their questions they asked except one: how long was I

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going to Israel for. I really didn't know myself. I might have stayed there a week, a month if I really like it, perhaps even half a year. I wasn't sure but I figured if I told them a week they'd think I was going there to do something illegal so I said a month. They told me then I was being held for bail jumping.

"They tried to get me to talk and kept asking me questions. When I didn't answer, they started threatening me, but they were so bad at it; they were making threats which were ridiculous. One kept on threatening to throw me into Jamaica Bay. 'Everybody expects you to be in Israel.' So I said yes. 'Well no one's going to miss you because you're not supposed to be back for a month anyway. They won't realize your body is in the bay.' I made a couple of sarcastic remarks and he said, 'Wise guy, we'll blow your brains out.' He was so unconvincing I held up my hands in resignation for him to do it. They were so very bad. You could see it done a lot better on television. At another point they asked 'Can't you hear your friend in the other room screaming for mercy, crying his eyes out?' I said 'He'll have to scream a little louder because I can't hear him.'

"They tried the good guy-bad guy routine. His partner came over and said 'I'll take this mean guy away from you.

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You're hungry? Want something to eat?' He got me a sandwich. But they were very sloppy. They weren't good and their threats couldn't be taken seriously.

"We were taken to the 6th precinct and held overnight. Fishman had $800, I had one thousand bucks so we figured we could bail ourselves out. It couldn't be more than fifty dollars for attempting to jump bail on a trespassing charge, particularly since I had been released on personal recognizance for the Board of Rabbis case. That case had about fifteen defendants from four different states and I had gone down six or seven times for the sentencing but each time one or two defendants didn't show up so Judge Stone kept on post-poning the case. This had been going on for almost a year and I was there each time, so I figured, well it's my turn not to show up. I didn't think there would be any problem since the deal with the prosecutor had already been worked out and I knew I was supposed to get a $100 fine."

The next morning the assistant district attorney requested Judge Bruce Wright to fix bail at $25,000. Wright started laughing. Twenty five thousand dollars for attempting to jump bail on a trespassing charge? Since Wright thought it a joke and indicated he was going to release the two, the prosecutor asked that the

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judge disqualify himself. He did and the following judge granted the prosecutor's wish.

Shlian was brought to Riker's Island until his family could raise the money to bail him out. In the meantime, ATF Special Investigator Alfred Meyn got Judge Weinstein to sign an arrest warrant for Shlian based upon the palm print.

On Thursday, Shlian was bailed out. "There is a turnstile at Riker's and you're officially out as soon as you go through. The moment I did so, ATF agents rearrested me. They were very professional. They showed me the arrest warrant and read me my rights -- the way it should be done, which the local cops didn't do. My name was misspelled as Schliam on the warrant. I remember someone telling me that if a warrant comes for you and your name is incorrectly spelled, you don't have to accept it. I told them 'This is not me, I'm Shlian, you're looking for Schliam so it's not me.' 'Get into the car,' they said, so I didn't argue.

"The ATF investigators started psyching on me. 'You just got $25,000 put up and you were free all of ten seconds. Now it's going to cost you half a million dollars and then we'll go and pick you up a half hour later for something else. We'll dig depper and deeper.

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C'mon let's hear something. Who gave you the money to buy the gun?'

"They weren't very interested in me [but in the others]: who gave me the money to buy the gun and who did I give the gun to after I bought it. They offered me money if I gave them the information and a guarantee that if I'd plead guilty to conspiracy, I wouldn't be imprisoned."

Shlian never informed and Danziger was never formally charged with the shooting. But because Shlian refused to cooperate, Pattison brought him to trial. Prosecuting him was troublesome for the illegal wiretaps were again an albatross around the prosecutor's neck. Shlian had been among those overheard on the illegal wiretap and therefore rather than conducting a lengthy 'taint' hearing, the assistant United States Attorney let Slotnick plea bargain. Instead of the original two counts -- making false statements when purchasing a firearm and possessing a fradulent draft card -- Shlian pled guilty to the superseding count of "accessory after the fact" of possessing a phony draft card. Under youthful offender treatment, he was sentenced in 1975 and after serving two months at a youth correction center, he was placed under probation for twenty eight months.

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After Shlian's arrest, the government announced it was dismissing the indictment against Isaac Jaroslawicz. (In federal court four years later, Jaroslawicz filed a three million dollar suit against Seedman for violating his civil rights. Jaroslawicz charged that in Seedman's newly published book, the chief of detectives had admitted to improprieties when writing: "Under normal circumstances I never would have ordered Jaroslawicz arrested so quickly. But with everyone so anxious to see fast results. . . . The arrest of Jaroslawicz took us off the hot seat in the sniper case." Judge Bruchausen in summary judgment without trial, dismissed the suit saying Seedman "acted in good faith." But the Court of Appeals unanimously overturned his decision noting that "Seedman's own words have created an issue of fact concerning his good faith." (New York Times, 20 December 1975) The suit couldn't have been filed if the book had never been written and Chief Judge Kaufman ordered the suit reinstated and tried on its merits.)

Although Parola had finally gotten from Seigel the name of the gun buyer, the detective was now driven by a new mission: Who were the Hurok bombers? The Amtorg trial which was supposed to start February 7, was again postponed to March. Ever worried that he'd be exposed, Seigel called Parola one day with "information

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that was really hot." In return, Seigel expected not to be revealed. "Okay, I will meet you at the same place," Parola told him. Although the veteran detective had heard many plots by then, Parola was more than a little surprised when, sitting under the West Side Highway, Seigel told him JDL planned to shoot up the Russian Embassy in Washington. Gene Kleinhandler had gone to Washington to reconnoiter the neighborhood.

Although still a teenager, Kleinhandler, one of JDL's most secretive and intelligent operatives, had found a hotel with a vantage straight out to the Soviet building and its front driveway. Without much effort, they could shoot into the Soviet Embassy and had they wanted to, they could even shoot the Ambassador if he was cooperative enough to ride up the front driveway. In preparation for the shooting, Larry Gartner had already bought the rifle upstate at Kinne's near Liberty, New York. The weapon, similar to the one used in the previous shooting, was now stashed in Kleinhandler's house under the teenager's mattress.

Alerted by Seigel that Kleinhandler was planning to go to Camp Jedel to test out the gun, the police surrounded his house and waited for him to leave. Early that wintry evening, Kleinhandler stepped out of his house carrying a package that he put into the car trunk.

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He was soon joined by Izzy Danziger and the two drove towards the city's outer limits, followed by detectives. Realizing they were being followed, the two JDLers started meandering around aimlessly, driving in directionless configurations. After a few hours circling, the exasperated police decided to put an end to it all and arrested Danziger and Kleinhandler. The trunk was searched and the gun taken. The charges against them, however, were insignificant -- they had done nothing -- but the gun was confiscated and the plan was abandoned.

Seigel bitterly complained to Parola soon afterwards that the arrest had almost blown his cover because he was among the very few who had known about the top secret plot. Nevertheless, the results were partly rewarding to Seigel because the Amtorg proceedings were delayed until June.

All the while Parola continued pressing for information about the smoke bombing. "I asked him several times on numerous occasions that we met," Parola testified, "whether or not he had knowledge of the Hurok bombing and on many occasions he said 'no'. Was it anybody in the JDL that I knew?"

"I don't think you know the people that did it," Seigel said at one particular time.

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"Well what makes you say that? Do you have any knowledge of it?"

"No."

"During this time we had personal type conversations. I understood he was in need of money. He was going to become a partner in his brother's antique store and . . . we produced $5,000 in cash. . . . Hurok offered a $5,000 reward in this case. . . ." During the Amtorg investigation, Parola had offered Seigel money but the youth had refused it. Now again he extended money, informing Seigel that in addition to the money Hurok was offering, federal authorities were also proposing a $5,000 reward. "Shelly, look there's five grand here, if you can come up with the information. . . . If you know something tell me . . . the money is yours for the information."

"All during this time," Parola told the Court, "I had a sneaking hunch that he did know something because he would just turn away from me and he would pause, and he would turn towards me and turn away again and pause. Any my hunch was that Shelly knew the answer but he just didn't know how to come out with it. . . . He just looked at me and had tears in his eyes . . . . He left the money there and just took off. I picked it up and put it in my pocket and I went back to the office with no further conversation."

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A few days later, when the two met again, Seigel told the detective he could provide him the names of those at Hurok. But knowing how valuable his information was, Seigel used it as a final bargaining chip, demanding to exact a deal of never being revealed. "What assurances do I have," Seigel demanded of Parola, "that [if I gave you the names] I would not become involved like I did with the Amtorg case?"

"We ain't going to use you. We just ain't. We won't have to. We can make the case without you."

"He [Parola] said something about a first party and a second party and a third party to a crime," Seigel later told Dershowitz, "and he could arrest the second party and the third party and leave out the first party. I didn't know what he was talking about. I don't think he did. Anyway, he said he is going to call Mel Glass if I gave him any information. . . . 'We are going to do all the groundwork . . . without using you at all.'"

"I asked him," recalled Parola, "if he had the information as to who actually had committed it . . . who the participants were. . . ."

"If you can get me a deal with the Amtorg case, then we will discuss it further."

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Parola hurriedly arranged to speak to Pattison. What was discussed remains unknown for Judge Bauman didn't permit testimony about it, but it is clear that Parola returned and promised Seigel he wouldn't be revealed. Despite all his previous experience, Seigel somehow found Parola's reassurances convincing. But unlike his previous time with Pattison, Seigel did not ask that their agreement be put in writing. From then one, Seigel cooperated fully with the government. As Parola was to testify: "I got [on Sunday May 7, 1972] a detailed description of the participants and how it was done, where it was done, where they purchased the materials, who made it, whose idea it was, who paid for it. I received almost all the information at that time that I needed to start an investigation."

In the midst of all this, Nassau County police stumbled onto the four making bombs at the Lido Beach Center. Fortunately for the police, they didn't have to waste time trying to figure out if these were the Hurok culprits. Parola never bothered investigating but continued to work on Seigel. One day he and Gibney drove out to Long Island with Gel Glass and an assistant. They had arranged to meet Seigel outside a restaurant on Merrick Road. Seigel was waiting in the parking lot and when he saw them, he came over and got into Glass's station wagon.

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"I suppose you're wondering why we drove over," Glass began. They wanted him to wear a transmitting device while conversing with his Hurok accomplices. Seigel was to try and get them to make incriminating statements which would be recorded by the police. Seigel was hesitant but Glass said that if they tapped the phones of the others involved, they might obtain enough evidence to free Seigel from testifying in court. But the only way they could get a court order for the wiretaps was for them to demonstrate its necessity. For that, they needed Seigel and the recordings.

Seigel refused that day but after several discussions with Parola, he gave in. "No one will hear the recordings," Parola reassured him. "They are never going to be used, only we are going to have them. Even if I have to get rid of them myself, I swear on my childrens' life, no one will see them. If they actually get lost, no one will know what happened to them." The JDLer complied and recorded conversations with Sheldon Davis and Jeffrey Smilow. Parola comforted him by saying, "Don't worry. We will turn over a couple of people [to confess] because so many people know about Hurok."

As a result of Seigel's information, Henry Putzel subpoenaed Smilow and Huss to testify before the sitting grand jury. A few months before, assistant United States

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Attorney Joseph Jaffe had subpoenaed a number of JDLers but that was an awkward groping for information and it met with no success. Now, however, it was obvious that the government had learned a lot about the Hurok fire. Otherwise why would the government call Smilow and Huss? Barry Slotnick, who began taking an interest in the legal affairs of the JDLers ever since he represented Kahane in the gun smuggling case, called the Jewish Telegraphic Agency and informed them that three JDLers had been called to testify June 30th in federal court.

Before delivering one of those subpoenaes, a process servor called up to find out if the teenager was home. She was not, but alerted by his call, she escaped to Israel the following day. Putzel also learned that Jerome Zeller had fled the country.

Greatly worried that the defendants would all end up in Israel, Melvin Glass on Wednesday, June 14th, convened an emergency strategy meeting at his 100 Centre Street office. Assistant United States Attorneys Elliot Sagor, Henry Putzel and a number of FBI agents were there as well as Earl Kaplan, who oversaw the Hurok case for the Justice Department's Internal Security Division. Parola was also present at the meeting and Henry Putzel was introduced to him.

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There were reasons to believe, Glass told the assembled people as the meeting got under way, that Cohen and Davis were planning to flee the country. Instead of waiting for the grand jury to indict them, a decision was made to arrest everyone the following day.

In addition, there "was a long discussion as to whether Seigel would be willing to testify," with Glass assuring the assembled prosecutors that his informant would take the stand. Seigel gave every indication of complying and he was called down to Glass's office later that day, where FBI agent Robert Nixon, who was in charge of the Hurok bombing for Squad 312 (JDL), in the presence of Earl Kaplan, began going over the case with the JDLer. Arrests were imminent, Nixon warned Seigel afterwards.

Late Thursday night, June 15th, Cohen, Davis and Smilow were detained on probable cause, their arrests authorized by the Department of Justice (with the complaint filed later, at their arraignment). Cohen was taken to Glass's office but was later handed over to the FBI. "They kept psyching me," Cohen recalled. "They said they went to Hurok and 'Boy you should have seen Iris Kones' body!' And they kept psyching, 'Boy, now you're in the big time. Murder! Life or the electric chair. You're really in the big league now.'

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I just ignored all this. They kept this up for about twenty minutes and saw that I wasn't paying any attention to it and they stopped. They didn't play any good guy-bad guy stuff. There was no way for them to approach me as a nice guy if they're booking me for murder."

Glass had others brought in for questioning. David Fish, a nineteen year old undergraduate at Columbia University and JDL's college coordinator, knew about the bombing and Glass had ATF investigators call at his home.

"Who's there?" Fish asked.

"Alcohol, Tobacco and Firearms."

"I don't drink and I don't smoke."

"And Firearms!"

Fish opened the door. "District Attorney Mel Glass wants to speak to you," they said.

"Let him call me in the morning."

"He wants to talk to you now."

"So bring him up."

"No you're going with us."

Fish and his escorts reached the district attorney's office at 1:00 A.M. Glass began the questioning.

"I don't know my rights very well," Fish responded, "but I watch Dragnet on TV. Don't I have some kind of right to a lawyer?"

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"You don't have a right to a lawyer, only when you're arrested. Tell me, what do you know about the Hurok bombing?"

"Just what I read in the papers."

"I understand you know more than that. You know this guy?" Glass asked, pointing to a picture of Cohen. "You know Stuie's involved in the bombing? Come on, you know. What are you a hero, trying to protect him?"

"I don't know anything."

"You say that on the witness stand and in addition to everything else, you'll get seven years for perjury. You're not going home, you're staying for trial. You'll see your picture in the New York Times. I don't have time for you now. Go in the other room and take a seat."

Fish was being set up. Glass had other law enforcement people come over and sympathetically ask Fish what he was doing there. He was badly shaken and fell for the ploy. Planning a career in law, he was now being threatened with a seven year jail sentence which he feared would prevent him forever from being admitted to the Bar. When Fish told the people sitting down next to him that he had been brought down for questioning, they tried to cajole him into talking.

"It's really a pity. Glass tells me you're one of the smart ones. My son couldn't get a Regents' Scholarship and you're going to Columbia. Gee what a

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pity you are messing up your life. Why get yourself in trouble. Tell them about the things they want to know."

The teenager was totally unaware of their manipulation. "It's hard to believe I fell for it. I was under the impression these guys were on their coffee breaks and just happened to talk to me. There was this guy who conned me into getting into an ideological debate with him till he finally had me telling him that I would advocate the harassment of Russian woman and children. He threatened that he would tell the grand jury what I said so that they would know what kind of guy I was. I'm incredulous that I fell for it but each guy had a different routine."

Glass returned. "Come here, I want to show you some of your friends, only this time it's not a picture." Cohen and Smilow were paraded by. Although they weren't allowed to talk, Cohen managed a nonchalant shrug of the shoulders. After they passed by, Glass put Fish into a law office. "Wait here."

Glass returned a half hour later. "You ever see a chair fold?" the district attorney announced triumphantly. "I want you to know Smilow and Cohen are folding like chairs. They're folding Fish. We got as much tonight as we need for this case." It was a ruse. Cohen and Smilow,

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of course, had never made any statements but Glass realized Fish had no way of knowing this.

"I don't know what to do with you," Glass continued. "We can arrest you now as a co-conspirator. We can give you another chance; personally I don't think you deserve it any more. If Cohen and Smilow hadn't broken, you would have ended up winning tonight by not talking. But they gave in and folded. I just feel sorry for you because you're a different type and these guys screwed you just like I told you they would. I'm going to give you one last chance. Fish, you're going to talk, yes or no?"

"I have nothing to say."

Glass called two ATF men over. "Mr. Fish, these two men will escort you. Do you have anything to say?"

"No."

"Okay, take him away."

Fish thought he was going to jail. "What's the fastest way to get to Brooklyn?" one of the men asked as they walked down the steps. Instead of jail, Fish realized he was being taken home.

Seigel meanwhile was still free. In the morning, Harvey Michelman accompanied Seigel downtown to Criminal Court, where by coincidence, the JDLer had to appear on his state charge. As in the past, the case was adjourned so Michelman and Seigel crossed the street

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and went into the Federal Courthouse to see those arrested. Seigel waited in the outer lobby while Michelman went inside.

Minutes later the lawyer came out in great consternation. "Shelly, come with me. You are under arrest."

"What," Seigel said feigning surprise, "you've got to be kidding."

"No, they want to arrest you. Your name is on the complaint. Come on inside, they are looking for you."

FBI agents handcuffed Seigel. Special Agent Robert Nixon came over to Seigel and out of Michelman's hearing said, "Don't worry about it. We tried getting hold of Sam Parola this morning about this to let him know. We couldn't reach him so we took it upon ourselves to arrest you just to cover you."

Seigel, Cohen and Davis were brought to the holding pens in the basement of the courthouse where Seigel was put into a separate cell. Later that day, Special Agent Nixon quietly called Seigel out of his pen and brought him upstairs to Henry Putzel's office. The assistant United States Attorney got up from his desk and shook Seigel's hand. "Glad to meet you. I have been hearing a lot about you." Putzel closed the door to

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his office before explaining that he wanted Seigel to testify before the grand jury that afternoon. If they didn't get an indictment from the grand jury that day, JDL's lawyers after the weekend, would call for a disclosure hearing in which all the evidence -- including Seigel's name -- would come out. But if he testified, his testimony before the grand jury would be kept confidential and the government would be able to postpone disclosing Seigel's name. The JDLer agreed to testify.

Wanting to mask Seigel's movements and to protect him from his fellow JDLers in case they found out, authorities transferred Cohen and Davis to the Federal House of Detention and put them in segregation. Meanwhile Seigel was brought up to the grand jury room on the 14th floor of the Federal Courthouse. Henry Putzel was to conduct the questioning, but before commencing he told Seigel, "Let me also put on the record that Mr. Earl Kaplan who is an attorney for the Department of Justice [in Washington], is present in this room and as I have told you prior to this meeting, Mr. Kaplan is applying for so called use immunity for you. He will do so the first thing Monday morning, it now being approximately 3:25 Friday afternoon . . . which will mean that the testimony you give before any grand jury will not

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be used as evidence against you in any court proceeding. . . . On that basis, are you willing to answer questions?"

Seigel was willing and he repeated all the details he had given before.

For those who refused to cooperate with the government, however, Seigel's collaboration had the unintended effect of completely disrupting their lives. "How old were the kids who fled to Israel?" Michelman later rhetorically asked. "Sixteen? Seventeen? It's really difficult to leave home, family, school, lovers -- to pick yourself up without a penny in your pocket and leave the comforts of your parents' homes. Why even in jail you could have your parents come visit, but by going to Israel you're leaving everything."

The ordeal for those who didn't uproot themselves to Israel was also severe and of those who stayed in New York, Richard Huss and Jeffrey Smilow were to suffer the most. As with the others, Putzel called them before the grand jury knowing that if they complied, Seigel's identity would be safe because Putzel would use them as witnesses instead of Seigel.

Smilow was called before the grant jury ten days after Seigel. The seventeen year old high school student refused to answer any questions based upon his rights under the first amendment freedom of worship clause; as

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an "observant and committed Jew" he could not inform on others. The novelargument was used because his lawyer, Hyman Bravin, did not want to invoke Smilow's fifth amendment privilege against self incrimination. Bravin knew that if Smilow used the argument of self incrimination, the government would grant him immunity and he would again have no alternative but to testify.

The government brought intense pressure against Smilow. After he refused to testify, Henry Putzel hauled him before a judge who ruled that the first amendment did not apply to Smilow's case. Judge Weinfeld ordered Smilow to testify. When he again refused, the jusge held him in contempt of court and ordered him immediately imprisoned for thirty days. The order was appealed and two weeks later, at oral arguments before the Appeals Court, Smilow was granted bail pending the outcome of the arguments. By then, however, he had already spent fourteen days in jail. A week later the Court of Appeals affirmed the decision. The case, however, was brought to the Supreme Court, where for the first time, the Solicitor General admitted the possibility of illegal surveillance, having found conversations of an individual known only as "Jeff." Accordingly, the judgment was vacated and the case was remanded to the district court for further proceedings. By then, the

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government, for some reason, decided to dismiss the contempt order and the judge complied. But Smilow's ordeal, it turned out, was just beginning.

Meanwhile, the witchhunt for the informer began within JDL's ranks. Harvey Michelman suggested everyone above a certain level on the board undertake a polygraph test. "The police were on the scene too quickly during JDL actions for it to be coincidental; it couldn't have happened just by following the JDLers. I suggested to one person whom I trusted, that we develop another test also. He should casually talk to various people about an upcoming plot. Each person would be told a different story -- we had four different plots -- to test them. One of the plots I suggested was to wrap toilet paper rolls in red paper, making them appear like dynamite and have people see him leaving the building with it. 'We're going to blow up spot A, or spot B,' he'd say on his way out. If law enforcement agents came to any of the spots, we'd know immediately whom our tipster was."

It was at this point that JDL's suspicion fell on Richard Huss, who was the prime suspect since he alone escaped arrest. Most probably, the government sought this impression to deflect suspicion from Seigel and deliberately avoided arresting him.

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Events caught up with Seigel the end of September 1972 when the Amtorg trial was finally scheduled to begin. Through complex plea bargaining, the government agreed to allow Garfinkle and Jacob Weisel to plead guilty to a misdemenaor: possession of dynamite. When Michelman heard that part of the deal was for Seigel to plead guilty to a felony (making the two bombs) he wanted to abandon the entire arrangement. "Michelman was under the assumption," Seigel later confided to Parola, "that there was a deal for everybody, that the other two were getting a guaranteed suspended sentence and he thought it was for me also. But then when he found out [I was to plead guilty to a felony] . . . he wanted to break up the whole fucking deal. But I was pushin him you see, I was pushing him and he almost killed me. He didn't want to go through with the deal anymore."

Michelman of course, wasn't aware of Seigel's cooperation. On the other hand, Seigel was "pushing" Michelman to accept the deal because with three people pleading guilty, there was no need to testify. The only hitch for Seigel in all of this was his fear that the judge after accepting his guilty plea, would sentence him to jail.

Two days before the guilty pleas were to be entered, Seigel, greatly concerned about a jail sentence, telephoned

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Pattison. As always when in trouble, he recorded the conversation. "And what's going to happen as far as my sentencing goes?"

"Well I don't know. You will probably get a certain amount of time. Maybe not much but uh, we'll see."

"What do you mean 'we'll see'?"

"Well I mean that's up to the judge." [Mark Constantino]

"Is anybody going to talk to the judge?"

"I don't know. That was not part of any arrangement at all with the lawyers . . . the only way that we could cover you as well as we could was to take a relatively hard line. I mean if we were willing to let you off so lightly they would get wise . . . if you were to walk out, that would be almost a tip -- giveaway. Dead giveaway. . . ."

"Can't recommendations be made [that I receive a suspended sentence] without coming out and telling the lawyers about it?"

"Well, we'll see about that. This judge, as you may have seen, is not the brightest guy in the world. We haven't told him anything about you up until now. If we do, he may feel that you'll have to tell your own lawyer, Michelman. . . . It's very risky. So we'll see. I'll

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see what I can do. But just keep in touch with Sam [Parola] and Joe [Gibney] and with your lawyer, Dershowitz."

The conversation weighed heavily on Seigel. Despite his cooperation, he was going to jail. A new motive of self interest emerged, which added to his feelings of guilt, effectively removed any hesitations Seigel had of confessing.

Barry Slotnick all the while was growing suspicious of Seigel. "There are complexities to reading a federal indictment," Slotnick said, "but if you read them often enough certain things are obvious and certain things are not. It is like a puzzle so that after reading an indictment I can envision to a great deal what went on even if it's not written. The more I looked at the Hurok indictment, the more it pointed to Seigel."

Mounted on the wall of Slotnick's law office, was a large white sheet of paper and Slotnick began charting the indictment on it. It was a favorite tool of his, often helping to clarify complex situations. "More and more there was only one pimple growing out of it and that was Seigel. It was a deduction. No matter which way you looked at it, it always became Sheldon Seigel." Without saying anything to anyone, Slotnick started his own investigation.

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What happened next is unclear. "As you are aware," Slotnick said in explaining his reluctance to discuss past events "the whole issue surrounds itself around a lot of priveleged information and that will probably follow me to the grave. One of the things that I did when I became a member of this profession was to take an oath and I take it very seriously, never to give up a confidence, and I can't do it now."

Perhaps the only person who can clear up the events is Seigel himself, but he has to this day refused to talk. From what Barry Slotnick and others were willing to reveal, however, a picture emerges of hushed and furtive meetings.

Late one night, Slotnick telephoned Michelman.

"What is it?" Michelman asked.

"I can't talk to you on the phone but I must see you."

When they met, Slotnick told him his fears. "Speak to your client," he urged. Alan Dershowitz in the meantime learned of those suspicions and confronted Seigel himself. Consequently, at the end of September, right before Seigel was to plead guilty to Amtorg, Dershowitz learned the bewildering news: his client was a government agent.

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Dershowitz's immediate inclination was to drop Seigel "like a hot potato and let him fend for himself." "Look I'm not in the business of representing government informants," Dershowitz felt like saying. "Go get yourself a government lawyer." He and his assistants were furious at Seigel for having misled them and for having put them to so much work -- preparing to defend Seigel against a murder charge Seigel knew he never faced.

> Having entered the case on the premise that Seigel was a criminal defendant and not an informer witness, we felt free to reconsider our willingness to represent him. Before making our decision, we asked him to tell us how and why he had become an informer. . . . After hearing Seigel's account . . . we concluded that the government's actions -- if Seigel had described them accurately -- raised serious civil liberties issues. . . . With some hestitation about representing a double agent who had deceived us for so long, we agreed to remain in the case. (Dershowitz, 1976)

Dershowitz immediately challenged the government attorneys and telephoned Pattison's home that Sunday night wanting to know why knowledge of Seigel's cooperation was kept from him. Pattison explained that they they didn't want to blow Seigel's cover. If Dershowitz was told, they feared he might divulge Seigel's true role to the other JDLers. Pattison was very relieved now that Professor Dershowitz knew, for the government lawyer wanted Dershowitz to persuade Seigel to testify. Both the government attorney and Dershowitz realized that Seigel was extremely sensitive

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about informing; he hadn't even told his bride about it yet. Once he did so, Pattison thought, "that might be the 'Gordian Knot' which once unraveled, would facilitate his complete cooperation [with the government]." The assistant United States Attorney writes:

> Seigel then, through his attorney of record, Harvey Michelman, Esq., offered to plead guilty to a felony count. . . . Although he obviously had not informed Mr. Michelman of his status, he had been receiving effective assistance of counsel from Mr. Dershowitz, his "de facto" attorney, whom he had told and who was well aware of, and [who] discussed with me, the proposed plea on the part of his client. (Government's Affidavit, USA v. Eli Schwartz et al., 71 CR 977, 25 April 1974:3)

Nonetheless, Dershowitz was not prepared to press his client to testify, feeling that it was for Seigel himself to decide. On that question, therefore, the law professor remained neutral. To avoid unnecessary pressure on Seigel while he decided, Dershowitz chose not to take the others in the defense team into his confidence and ceased attending their strategy meetings. Maintaining a common defense would have been a gross violation of the other defendants' rights to a fair trial because if Seigel decided (or was compelled) to testify, it would have meant in effect, that the government all along, had had its agent inside the defendants' camp. To avoid this, Dershowitz decided upon separating his client from the others.

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By the same token however, Dershowitz refused to enlighten the other defendants about Seigel. Doing so would have deprived his client's 'cover' until and if he decided to testify.

Notwithstanding Dershowitz's precautions, others learned about Seigel. While negotiations for Amtorg were proceeding, subtly troubling aspects turned up. Seigel seemed almost too eager to plead guilty to a felony. The government for its part, was also unusually generous in its plea bargaining, notwithstanding the federal trial being JDL's second. The signs that Slotnick noticed were all insignificant taken alone. But they were very troubling given his knowledge that an informant existed.

"Slotnick was the first one who suspected Seigel," Michelman recalls. "He is probably one of the most competent criminal lawyers I have ever met and a really nice guy besides. He was lead counsel on the case. But even before Slotnick indicated that he knew, Seigel told me. We were in conference for the JDL Seven [Amtorg] when Seigel said: 'I've got something to tell you.' We went outside and he told me what happened."

Michelman was badly jolted. The horrifying confession was too shattering to keep from Slotnick. But how to tell him? That night when Michelman finally found him,

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he pulled Slotnick over so that the two were far removed from any inadvertent bystanders. "Barry, I want you to be my lawyer." Invoking the lawyer-client relationship assured Michelman of confidentiality. "Sheldon just told me he's the informer." A piercing sense of dread enveloped Slotnick.

"I was up all night and I remember that I felt great pain. I was always very fond of Sheldon. I knew that I had to confront Seigel to find out on my own because it's like knowing something has happened yet hoping you're wrong, that the inevitable will not occur."

Slotnick saw Seigel soon afterwards. "Can you drive me to the Scarsdale train station?" asked the lawyer. When they got there Slotnick asked Seigel out of the car. "I felt I would rather speak to him on the open train station." And then Slotnick could no longer avoid the ineluctable remifications.

"Sheldon Seigel had sat in on meetings of the defense team and for many sleepless nights, I wondered whether I could cross examine him effectively -- if he wanted to become a government witness -- knowing that he was aware of my defense strategy. Cognizant of where I was going, he could sidestep my cross examination. The purpose of cross examination is obviously to get to a conclusion that can be summed up to the jury -- to get

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answers to tell the jury what the case is all about. If Sheldon knew where I was going -- which obviously he did -- I'd have great problems in cross examining him. I'd have to change my whole theory, my whole tactic, my whole case would be changed."

Wanting to carefully think through his next moves, Slotnick told no one about Seigel. Since JDL's united defense had just fallen apart, Slotnick realized his obligation to his client, Stuart Cohen, was now of overriding importance. "One half of what you do is based on strategy," Slotnick said, "and I wanted to decide upon my next move in complete freedom. I didn't want to limit my choices by telling others about Seigel."

A most bizarre situation emerged. Although by then most of the key participants had learned about Seigel, no one was sure exactly how much the other knew. Putzel and Dershowitz had discussed Seigel, but Putzel was unaware that Slotnick knew, while Slotnick on the other hand, wasn't sure whether or not the government had learned that he knew about Seigel. This conspiracy of silence, consequently, merely enhanced the trepidation of the impending denoument.

* * * * *

All of Seigel's worries about going to jail were rekindled when David Levine and Robert Fine were sentenced in Federal Court on November 3, 1972 for planning to bomb

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the Glen Cove Mission. Although Levine was given a year and a day (under federal law, a prisoner may not be paroled if given a term of a year or less. The judge was being kind in imposing the extra day, making Levine eligible for parole after serving one third of his sentence) everyone in JDL thought Fine, rather than being jailed, would be permitted to leave for Israel.

"Robert Fine, do you have anything to say before the Court imposes sentence on you?" Judge Jacob Mishler asked.

Fine had already admitted he was going to throw the bomb when no one was around and the judge started talking about it. "If someone just happened to go by and you didn't see him, a serious injury or death could have occurred."

"I don't believe that's so, your Honor," Fine replied, "because there is no one in this portion of the estate and I would have remained there until it went off. That was my intention."

"Now [if] people were killed intentionally and non intentionally, as far as the person who is killed, it makes no difference."

Fine was not very articulate in his defense but his lawyer tried to make the best of it anyway. "As co-counsel had stated, this was a unique type of crime. It was more a political crime. It was not a crime for

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profit; it was not a crime of passion or want or need. . . . Now your Honor has a full and complete probation report. The Court is aware of the defendant's past narcotic problem, a problem which he alone fought and conquered. . . . I know your Honor has given the co-defendant [David Levine] a year and a day sentence in federal custody. I would ask your Honor to consider not giving this defendant the same sentence and allowing him to emigrate as soon as possible to Israel with his fiancee, who I understand has a three year old child. There is a future there for this defendant. . . ."

"I don't intend giving this defendant the same sentence as I gave the other. I think there are significant differences. This defendant is twenty-six years of age, twice the age of reason as I recall it. Mr. Levine was nineteen years of age. This defendant has a record, a record that indicates a tendency or an inclination to violence. The cause that attracted Mr. Levine attracted this defendant -- I don't know whether it was for the same reason.

"Robert E. Fine, on your plea of guilty to count four of the indictment, I sentence you to the custody of the Attorney General of the United States or his duly authorized representative who shall choose the place of confinement for a term of three years."

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"Oh my God!" a woman shrieked.

"You see, violence is contagious," the judge said.

"That was the defendant's fiancee," the lawyer explained.

"I have seen more performances in this court by wives and fiancees than I have seen on the stage and usually more dramatically. I don't know what they expect to accomplish by it. I am certainly not going to change my sentence because I didn't please the fiancee." (USA v. David Levine)

Besides shocking "the fiancee," Judge Mishler's sentence was a big jolt for Seigel who feared a similar fate. He was greatly worried he'd be thrown in jail, particularly since Pattison have told him the Amtorg judge hadn't been informed about his cooperation. Having no one to turn to -- Dershowitz was away at Harvard and Seigel wasn't very comfortable yet in consulting him -- Seigel sought Parola out.

"The thing is, Bobby Fine was sentenced federally," Seigel told the detective over the phone ten days later, "and Pattison supposedly made a deal with him that they're not going to get any time from him."

"What the hell did he plead guilty for? What kind of deal could he make for three years on that two bit case?"

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"That's just it. Pattison was supposed to talk to the judge. . . ."

"Three years is a long time."

"Five years is the maximum."

"Five years is the max and they give him three?"

"Yeah."

"Boy, they're really sports."

"And they weren't supposed to give him anything."

"Jesus Christ, at least give the guy one to five, you know, something like that so the guy does maybe nine months. . . ."

"I don't want to wait until court and find out they're going to screw me up also like that. . . ."

"I'll talk to Mel [Glass] tomorrow . . . I'll ask him. I'll get him first thing in the morning. . . ."

"Yeah, but is Pattison going to tell him if they're going to give me time or whatever?"

"Sure he would . . . Tomorrow I'll see what the hell he says. He can find out. I'll ask him to call and find out what's going on . . . call the office tomorrow after 1 o'clock."

Seigel called but Parola wasn't in, so he telephoned Pattison instead. "Am I going to get screwed like what's his name, like Bobby Fine did?"

"I don't know. What do you mean screwed up?"

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"I don't know, supposedly, the government was saying it wasn't going to give him any time. . . ."

"No. I don't know why everybody thinks that. You know, that's not true. No, I think that it worked out okay for him. He's in jail but it's not as much time as they could have gotten. He'll be out a short while. . . ."

"Is anybody going to speak to the judge before sentencing in this case [Amtorg]?"

"Well you know what I'd like to do Sheldon? Could I see you sometime, meet you someplace? Because I don't want to talk about it over the phone too long you know."

They arranged to meet in Seigel's car on Thanksgiving Friday. Sheldon parked across from the Courthouse in Cadman Plaza and when Pattison entered his car, the JDLer asked if the prosecutor would recommend to the judge that he not be jailed.

Pattison realized Seigel's fear could be used as a tool to get him to testify. "Now as far as my recommending anything to the judge, ah the way it stands now the only thing that I could do would be to tell him privately the total truth which may or may not help you. I mean, if I told him you were a witness for us before the grand jury and when it came time for trial you refused to be a witness, that works both ways. . . . Now if you were to agree to be a witness in the other case, the Hurok case,

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I could tell him that too. It could help you. If you don't I just won't say anything about that or about the case. . . . Basically the way it boils down to, the choice is yours. I am and will only tell the judge the truth, that's all, you know, lowest line -- bottom line. And what the truth is at the time, is what I'll tell him or I'll tell nothing. But as I say, if you, after thinking about it, give me your word that you would be a witness for that Hurok case, I would tell the judge that, and all I can say is it would go a long way. Plus you have all of the other remedies. You know what I mean: protective custody, relocation, change of name -- all that would come into play and that would help you. The way I see it, you can't have your cake and eat it both ways. . . . But look . . . I've asked you to, and Mel Glass has, Sam and Joe -- the best thing for you to do would be to tell your wife. Now I know that you say you can't but believe me, maybe now after you've been married longer, you know, it's up to you but I really think that the reaction, you have it built up in your mind to be worse than it will be."

Five weeks later when Alan Dershowitz and Seigel went to speak to the government attorneys, Seigel discovered Pattison had been lying. The Hurok trial was less than a month away and Dershowitz wanted to straighten out Seigel's affairs as much as possible, so the two went to Foly Square and met with Henry Putzel.

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"You don't have to worry about prosecution in the Hurok case because under no circumstances are we going to prosecute you," Putzel reassured Seigel. The government planned to grant him immunity and use him as their main witness. Accordingly, they wanted him to come down to their offices a few days before the trial so that they could go over the facts of the case with him. If he refused to testify, however, the government would ask that he be charged with criminal contempt of court, which Putzel claimed, could be as long as the Hurok defendants maximum sentence, i.e. life imprisonment. Putzel agreed that if Seigel testified at the Hurok trial, the government would permit Seigel to withdraw his guilty plea in the Eastern District Amtorg case. But he wasn't handling that case and they'd have to speak to Pattison about it. After outlining the government's intentions, all three left for Pattison's office in Brooklyn. Putzel came along to make sure no disagreements developed between Pattison's position in the Eastern District and his own in the Southern District.

Dershowitz wanted to know what Pattison would do now that Seigel had pled guilty to Amtorg. "Well we are going to postpone sentencing in the Amtorg case until after the Hurok case is completed. If Seigel testifies, we will not oppose the withdrawal of his guilty plea."

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But Pattison made it clear that he intended holding the sentencing over Seigel's head, as further pressure for him to testify. It was then that Seigel discovered Pattison had been repeatedly lying to him, when saying that he hadn't told Judge Constantino about Seigel's status. Now for the first time, Pattison admitted to Dershowitz that he had informed the judge that Seigel had been cooperating.

Seigel was very bitter about being so deceived. Ultimately it helped his final decision; added to his feelings of remorse, his bitterness at the government's deception made his choice a bit easier: he was going to resist testifying.

"We told Seigel that the odds were against him," Dershowitz wrote.

> On the ground that the government had secured his cooperation unlawfully, we had some chance of obtaining a ruling that he could not be held in contempt for refusing to testify. We also had some chance of getting his Amtorg-Glen Cove guilty plea withdrawn on the ground that he had been immunized from prosecution in that case. And we had some chance of having the state prosecution dismissed on the ground of an illegal car search. We advised Seigel, however, that it was unlikely that we would succeed on all three of these challenges -- and that if we failed on any one of them and he refused to testify, he would probably spend many years in prison. (Dershowitz, 1976)

Until that point, the other defendants were unaware of Seigel's role, but by then Seigel had agreed with Michelman that the others should be told. "Seigel said

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to me that I should tell them," Michelman said, "because he just couldn't face them at that point." Michelman let Barry Slotnick handle it.

Slotnick waited for a time when all the defendants would be assembled in the same room. Since the defense attorneys were now reviewing some of the government's evidence, Slotnick decided to approach everyone at one of these meetings. Before that, however, he revealed the situation to Bert Zweibon who was incredulous. Zweibon never thought it was Seigel.

It was a winter afternoon when everyone gathered into the room behind the judge's chambers. Sheldon Seigel was present, aware of what would take place. Cohen, Garfinkle, Sheldon Davis, Jeffrey Smilow were seated as were their lawyers: Bert Zweibon, Robert Persky, Harvey Michelman and Barry Slotnick. Martin Elefant, who was responsible for bringing Dershowitz into the case, stepped out of the room for awhile and returned greatly frustrated to learn he had missed everything.

Barry Slotnick rose. "This may come as a shock to you but there is no question in my mind that someone in this room has been cooperating with the government and giving them information. I want you to have your senses about you and not even think about doing anything wrong

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to this person." The room was thick with emotion and tension that was almost palpable. Whenever Slotnick paused for breath, the room grew deathly quiet. "Now rightly or wrongly," Slotnick continued, "I don't want to evaluate this person's behavior, but there is no question in my mind that Sheldon Seigel has been helping the government."

All sorts of emotions welled inside Seigel and unable to contain them any longer, he started weeping. "It was a very sad day," Slotnick recalled. "You were dealing with people who had known each other for many years. It was a very difficult thing. I felt very sorry for Seigel and for all the other people involved. But I felt that I had taken the burden off myself in knowing about Seigel, in trying to figure out what to do with it and how to handle it. Ultimately, events proved me correct."

Michelman had a slightly different perspective. "At that moment, I felt that their feelings towards Seigel were of compassion. I don't want to say pity but maybe that's a pretty reasonable word. They were all just as generous as human beings could be; they understood the problems the man had and were willing at that point to overlook or forgive it notwithstanding the fact that he was single handedly responsible for putting them in the position they

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were in. It was incredible. What a show of strength. If all the work I did for JDL was put on one side of a scale, that single act balanced out the justification for it all. The feelings that I got, justified my entire work with them because these people were principled; they had a meaning in what they were doing. They were good people."

A week before the trial, Henry Putzel called Dershowitz and asked that Seigel come down to the prosecutors' office and help them prepare for the trial; the JDLer hadn't notified the prosecutors that he wouldn't testify. Apparently he was still vacilating in his decision and thus undecided, he went up to Putzel's office that last Wednesday in January. There was much activity going on. Rosenthal had just walked in carrying his pile of tapes and Seigel thinking they were the FBI's 'national security surveillance', asked if they were "the wiretaps." Rosenthal avoided answering the question. Parola, who had been at the prosecutors office for almost a week was there also and was quite surprised to see Seigel walk in. They exchanged greetings and then Putzel called Seigel over and gave him some documents to look over in preparation for his testimony. A few hours after Seigel left, at 10 o'clock that evening, Dershowitz called Putzel with the final decision: Seigel was not going to testify.

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When Parola heard of Seigel's moves to avoid testifying, he decided to try for one last time to change the JDLer's mind. Dershowitz had forbidden Putzel or any other government agent from speaking to Seigel when Seigel's lawyer wasn't around and Parola asked the government prosecutors about this. After paying lip service to Dershowitz's request, they told Parola that they really had no way of stopping him if he did go and speak to Seigel. Reading between the lines, Parola understood that they really weren't opposing what he planned to do.

The detective arranged to meet Seigel the following day at their usual haunt, in front of the Market Diner at West Street. It was a strange reunion of sorts when Parola got into the car at 2 o'clock that Thursday afternoon. They had been meeting there for over a year and a half now, but both realized this would be their final rendezvous. By then a feeling of comraderie, possibly even a freindship of sorts had developed between them.

This time Seigel's wife, Tova, was with him. "I won't slip my language sweetheart," Parola promised. "Remember I told you that I got separated," the detective continued, "and that the whole thing went out the window? Well it did anyway. What the hell's the difference. I know one thing you're in bad news trouble."

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Seigel this time was more reticent than usual. Somehow he put Parola on guard. "Shelly, we taped?"

"Huh."

"I'm not looking to get in trouble."

"What trouble can I get you in?"

Parola deflected the questions. "Hey, I'm not gonna get in any trouble. You're gonna get in trouble . . . they're gonna, honest to God -- I swear on my kids, they're gonna throw you in jail. You're gonna go to jail . . . outa all a them, you're gonna be the only guy in the can. They [Putzel] asked me what I promised you and [I] told em 'Everything under the sun.' I said we promised the kid the moon, the sun, the earth. I said we promised him money, we promised him immunity, we promised him everything under the sun, that's the only way we got him to talk to us. . . . Aw Tova, look, I've been in this business a long time, he's gonna go to jail goodamnit and it's more our fault than anybody's, cause they promised us the world and they backed up on their promises. . . . What I wanna know is why you turned around and said you wasn't gonna testify? For what reason? To be a martyr? For who? . . . They're gonna make a statue of you so the pigeons can sit on your head."

Despite almost an hour of cajoling, Seigel didn't budge. "I'm done with all their lies. Now I'll just do

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what I want and forget whatever they say . . . tell Putzel that we didn't change our mind."

"I say spend the weekend thinkin and then make up your mind," Parola said before parting. "Man I'm just sorry I got you into this mess, that's all. Take care kiddo. And just don't have any children until after you find out whether you're goin to jail or not. And don't name him after me will ya?"

On Friday, February 2, 1973, government lawyers entered Judge Arnold Bauman's courtroom for what they thought would be their last hearing before the trial. It was abundantly clear to them that Seigel was not going to testify willingly; Dershowitz had so informed them Wednesday night. Now they planned severing his case from the other defendants, forcing him to testify by applying for a grant of immunity. Henry Putzel got up in the JDL packed courtroom and for the first time ever, publicly announced that the government planned to call Sheldon Seigel to the witness stand. Loud gasps of dismay echoed throughout the room as all the JDLers learned the informer's identity. Until then, even the defendants had kept their knowledge secret.

Dershowitz opposed having Seigel's case severed realizing, paradoxically as it may seem , that Seigel had a far better chance of excluding the government's evidence against him if he remained a defendant rather than a witness. Dershowitz also opposed granting Seigel

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immunity. "That's a strange posture," Judge Bauman said in surprise. "I must say that in all my experience this is the first time . . . that I have ever seen a defendant oppose a severance. It is the first time the government has ever offered immunity where a defendant has declined it, but I guess that is what keeps life interesting in this building."*

Dershowitz further surprised the judge by maintaining that Seigel was not required to testify and was requesting a hearing to suppress Seigel as a witness altogether. It was a novel argument. It is common to disqualify evidence gained from illegal wiretapping or from illegal searches, but the judge had neverheard of trying to suppress a person as illegally obtained evidence. Bauman admitted that "the trouble I have with Professor Dershowitz's motion is that . . . I have just not seen that done before." Nevertheless, to Seigel's great fortune, it was granted.

Derishowitz had shrewdly reasoned that Seigel's most intelligent alternative was to seek in advance a ruling on whether or not the JDLer had to testify. If the judge found that Seigel's constitutuional rights were violated and therefore, he need not be called as a witness, Seigel would be spared the agony of decision.

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*Except where otherwise indicated, all trial quotes from page 712 to 812 are taken from US v. Stuart Cohen, 72 CR 715 & 778.

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If he was legally required to testify, then Seigel would have to wrestle with his conscience in deciding whether he wanted to face a contempt charge or whether he wanted to testify against his friends, but his decision would be based on an actual court ruling rather than a hypothetical situation.

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CHAPTER XIII

THE ALBATROSS

A weekend of frenzied activity preceeded the taint hearing. The defense lawyers had not been sure if Judge Bauman would grant them the hearing, but having agreed to their request, they had put two days to prepare all their written motions. Essentially, Dershowitz planned his defense around four separate but inter-related arguments.

First, Seigel was disclosed through illegal wire-taps. Years before in United States v. Tane, the Second Circuit Court of Appeals had "adopted the view that the government may not rely on the testimony of a witness who was disclosed through the use of unlawful electronic surveillance." "And in the language of this Court in Tane," Dershowitz wrote in his brief, "Seigel's identity was 'the product of the wiretap,' and 'the road from the tap to the testimony,' though it 'may be long . . . is [nevertheless] straight.'"

Secondly, Dershowitz argued that the search of Seigel's car was illegal and a violation of Seigel's constitutional right against illegal search and seizure. Therefore, all

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of Seigel's statements should be inadmissable because they were the fruit of an illegal police search.

Third, Seigel was promised that if he furnished information, he would never be called to testify publicly. Seigel lived up to his part of the agreement and the government must now live up to its side and refrain from calling Seigel.

And finally, all the information elicitied from Seigel was obtained in violation of his Sixth Amendment right to counsel.

> The absence of Counsel -- deliberately engineered by the government -- heightened the government's leverage over Seigel. Had the interrogation and bargaining been conducted through counsel, rather than around him, Seigel would have been advised that the search of the car was probably illegal and that the case against him under the Amtorg indictment was far weaker than the government lawyers had led Seigel to believe. Even more fundamentally, if Seigel had been counseled at the critical times, he would have been advised by his lawyer that he had "earned" equitable transactional immunity in the Amtorg case prior to his testimony before the grand jury. Instead he was wrongly advised by his adversary -- Assistant United States Attorney Pattison -- that he could be successfully prosecuted for the Amtorg bombing despite the immunity letter of September 8, 1971. Nor is there any question [but] that Seigel believed this erroneous advice and acted on the assumption that he could be prosecuted for the Amtorg bombing despite the letter. Accordingly, the government's illegal and unprofessional conduct in interrogating Seigel and bargaining with him behind his lawyer's back served as a catalyst in the process through which Seigel was induced into giving the statements. . . . [Brief of Appelant Seigel, United States Court of Appeals, No. 73-1920, p. 62-63)

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The briefs were finally ready the day of the hearing. "May I apologize for the fact that the motions are submitted [only] at this point?" Dershowitz told Judge Bauman when he walked into the courtroom that Monday morning. "We were up until four o'clock on Saturday night preparing these motions." And since Bauman hadn't had a chance to read them, Dershowitz proceeded to argue the merits of his case orally. "The motion simply stated is [that] our defendant . . . will refuse to comply . . . [because] of a massive violation of a variety of the defendant's right under the Fourth, Fifth and Sixth Amendments." The police, Dershowitz argued, learned of Seigel's identity through the illegal wiretap of the League's office and from information gained thereby, they illegally searched Seigel's car. This eventually led to a second illegal wiretap, this time on his home phone. Seigel thus was discovered by illegal means, but Dershowitz said, proving this would be difficult for two reasons. Although the government supplied Dershowitz with summaries (logs) of Seigel's wiretapped conversations, Dershowitz told the judge that: "We state in the strongest possible terms that these logs are not complete . . . many telephone conversations were had at the home of Sheldon Seigel . . . that are simply not recorded in this case. Primarily your Honor, we will introduce sworn

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testimony to the effect that Officer Santo Parola, the government's main agent in the case . . . made repeated phone calls to Sheldon Seigel at his home during the period of the tap and they are simply not logged." Secondly, Dershowitz said, the government had destroyed all the tapes, providing the defense only with logs "which are no more or no less than edited versions, edited by an agent of the United States Government in an adversarial relationship to the defendant . . . plainly in violation of Alderman."

In an opinion known as Alderman, the Supreme Court had ruled that a defendant is entitled to a full record of the surveillance, for only the defendant could determine what was significant and what was unimportant in the tapped conversations.

"We have gone through the logs," Dershowitz said, "and . . . have found numerous occasions on which the following statement is made by the FBI agent summarizing the log: 'Remainder of conversation not pertinent.' Now were a judge of this court or any court to look at tape recordings and say I turn over to you only the first half of the conversation but the remainder is not pertinent and therefore do not turn them over. . . . I submit the ruling in Alderman would make that a most fundamental violation. Indeed, in the Alderman case,

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the judge held that pertinence was not arguable. . . . I will state here in court that the only purpose served by the government's practice of routinely destroying an illegal wiretap tapes, is to prevent the defense from preparing an adequate case."

Henry Putzel was considerably disadvantaged. The Supreme Court had already ruled that unauthorized wiretaps -- which were the type used in this case -- were unconstitutional and now in addition he had to admit that "The tapes, as I understand it, are destroyed routinely during a two week period following their transcription into logs." (This despite the federal wiretap statue, requiring the 'warehousing' of all FBI recordings for a period of ten years.) But Putzel argued the wiretap "was in no way used in presenting the case to the grand jury. If that be the case, the government's position is that it doesn't matter what things can be found in the logs. . . . If the people who made the case did not use the logs, then there is no taint to be found."

Since the prosecution was burdened with proving their case was without taint, their first witness was FBI agent Robert Nixon. Nixon testified that Squad 312, in charge of investigating JDL, got all their information from Sam Parola. Next the government called Parola to the

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witness stand and he testified that he had learned "just recently" about the wiretaps.

"Recently being in the past two or three months?" Putzel asked.

"Yes sir," Parola replied. Seigel, he testified, was the source of his information, not the wiretaps.

Finally, to counter Dershowitz, the prosecution called another FBI agent, John Martin Doggett, who had supervised the wiretap placed on Seigel's phone. Doggett testified that the Bureau had had "technical difficulty with this [wiretap] from its inception" and "in more days than not," no conversation were ever recorded. The prosecution thereby accounted for the many missing phone conversations.

At that point, Putzel seemed to have clearly made his case. The wiretap, although illegal, often malfunctioned and was pretty ineffective. But more than that, Parola testified that he never even knew about the wiretap and certainly never received information from it. All his information came from Seigel.

It was the defense's move now and Dershowitz had Seigel take the witness stand to swear to the truth of the facts set forth in his affidavit. After swearing to their veracity, he was questioned by Norman Zalkind, one of the defense attorneys assisting Dershowitz.

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Zalkind led Seigel to recount all his experiences starting with June 4, 1971, the day his car was seized.

Seigel was a very poor witness. Speaking very quietly -- at times he was so inaudible the judge had to order him to speak up -- he was hesitant, inarticulate, and often unsure of details in his own testimony. It was obvious that if Seigel was to be believed, much more than his testimony would be needed.

Seigel seemed aware of that himself, for right before the start of the hearing, he handed Dershowitz a pile of cassette tapes. "Perhaps these might help you," he said to Professor Dershowitz, revealing for the first time that he had secretly taped a number of government people.

Jeane Baker was given the task of listening to those tapes. A student at Northeastern Law School, she had been working as a legal assistant to Harvey Silvergate, a former student of Professor Dershowitz. When Dershowitz took on Seigel's case, the professor asked Silvergate to be his associate. "Harvey then called me up at midnight Wednesday night -- the last Wednesday in January 1973," Jeanne Baker recalled, "and asked me if I was free. 'I need a few days of your time,' he said, 'because Dershowitz is working on a case in New York.' The 'few days' turned into six months of my life, doing nothing else but working on Seigel's case. It almost cost me

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my admission to the Massachusett's Bar."

Baker drove to New York and after working on Seigel's briefs for four days, prepared to return to Boston the day the hearings started. But there was a snowstorm and reluctant to drive back, she decided to listen to Seigel's tapes instead. The first thing she did was to find out if they were legally made; a state law in California forbade anyone from recording law enforcement officials; surreptitiously recording phone conversations in Massachusetts was also illegal. But after some research, she learned that New York did not have a similar statute. Calling the FCC in Washington, she was relieved to discover that no federal crime was involved either, although Seigel in his phone recordings had violated a tariff regulation by not using a beeping device every thirty seconds.

It was four in the morning when Baker discovered what was to become a crucial segment of tape: "You know it's done on wiretaps," Parola said, "cause that's how we stumbled on to you." Baker got very excited when she heard it and the first thing she did the following morning was to bring it to Dershowitz's attention. The word "done" seemed slurred and at first Dershowitz wasn't sure if Parola was saying the same thing that Baker claimed the detective was. Finally he agreed with her.

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In an ingenious strategy, the defense lawyers quickly decided to include the tapes in their cross examination of Parola. If they didn't let on that they had some tapes, Parola might lie in his testimony, confident that no one could prove the truth. Therefore, if he would deny having said things that Seigel had taped, once the tapes were entered into evidence, his testimony would be less than credible.

It was a brilliant strategy, but they had to wait until Parola was recalled to the witness stand. Seigel had been on the stand for almost a day and a half and there was much in his testimony that was problematic. On cross examination, Henry Putzel's assistant, Joseph Jaffe, had elicited from Seigel many statements that were damaging. "Did you have any materials in your car of the type that would be used to make bombs?" Jaffe asked. "And were you aware of how to make bombs?" "What were you going to use the batteries and wire for?" Seigel had no choice but to answer these questions.

Seigel testified that all his bombing paraphernalia was in the car trunk but Jaffe called Jeremiah Howard as a witness and Howard, who was the policeman who had searched Seigel's car, testified that the bomb was not in the trunk but in plain view. "I looked into the car between the bucket seats in that automobile and I saw a

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plastic container with a red wick."

"Before [starting] cross examination," Dershowitz said, "may I at this point renew my motion for the production of this officer's notes and memoranda on the basis of an item [taken] from the Daily News, [the day after Seigel's arrest] which in relevant part reads as follows: 'While they [Seigel and Danziger] were gone, police said, the detectives searched the car and found a bomb.' In other words, we have a contemporaneous account -- hearsay to be sure -- describing a police statement in direct contradiction to the detective we heard today." The issue was important since the police never requested a search warrant before examining Seigel's car. If the bomb was visible, the police had every reason -- probable cause -- to search the rest of the car. But, if as the Daily News reported, the police found the bomb only after searching the car, the entire search was illegal.

Judge Bauman recognized the issue's importance and gave Howard's notes over to the defense. Dershowitz started reading the three pages as Zalkind conducted the cross examination. After Howard admitted that he had not received any special training in explosives, Zalkind continued to ask him other detailed questions. Unsure of what he was leading up to, Judge Bauman

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interrupted the questioning and asked: "What is the significance of this Mr. Zalkind?"

"What I am trying to show, your Honor, is that it is quite clear that if this man really believed that there was some kind of explosive device -- that any officer. . . ."

"Your Honor," Jaffe broke in, trying to cut Zalkind off.

"Could I please. . . ." Zalkind snapped back.

"That's all right," Bauman said looking at Jaffe, "I have invited the comment. I want to hear it."

"That any officer with the kind of experience as this gentleman testifying on the stand, would know that if he had any fears at all about an area that was not a specialty of his, that he had literally hours in which to contact a specialist. He knew they were available; he had an automobile with a radio that could be in touch with them. If he had any fears at all for the public or for himself, he would indeed call in those men that were most familiar. . . ."

"What has that got to do with whether there was an unlawful search?" Bauman asked.

"Your Honor, it goes to prove the credibility of this witness because if this witness was really telling what he felt was the truth, that there really was an

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explosive, a man with this kind of experience. . . ."

"You must understand, Mr. Zalkind, we are not talking about a hydrogen bomb. We are talking about a small black plastic container with a fuse which might suggest to this man that before it goes off, somebody has to light the thing . . . and that . . . it is going to be of limited impact based upon its size . . . I must tell you that I see nothing untoward in this man's handling of the event. . . ."

To the defense team, Judge Bauman's comment was distressing. It was clear to them that where a government agent contradicted Seigel, Bauman considered the agent the more credible witness.

Jaffe recalled Parola to the stand to refute Seigel, and the detective's second appearance was even more damaging than the first. Parola told about the Glen Cove bombing, the many schemes to bomb the Russian Mission, and the plan to shoot into the Russian Embassy in Washington. Finally, Dershowitz was given the long awaited opportunity of questioning the detective. When the Radio Shack salesman telephoned Parola with information that "Harry Feldman" had just returned to purchase wire and batteries, how did the detective know it was Seigel?

"Because of a check of his registration . . . we checked the car out completely and found out through other sources that the car was registered to his brother, but belonged to him."

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"Who were the other sources?"

"I don't recall counselor; so many men involved in this case, so many police officers." Perhaps Parola thought that by being evasive, he was helping the prosecution but his lack of recall, would again return to haunt the prosecution. Worse still, Dershowitz elicited from Parola, that the police had a picture of Seigel even before he ever was arrested; the picture therefore, might have been taken because of the wiretaps. Not realizing the reason for Dershowitz's questions though, Parola merely evaded answering them.

It was finally time for Dershowitz to discredit Parola by getting the detective to deny making statements which Seigel had recorded. "Did you evertell Seigel that the reason you did not advise him of his rights upon arrest in Amtorg was intentional so that the information he gave you could never be used in evidence against him?"

"No sir, I did not." Parola said unequivocally. Just as Dershowitz suspected, Parola thinking the lawyer couldn't prove him wrong, denied making those remarks.

"You did not?"

"No sir."

"Did you ever have such a discussion with him?"

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"No sir, I did not."

"Did you ever say to him that there had been a reason for why you did not advise him of his rights?"

"I don't recall any discussion to that effect. . . ."

"Did you ever make a statement to him to the effect that, 'Look Sheldon, you don't have to worry about me testifying against you, because I didn't advise you of your rights' . . . Did you ever make such a statement?"

"I don't recall it."

"Would you think back?"

"I say I don't recall it."

Dershowitz then distracted Parola, questioning him on some other issues. "Did you ever promise him that he would never have to be publicly revealed if he give you the information in the Amtorg case?"

"No sir."

"Did you ever promise him that he would not be called on as a witness at trial in <u>any</u> other case that you were seeking information from him about?"

"No sir."

Dershowitz was now well satisfied that Parola had perjured himself; the tapes clearly revealed that Parola had made such promises. Now that Parola had lied, it was time for Dershowitz to confront him with Seigel's recordings. Dershowitz picked up a sheet of paper and

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as Putzel watched apprehensively, began asking Parola: "Did there come a time when you had the following conversation with Mr. Sheldon Seigel. . . ."

"Objection." Putzel cried out.

"I haven't even heard the question yet." Bauman retorted.

"I would like a time fixed." Putzel explained.

"He will fix it afterward. If it never happened, then that obviates the next question. Please put the question again. Overruled."

Dershowitz began:

"Parola: 'As far as my testimony is concerned, it ain't going to convict you because I am going to tell the God's honest truth. I ain't going to change my testimony to meet anybody. As long as I tell the truth, there ain't nothing anybody can do to you. Joey [Gibney] gets on the stand, he says the same thing I say and it's the truth. We are not going to lie. I know what he [Pattison] probably asked me to do, but I am not going to do it.'

"Seigel: 'Did you tell Pattison yet that you'd get on the stand and say that you didn't offer me or didn't advise me of my rights?'

"Parola: 'Did I say that? Of course.'

"Seigel: 'You told him already?'

"Parola: 'I already said this to the whole. . . .'"

"If the Court will indulge me," Dershowitz said, interrupting his reading, "I would like a judgment on whether or not to use the obscenities as they appear?"

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"It has been my constant practice over all the years in which I have appeared in the courts of this city, to take the language as it was in fact used."

"We prefer to do it that way too."

Putzel joined in: "This is a transcript and we can see it and have a chance to compare it to the tape, I would stipulate, if that is what counsel wishes."

"We prefer to do it our own way, your Honor," Dershowitz hastened to add.

"Go ahead," the judge urged.

'I have already said this to the whole fucking bunch of them. I said I never advised him of his rights. Is that the truth or ain't it'

"Seigel: 'Yes.'

"Parola: 'You know of course I could turn around right now and say of course, that I did, of course I advised him of his rights.'

"Seigel: 'Did you tell them that you would come to the stand to tell that too?'

"Parola: 'Of course. Hey I am not lying for nobody. Sheldon. I will say right in front of you, I will say it right in front of you and him. He doesn't want to use me, he knows that it is going to happen. He doesn't give a fuck about that. He is going on the strength of the fact that you testified before the [grand] jury. That is what he is going on the strength of that, produce what you said.'"

"Do you recall having that conversation?"

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"No, I don't."

"Do you deny having that conversation?"

"If I had that conversation,it more than likely would have been in the car and I don't use that language in the presence of a lady." Parola wasn't answering the question. Dershowitz never asked him if that was said in front of Tova Seigel, a reference to Parola's last conversation with Seigel, when Seigel's wife was also present. The detective, even at the time the conversation had taken place, thought Seigel might be taping him. Now, realizing his hunch was correct, he cleverly tried to evade answering the question by saying he never would have used such language in front of a lady -- which was true. However, he hadn't realized yet that other tapes also existed, tapes which would prove he was lying, having made those statements when the "lady" wasn't present.

Dershowitz then asked -- hoping Parola would try and deny it -- if the detective had ever threatened Seigel. Did Parola, for example, ever say the following?

> You're not going to jail on either one of them [charges] and if you ever say that I said it, I'm gonna deny it and I'm gonna meet you some fuckin' night and I'm gonna run you over with a truck.

"No sir. I deny that." Parola told Dershowitz.

"You are certain that you never said anything about running him over with a truck?"

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"I never said anything like that."

With relief, the defense team realized their plan was working. Dershowitz had deliberately first asked Parola about the most embarrassing statements, which were taken verbatim from the tapes. If Parola was ever going to deny anything, it would be these sort of things.

The drama wasn't lost on the spectators in the courtroom and Bauman had to admonish them: "Some of the audience is getting a little exuberant. Unless they restrain themselves, I am going to have them removed."

"Did you ever make the following statement?: 'You ever fuck me up like that when I tell you something, you ever rat on me, I will fuckin' brain you.'"

"Objection," Putzel called out. "Irrelevant."

"Overruled."

"I don't believe I made that statement," Parola replied.

Dershowitz continued to read Parola segments from the tapes and after awhile Parola realized other recordings existed also. His answers to Professor Dershowitz's questions became more hesitant. "I don't recall it. That would sound like my type of language at times but I don't recall it."

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"Does it sound like the type of substance?" Dershowitz asked.

"It is possible."

"I have an objection here, your Honor," Putzel countered. "We have got obviously the clear inference from Mr. Dershowitz that he's got some verbatim transcriptions here of tapes which would not surprise any of us. . . ."

"Are you altogether sure it wouldn't surprise any of you?" the judge asked a bit amused.

"It certainly wouldn't surprise me, after hearing all these dramatics about this meeting, with all that emphasis on the language that Mr. Dershowitz was so reluctant to mouth a few minutes ago. . . ."

"I was trying to state them as low as possible," Dershowitz said.

"I really don't think that is important." the judge commented.

"I am saying, your Honor, that if there are tapes and transcripts, can't we just have the representation as to that and get this out and not play footsie about the existence of statements by Parola?"

"Mr. Putzel, he is entitled to examine this witness as to his credibility and as to the substantive facts. Now he may do it by playing the tape for him, or he may

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do it in his own way. . . ."

Dershowitz much preferred doing it "his own way" for very obvious reasons -- although at the time they were not evident to the prosecutors. Up until that point, the purpose of Dershowitz's questioning had been to discredit Parola's testimony. This was done in two stages: the first was to ask Parola in general -- without quoting from any transcript -- if he had made any of the statements Dershowitz quoted. As expected, Parola denied everything. Afterwards, Dershowitz quoted the most damaging sections directly from the transcript and Parola initially denied making those statements also. Realizing that there were other tape recordings, however, he began to equivocate in his answers, eventually admitting that the "substance" sounded familiar. Now with Parola suspecting all his conversations recorded, Dershowitz tried a third tactic, ingeniously inserting the contents of conversations about Hurok that had occurred, but which Seigel had failed to tape. It was crucial to get Parola to admit to those conversations and so even before that day's cross examination, Dershowitz had Seigel write out the conversations, using Parola's explicit language as accurately as Seigel could remember it. Making believe he was reading from a transcript, instead of Seigel's recreation,

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Dershowitz asked Parola: "Do you remember having that conversation [that Ijust read] in substance?"

"In substance, I could have had that conversation," Parola conceded. After some further questioning, he admitted that what Dershowitz was reading "sounds familiar."

"Mr. Parola, did you have the following conversation at the same approximate time," Dershowitz asked, reading from a transcript of a conversation that actually occurred:

> "Parola: 'Suppose I decided to testify and I bring Joe up to testify, you know about that shit that was bought in the [Radio Shack] store and how we came to get all that information. You know it is done on wiretaps?'
>
> "Seigel: 'What's that have to do with the first case?'
>
> "Parola: 'Because that's how we stumbled onto you. What do you think fingered you?'"

"I'm sorry," Parola said, "I don't recall ever saying that. No sir."

"How about the following conversation in March of 1972?" continued Dershowitz, reading this time from the recreated conversation.

> "Parola: Look. Just tell me who did the Hurok thing, Just give me their fucking names. We will never use you as a witness. We will build the case around you. We will use the leads, but we will never use you.'
>
> "Seigel: 'But the D.A.'s always say they won't use me unless they have to.'

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"Parola: 'Don't you understand, you dumb jerk. That is what lawyers have to say. Did I ever lie to you Shelly? Did I ever promise you something I didn't deliver? Did I, huh Shelly? I am telling you, they are never going to blow your cover. They need you Shelly. They are never going to call you.'"

"Is that supposed to have taken place in March 1972?" Bauman asked.

"Yes." Dershowitz responded.

"Think very hard," the judge urged Parola.

Parola said he "could have had that conversation relative to Hurok" but he didn't recall if he said "we will never use you."

"In March of 1972 did you make the following statement:

'Look Shelly, we are not going to use you. Did you hear -fuck, it won't matter if you were the fucking guy who put the thing, who put the thing there yourself. Just give me the names, the names of the other guys. Just tell me everything and we will put it together. We will work around you. Don't worry Shelly. You got to trust us, me and Joey, we ain't going to hurt you.'"

"Did you have that conversation?" the judge asked Parola.

"That sounds familiar."

"Did you have the following conversation in March of 1972?" Dershowitz said, continuing his cross examination.

"Parola: 'Look, Shelly, I am not asking you for nothing big. Just give me some names. I am just asking for a personal favor. Give me who went to Hurok. You weren't there, you don't have nothing to worry about. Hey Shelly, were you there?

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> Tell me the truth you dumb jerk, were you there?'
>
> "Seigel: 'No.'
>
> "Parola: 'Then what you got to worry about? We ain't going to use you. We just ain't going to. We won't have to. We can make the case without you.'"

"Did you say that?" the judge asked Parola.

"At one time I had a conversation similar to this, your Honor, but I don't recall whether it is March of 1972."

"Did you ever say that?" Dershowitz queried.

The judge was losing patience with Parola. Aware of the significance of Dershowitz's questions, Bauman took over the interrogation. "Did you say that?"

"In those exact words, I don't recall your Honor."

"Did you give the substance of that statement to Mr. Seigel?" Dershowitz demanded.

"In substance I would say yes."

"Then it is a fact isn't it," Bauman said, "that at some point in time you said to Seigel: 'We will never use you.' Is that correct?"

"My conversations, your Honor, with Seigel, we would never use you if we can build a case around you."

"I didn't put that 'if' part in. I am asking you whether you ever told it to him without the 'if'. Read that language, Professor, please. The last few lines of that."

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"Then what you got to worry about? We ain't going to use you. . . ."

"Did you say that to him?"

"That sounds familiar to me, your Honor. I don't recall exactly if those words are the words."

"Just don't interrupt me. I take it when you say 'that sounds familiar,' that that means that you recollect that, in substance, if not in those words?"

"In substance, sir."

"Yes," Bauman said somewhat begrudgingly, now that Parola seemed to have finally told the truth.

"Did you say the following [the previous week to Tova and Sheldon Seigel in the car]," Dershowitz asked continuing his questioning.

> "He is going to jail, goddam it, and it is more our fault -- it is more our fault than anybody's because they promised us the world and they backed off on their promises. You know they made us promise him the world and we did."

"Your Honor, I will object to the dramatics," Putzel protested.

"I understand your pain, but it is pretty exciting stuff," Bauman conceded. "I will ask the professor to curtail his youthful enthusiasm."

Dershowitz read the statement again and Parola conceded: "I would say I said that."

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Dershowitz further asked: "Were you aware when you spoke to him in the car last week that Mr. Putzel had been advised by me not to allow you to go near Mr. Seigel without my presence?"

"I don't believe so, sir."

"Did you say the following in the car that day. 'He [Putzel] told us not to go near you because your lawyer requested it.'" Parola was trapped. If he denied talking about "your lawyer," the tape would prove him wrong. But if he admitted saying it, he would be acknowledging that his previous answer was a lie.

Parola chose to be truthful. "I could have said that," he conceded.

"During that conversation last week, did you advise Mr. Seigel that it didn't matter whether or not he testified in the Hurok case because whether he testified or not, 'they could read that crap,' -- referring to his grand jury testimony -- into the jury anyway. Did you advise him as to that?"

"I may have said that."

"Did you or didn't you?" the judge impatiently asked.

"Your Honor, I am not sure of the exact wording."

"Did you say that in substance?" the judge asked.

"In substance."

"Did you really believe when you said that," Baruman continued, "that at trial they could use the grand

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jury minutes instead of calling him?"

"No, sir." Parola was forced to concede.

By the end of the afternoon, it was evident to everyone that the veracity of Parola's testimony was seriously in doubt. "So help me Sam, we'll charge you with perjury if you've been lying," Jaffe angrily told Parola, once they had both returned to the prosecutor's office. Parola insisted he was truthful.

Dershowitz and the other defense lawyers were very pleased,feeling Parola's credibility was "shattered irrevocably." All they had to do to prove Parola's perjury was to transcribe the tapes and enter them into evidence. Transcribing the tapes proved difficult because Silvergate's equipment didn't handle Seigel's tapes so Jeanne Baker listened to Parola's tapes and then dictated them into Silvergate's tiny dictaphone. In addition, three other secretaries worked directly from the cassette tapes. "It was quite a scene," Jeanne Baker recalled. "It was like a cacophony -- an orechestra. Walking through the long hallway, you'd hear Parola's cursing coming at random intervals from each of the three offices."

On Tuesday, February 13th, Barry Slotnick brought a separate issue before Judge Bauman. "We allege,"

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Slotnick said, "that the government, in allowing Mr. Seigel to continue his charade, invaded the defense camp so as to specifically abrogate the Fourth, Fifth and Sixth amendment rights of his co-defendants, together with the fact that a chilling effect has occurred which would taint our defense at the forthcoming trial. We ask for the most drastic remedy which is the dismissal of the indictment. . . ."

The issue was serious. Had Seigel told the prosecution anything about the defense strategy? Judge Bauman, seeing the need for the 'chill hearing,' later commented that "I am limiting this inquiry to whether or not the government had a spy in the middle of the defense, who was in fact, communicating what the defense [lawyers] were thinking . . . what investigations they were conducting, plans for defense, strategy, that kind of thing. That is what this hearing is about."

"Perhaps we could have had all of that alleviated," Slotnick said the second day of the chill hearing, "had the government at the beginning taken Mr. Seigel, placed him in California the way they always do in all my other cases, give him a different name, give him different credentials, give him a checking account and a new job. Then there would be no problem. We wouldn't have Sheldon Seigel walking around through the halls of my office, in

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all probability recording me, Mr. Zweibon, the other counsel, but it didn't happen that way."

"And we wouldn't have had the information that resulted in this indictment either," Bauman added.

"I think they would have, your Honor. I think one of the things that would have occurred had the government done that in Amtorg -- from the testimony I have heard -- there never would have been a Hurok because the testimony I have heard leads me to believe that Mr. Seigel [who made the bomb] had more than just a peripheral situation with regard to Hurok, so perhaps Hurok would never have occurred, but that is a horse of another color. . . . I can't say I am not criticizing the government because I really am. I think their attitude . . . and their tactic was a wrong one. . . . If Sheldon Seigel ever does testify, I don't know whether I could do a thorough job of cross examining this man. I have no idea. I know this man has been privy -- and I make this statement for the record -- to the inner secrets of the defense as well as every other defendant, because your Honor, there is no reason to suspect otherwise. I criticize the government harshly for their handling of Sheldon Seigel in this case."

But despite two days of often tedious and repetitious testimony by Putzel, Jaffe, Pattison, Zweibon, Parola and Gibney, nothing was found to indicate Seigel had

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given over defense secrets. "I have not heard one word," Bauman said at one point, "that would tend to indicate that any defense secret, defense planning, defense strategy, defense conversation, was communicated to any representative of the government." Bauman accordingly denied Slotnick's request to dismiss the indictment.

The day after the chill hearing, Dershowitz came to New York for what he thought was some "housekeeping." "I had previously been [incorrectly] informed by Joseph Jaffe," Dershowitz wrote, "that in my absence the judge had ordered me to turn over all tape recordings. . . . I was -- on the basis of the notice given to me -- prepared to discuss only one issue that afternoon, namely whether there was any basis in law for [such] an order. . . ."

At 12:30 that Friday afternoon, Dershowitz walked into Putzel's office to find out what time Bauman wanted to see them. While there, Putzel giving Dershowitz some "friendly advice" told him to become familiar with the chronology of the previous week's transcript. When Dershowitz asked him what he was getting at, Putzel told him he was "under instructions" not to say anything more. Did the government that afternoon intend to make any motion? Dershowitz inquired.

"Jaffe instructed me not to tell you anything," Putzel replied.

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When Jaffe walked into court at 2:15 P.M., he launched a powerful counter-offensive, which took Dershowitz totally by surprise. "Your Honor," Jaffe began, "at this time the government has a motion . . . for an order from the court directing Mr. Seigel and his counsel to turn over to the United States Attorney's office all tape of the voice of Sheldon Seigel . . . During the course of Detective Parola's cross examination, Detective Parola was asked a number of questions and I would say very charitably, that he appeared to be an evasive and confused witness. That is our reading of what your Honor thinks of Detective Parola."

"That shows a sharp, perceptive ability," Bauman said somewhat sarcastically.

Jaffe then went into detailed explanations on how Dershowitz has "grossly misled" everyone in his cross examination of Parola. Many of the statements never took place during October 1972, the time that Dershowitz claimed, but had occurred the previous year, months before the Hurok bombing ever took place. Thus when Parola denied making those statements, he was not so much evasive as confused. "Now your Honor, that conversation did not occur in October 1972 [but] it is on a tape of October 1971 . . . . It is right here in the transcript and that is what he hit Parola with. And that is the

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way he tried to confuse Parola and confuse the court."

Were it not for the seriousness of the case, the entire episode would have been comic. The United States Attorney, after correctly demonstrating some of Professor Dershowitz's errors, himself went on to make mistakes when reading the transcript. Both so misunderstood the transcripts that the hearing that day became a muddle of mistakes and confusion. Dershowitz, having heard Seigel's tapes for the first time only two or three days prior to Parola's testimony, was still unfamiliar with them when he began cross examining Parola. As a result, Dershowitz made some major errors in interpreting Seigel's tapes. Jaffe on the other hand, totally misread the trial transcript dealing with Dershowitz's cross examination, and after comparing the transcript with Seigel's tapes, incorrectly attributed to Dershowitz mistakes which never occurred. The record became so jumbled with errors, that only days afterward did everything get sorted out.

That day, however, Dershowitz was too unprepared and surprised with Jaffe's motion, to realize the prosecutor's mistakes. Dershowitz hadn't even brought along a copy of the previous week's transcripts, and none of his associates were with him since they were not informed in advance about Jaffe's motion.

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"We maintain," Jaffe said, "that that witness came across to the court as an evasive liar because that's the way the defense wanted him to appear. They deliberately misled the court because everyone of those tapes are October of 1971 except for the February 1973 tape, which we haven't gotten into yet. Our position is if there are other tapes, as a matter of expediency, as a matter of getting to the truth, as a matter of putting on a witness whose testimony we know is accurate, we have every right to have produced all the tapes that Sheldon Seigel has."

"When I made that statement," countered Dershowitz, "and when I examined the witness it was my firm belief that those statements were made in October of 1972. That was the information that had been provided me. That was the assumption I was operating under."

"That is a pretty monumental mistake in my view," Bauman commented, "because what Mr. Jaffe said is perfectly true. Based on these representations, be they inadvertent or not, based on these representations you demoralized that witness and led me to the conclusion that he was a liar."

"That is still our position, of course."

"That may be your position, but I must say it doesn't look very well on you today . . . at the very

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least someone has used you very badly."

"I don't think that is accurate, your Honor."

"I do." Bauman, a former prosecutor himself, who once headed the Criminal Division of the United States Attorney's office, became more and more incensed as time went on. "Is it your suggestion that your interrogation of this witness . . . was fair?"

"It certainly is, your Honor."

"I think it was outrageous."

"I think the witness was stimulated by statements he made in the past to recollect and to tell the truth and if you look at the transcript now you will see that when it comes to March of 1972, when he is asked about Hurok, he remembers and he says, 'Yes I did make those statements in substance about Hurok,' statements which he had previously denied."

"Whether or not these questions were deliberately misleading, the witness obviously was misled and so was I. Now I want to suggest to your, sir, that in this court, at least, one expects lawyers to keep their punches above the belt and I for one will not permit or tolerate anything else."

". . . There were those questions which I tell you I deliberately did not read in context, statements that were made about a shooting, which I was not prepared

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on cross examination to give the context of, and that was deliberately designed to elicit from the witness contradictory statements to his prior statement that he never promised Mr. Seigel that he would not be required to testify in any context in any prosecution. I then read him a statement, without giving him a context and asked him if he remembered making that statement. . . . That was deliberate and I intended to ask him that question without giving him the context in the hope that it would refresh his recollection and that he would respond, yes he had made that promise. That was deliberate and I don't want to make any apologies. If your Honor thinks that was unfair, then we have a disagreement about what is fair and unfair. I would certainly be bound by your conclusion about what is fair and unfair in the future, your Honor. Insofar as the dating is concerned, there was simply nothing inadvertent about that. Indeed, there was nothing to be gained to our benefit not to have the dates absolutely correct in this case."

Bauman by then had sided completely with the prosecution. "I'll tell you right now I am not going to permit Parola to be put on the stand, questioned about other material, which you may have on tape, and then sandbagged again. I

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am not going to run that risk."

"And I tell you this now," Bauman threatened, "if you are going to offer . . . [these tapes], you had better offer them all or I shall take none."

"Here is the position we don't want to be in," Dershowitz said. "We don't want Mr. Parola to be able to read and know every tape that has been made of his conversations and then be able to tailor his testimony to those tapes. We want the truth in the form of the tapes to be hanging over his head like a sword of Damacles, frankly. We don't want him to know precisely what we have and don't have so that he will tell the truth and not again be evasive and misleading, as he was, and I so characterized him before he knew about the existence of these tapes."

"I don't think he was nearly so evasive as he was confused and bewildered when you were asking him about 1972, which is perhaps some few months before the actual date, and he's thinking, 'My goodness, did I ever say anything like that in 1972,' when perhaps he did say it in 1971, about which he wasn't asked and was trying to reconcile in his head at the time, when if ever, he said it. . . . There is an infinitely more important thing and I must say it troubles me terribly. I have not heard the suggestion made in my career at

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the bar or in this court that a lawyer in a courtroom can purport to read from something that does not exist in order to cause the witness to believe that something does exist. That is new to me after thirty-six years of postgraduate exposure to the law. That is new to me."

Judge Bauman was so enraged that he kept on making contradictory rulings. "If you do not turn . . . [all the tapes] over," Bauman ruled, "I will strike every aspect of your examination of Parola as misleading . . . because I think . . . that examination worked as a frustration of justice and I will not permit it to stand in the record." Minutes later, he similarly said, "I want to make the scope of my ruling clear. I will strike any aspect of Parola's testimony which was based on misleading questions, whether the questions were deliberate or inadvertent." Later though, the judge contradicted himself: "I said I would not make any orders directing you with respect to [turning in] the others. . . ."

"It was my understanding," Dershowitz said totally confused, "that you had just ruled that unless we were to produce the other tapes. . . ."

"No, quite the contrary. I have said you don't have to produce the others."

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"But the sanction would be to strike the testimony. I misunderstood your Honor."

"Perhaps I said something that tended in that direction but the ruling is that you need not produce any tapes beyond those which you want to offer."

As the hearing drew to a close that Friday afternoon, Bauman remained unclear about what exactly he would strike from the record. But he undoubtedly was incensed with Dershowitz. "One thing has become obvious to me," the judge said at one point that afternoon, "It is going to be nothing but a waste of time here to expect these defendants to cooperate with you [the prosecutor] in accordance with the usual procedure of this district." The results of Dershowitz's stunning cross examination had clearly been reversed and now he himself was under attack.

"I would simply as a matter of personal integrity," Dershowitz said after both sides had rested their cases, "Like to at least write your Honor a letter setting out some of my thoughts in a more reflective and detailed manner with specific reference to these things."

"I would be happy to receive it -- in one week. The matter is closed then with the exception of . . . [listening and preparing the transcripts for the tapes.]

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"I guess this is the last time we will be in open court here," Putzel said. Bauman was to hand down on March 12th, his decision on whether Seigel had to testify.

Seigel's defense lawyers worked at great length that week to marshal numerous legal sources for the propriety of Dershowitz's behaviour. The result was a twenty page brief with impressive evidence supporting the lawyer's ethics and tactics, including "several examples similar to those used against Parola which were regarded by the authorities as 'classic' instances of effective cross examination." In addition, the defense submitted a well argued memorandum showing numerous occasions where Parola's misleading answers were not the result of any confusion. For example: when Parola was investigating the October 1971 shooting into the Mission, Seigel had recorded him as saying: "I can't possibly produce you; I can't . . . I can't use you." On cross examination Dershowitz had asked Parola if he <u>at any time</u> had promised Seigel that he would not be called as a witness. The detective denied making any such promise.

The government cannot claim, Dershowitz now argued, that Parola's perjury was based on confusion because at the time that Parola denied making promises, Dershowitz hadn't even let on that he had tape transcripts. "Again,"

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Jeanne Baker wrote in the brief, "the perjury is established by simply juxtaposing Parola's pretape testimony with the contents of the tapes themselves."

> There is no need whatsoever to look to Parola's cross examination testimony on . . . the confused dates. . . . There were at most ten questions during the 'tape' portion of the cross examination that were predicated on erroneous dates . . . striking these ten questions in no way weakens Seigel's case . . . we submit that there are a sufficient number of correctly dated questions and answers in this record on which the court can base its credibility determination.

On Monday, February 26th, all the lawyers gathered in Bauman's courtroom to listen to the tapes. Before doing that Dershowitz said "I feel we should have an opportunity, both orally and in writing to respond in some detail to the rather serious charges made by Mr. Jaffe particularly regarding the . . . 1971-1972 confusion and the propriety of the method of cross examination that was employed. We have submitted in respect to that six documents today for the Court's respectful consideration. . . . We did not have, as I said, an opportunity to respond in detail and on Friday, frankly I was a great deal more defensive about what happened than I probably should have been in light of the transcript."

"I don't know how you could have been less defensive Professor -- let me make that clear -- than you were on that particular day. I didn't

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detect the slightest bit of defensiveness on your part. Indeed I had in mind this morning to caution you not to address me again in the manner in which you addressed me on that occasion. Go ahead."

"Your Honor, I really don't understand what your Honor is saying."

"I am really sorry about that. Proceed. I will hear you."

"I really will have to understand that a little more clearly. Are you suggesting my tone of voice or the loudness of my voice or in what manner. . . ."

"It isn't customary for me to respond to questions, as I think you may have observed in other cases or perhaps while you have been in the courtroom. That is not what I here for. Go ahead please."

"I understand that."

"Will you please proceed?"

"Let the record simply reflect that I am now speaking in a quiet tone of voice and with the utmost respect that I can muster." Dershowitz by then was completely taken aback by the judge's hostility and by his unexpected attack. "May we have a two-minute recess please, to discuss that particular matter," he asked.

"May I be heard before the recess?" Putzel joined in.

"You want to argue whether or not we should hold a recess?"

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"No your Honor, . . . What I should like to do . . . is to play the tapes and we would like an opportunity to respond in writing to the statements made by defense counsel and I think these matters can be cleared up."

During the recess, the defense lawyers approached the judge and told him they wanted to speak to him in his robing room. Putzel came along also. "Who requested this meeting?" the judge said after everyone entered the room.

"Your Honor," Harvey Silvergate responded, "I am going to speak because it has become obvious and somewhat difficult for Mr. Dershowitz to make some of these points. I have read the transcript of the proceedings of last week . . . and I have, as well as my partners, Mr. Zalkind and Mr. Dershowitz, we have researched thoroughly all of the issues which arose, including the ethical issues, including the question of the propriety of the examination. . . ."

"I have noticed there is a substantial memorandum which was served on my chambers this morning which I haven't had an opportunity to read yet. I did thumb through it, though, and did notice a sentence from an opinion by Learned Hand, but I haven't really read it. It would be a misrepresentation for me to say I have."

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"The problem is this. We feel that last week in fact the court did express very firmly its opinions on those matters which were adverse to the propriety of the conduct of defense counsel in this case. We feel that that necessitated our immediate response because it is very difficult to proceed in a case feeling that one is under the gun, that one has been already declared to have done something wrong and it is just hard to go forward. This morning's proceedings so far has simply made stronger our feeling that we are under the gun."

"I don't quite understand that expression."

"There was a threat made by the Court this morning to Mr. Dershowitz."

"I didn't threaten him, I admonished him."

"We feel an admonishment in this situation was not called for either. The problem is, we feel you are entirely in the wrong. We have law to show it and it is quite difficult to proceed to the defense of Sheldon Seigel when we feel that every time Mr. Derhowitz says something, either his attorney is mistaken for being hostile or his words are taken to be disrespectful. We are not sure what the problem is and when Mr. Dershowitz asks about it, the Court feels that there is anargument ensuing."

"It is inappropriate for counsel to address questions to the Court. You know that."

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"He certainly is entitled to find out to what he has to respond."

"What's the nature of this application?"

"The nature of this application is, your Honor, that it appears to me there has been a development of some kind of personal problem between the Court and Mr. Dershowitz and we would certainly like to resolve this problem because Mr. Dershowitz is having difficulty going on appropriately representing the interests of Sheldon Seigel."

"I don't have personal differences with counsel."

"Your Honor, perhaps we are blind. I think all three defense counsel have agreed there is some kind of a problem that has arisen if Mr. Dershowitz is not able to make his point without evoking response from the Court that we feel is not appropriate to the good faith in which he is trying to make his point and that's really our problem. Of course, if Sheldon Seigel feels at this point Mr. Dershowitz has lost his effectiveness and can't represent him, Sheldon Seigel could change counsel. Since Mr. Seigel has not indicated he would like to do that, we would like to at least try to find out from the Court whether there is such a problem and if in fact -- we would like the Court to consider some of the applications we have made and the motions filed

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this morning. If the Court feels that it cannot consider the applications that we have made, we feel it would be appropriate for the Court to disqualify itself."

"If I thoughtso I would, and I don't and I shall not."

"It is just very difficult for us to proceed, your Honor."

"I don't understand why?"

"May I explain just very briefly?" Dershowitz said joining the conversation. "I found this morning I was completely prepared to address the Court with my usual firmness but respect."

"I have taken no exception to that throughout the lengthy course of these proceedings. Indeed it has been perfectly clear to me, Professor, as it has been to everybody in this courtroom, that I have solicited your views with high respect and you have over the periods of months argued with your customary commendable vigor. That is never going to upset me, never. I have been a litigator too long. I have had too much courtroom experience to be offended by that and I see no reason why you should not continue with your customary vigor to represent your client."

"I developed a sense since Friday," Dershowitz said, "that I am too concerned about my own welfare in this case,

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in a sense, to be an effective advocate for the man who needs advocacy in this case, Mr. Seigel. . . ."

"I don't see why you should be."

"It is in light of your Honor's statement and particularly your statement this morning admonishing me and I tell you frankly right now on the record, that I have no idea, not the vaguest idea of what your Honor had in mind when he admonished me. I just don't know what it is I am supposed to do and what it is I am not supposed to do. I have no sense of what aspect of my advocacy the admonition was directed to."

"I think it was more in your manner. . . . Let me say to you that I have at no time been aware of any personal feeling toward you. I just want to say that I will take certain kinds of conduct in this courtroom and others I won't. Now you say you don't know what it is. I am telling you that there was something in your manner of arguing that bordered on the insolent and that's what I was referring to. I tell you, forget it. Let's start again. And let's go forward from there."

"Your Honor, only one point I would most respectfully like to reiterate," Norman Zalkin added, "and that is before we start with the listening of the tapes, we would at least, at the very outset request that you

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spend a few moments longer in reading the papers that we have left with you this morning because we think they are particularly germane before the tape hearing goes on."

"Would you go up on the bench please," Bauman requested from his law clerk, "and get them for me. They are on the right hand side. Bring them in."

Before Bauman read them, however, he made another comment about Dershowitz's cross examination. "I was offended and am offended by that practice in which you engaged. It strikes me as really unfair, really unfair, and I do not agree with the statement you made that it is an engine of discovery, the truth . . . I had in mind to express my view in rather strong terms. . . in an opinion that I expect to write with respect to this hearing. Because really, you know, there is not an awful lot been written directly on this kind of thing. . . . ."

"Your Honor," Harvey Silvergate protested, "the problem has just been re-emphasized by your Honor's statement. Your Honor insisted again that your Honor is offended by the type of examination. He feels it was not aimed at getting the truth. Your Honor stated there hasn't been much written on it. In fact there has been an enormous amount written on it -- all of it

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favorable to our contention, and we simply ask your Honor to withhold making a decision in your Honor's own mind. . . ."

"I tell you in all frankness, I shall read that memorandum with kind interest."

There was further discussion, part of it off the record, but after the judge read the memorandum he withdrew his accusations and as passions cooled, the sharp exchanges between Bauman and Dershowitz ceased altogether.

They played the tapes, finally getting to Parola's key sentence about wiretaps. (p.734) "It sounded like 'not on wiretaps'" the judge said, "but I will listen to it again. Play it two or three times." After it was repeated he said. "I am mistaken. 'You know it is done on wiretaps' is what it is."

"I will ask the Court," Putzel said, "to withhold that judgment until you hear the context here. . . . We have listened to it more times than I care to think about, and we still think it is 'not.'"

The tape was played again. "Okay," the judge said, "it still sounds like 'done' to me, but I will leave it open."

After they listened to the entire tape, Judge Bauman asked Dershowitz, "What do you contend it proves?"

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"We contend it proves a great many things. . . . Point number one, we contend it proves that Parola told Seigel that they stumbled onto the name as a result of wiretaps. Second of all, we think it shows a modus operandi of how information and names were elicited in response for promises that Seigel would never be identified or used. There are repeated references in the transcript saying, if you don't want me to do it, I will back down and I won't use your information. . . ."

"What does that prove?"

"We think it proves two things very distinctly. If you will check my cross examination of Parola, I specifically asked him in relation to the shooting into the Soviet Mission without any time frame problem whether he ever made that kind of promise at all and he specifically said he did not. This [tape] specifically contradicts it. Second of all, we submit that the Hurok case was a far more critical case to break in many respects and we think the kind of promises made here, 'give us a name and we will not ever use you no matter what' is the kind of promise if he made in this case, he was likely to make in the other [Hurok] case. When you combine that with his statement from the witness stand that 'I recall in substance making that kind of a promise with the Hurok matters' and when you juxtapose

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that with the February 3 [1973] tape [with Seigel and his wife, where Parola said] 'they made us promise you the world and now they are backing up on their promises,' the only promises they have now backed up from, is the promise he would never be exposed."

Judge Bauman understood the implications of the tapes and spent the rest of the hearing carefully listening to the tapes. "I guess the next thing then is for me to decide these motions," he said after finishing.

However, before Bauman had time to come down with his decision, Dershowitz three weeks later moved to reopen the hearing. Using the services of a private detective, he had managed to find Jacob Geha, who had been the manager of the Radio City Garage at the time of Seigel's arrest, and what was more important, had been present when police searched the car. Geha's recollection of the arrest differed greatly from Officer Howard's testimony and Dershowitz wanted to have the manager placed on the witness stand. Bauman acquiesced and on Friday, March 23rd, the hearing reopened. Geha told the court that when the police arrived on the second floor of the garage, Seigel's car door was closed and that during Seigel's absence, the police opened the car door, and searched the interior without finding

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any bombs. "If there was bombs in the front of the car I would have never got in the car," Geha said.

"And did you see everything that the policemen removed from the car?" Dershowitz asked.

"Really, they didn't remove nothing. They ran their fingers through the seats, underneath the seats and then . . . they came up with . . . mace, but that's all they said."

"When you got into the car in order to drive it down, would you, in getting into the car, have occasion to look at the front seat, at the console and see past the seat?"

"I would look directly across the front to the passenger side. There was nothing there."

"Did there come a time after these events were over, when you received a phone call from police commending you for your action?"

"They turned around and told me that I was going to get a police commendation for participating in the arrest of these fellows."

"Fine, thank you," Dershowitz said, cutting Geha off from continuing his sentence. Geha had rejected the commendation, swearing at the police instead. It might complicate things, Dershowitz felt, if that was brought out so he cut Geha off.

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Judge Bauman's curiousity was aroused, however, and he asked Geha the question himself. "Did you ever get a written commendation?"

"Your Honor, I would rather not answer what I told the man over the phone."

"I think I can figure it out," Barman wryly concluded.

Geha's testimony was in direct contradiction to Officer Howard's sworn statements. In addition, Dershowitz pointed out in his brief, there were other incredulous aspects to the government's version of events, specifically Howard's claim that, while walking past Seigel's car which had stopped for a red light on 42nd Street, he saw Danziger making bombs.

> The government would have the court accept as true the picture of a policeman -- plainclothed to be sure -- standing for some moments virtually pressed against the window of Seigel's car watching a crime being committed . . . [this] despite the fact that Seigel knew he was being followed by plainclothes police [having in fact earlier that day gone and photographed the detective. . . . If Howard's account is] true, then either Howard would have to have been invisible at the time so as not to be detected by the car occupants, or Seigel would have to have been merrily engaged in committing a crime with a policeman at his elbow, the classic case of insanity not here applicable. . . . If Howard had indeed observed bomb making in the car, he would have had probable cause to arrest immediately. His failure to do so is unexplained by the government. Moreover, from that point on, Howard would have had probable cause to obtain a search warrant. His failure to make even the slightest attempt is also unexplained. . . .

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> Howard's failure to initiate the obligatory, constitutionally mandated procedure, when he had plenty of opportunity to do so, certainly tends to suggest that he knew he never had probable cause to begin with.

The final blow to Howard's credibility developed shortly afterwards, when Dershowitz learned that Howard was under investigation for extortion and had been suspended from his regular police duties. Dershowitz wanted the judge to learn of this but bringing it to Bauman's attention was no easy matter. "A suspicion based on bare accusation is not by itself relevant to impeach a witness, [but] after much maneuvering, the government finally agreed that it was under an obliation to inform the judge and it did so." It was just another indication of the utmost fairness with which Henry Putzel, the government's main prosecutor, conducted himself.

The evidentiary hearing closed but instead of ruling on Howard's testimony (and on Seigel) the judge surprised everyone three weeks later, by reopening the hearing because "there is one lingering point that I wanted the record to be clear on." The illegal wiretaps still hovered over the prosecutor's case and Bauman wanted to give the government the opportunity of resolving it. Previously, Parola had testified that by checking "our records" he had linked the gold Volvo outside Radio Shack to Sheldon Seigel. But when Dershowitz pressed him for more details, he had become very evasive saying he couldn't remember anything more. Later, however, he

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realized that this lack of recall was more damaging than helpful, and when he returned to testify, he recounted in considerable detail his initial discovery of Seigel. How Parola was suddenly able to remember all these details was never explained, but he testified that when he received the call from Radio Shack, another detective by the name of John McKeegan was in the office with him. By coincidence, McKeegan was trying to connect another firebombing to Seigel, and when he heard Parola talk about a gold Volvo, he jumped up excitedly and told Parola the car was registered to Seigel's brother. In addition, McKeegan was able to provide Parola with a picture and a physical description of Seigel. Parola was thus able to have all this information, even before he ever went to interview the sales help at Radio Shack.

Although all this information was in the record before the hearing closed, the prosecution never bothered calling McKeegan, home on sick leave, to testify and instead had rested their case. As a result, the defense counsel, in their closing brief argued that the prosecution left a gaping hole in their theory. Parola had "passed the buck" to McKeegan arguing that it wasn't the wire-taps but McKeegan who clued him onto Seigel. But Dershowitz pointed out that McKeegan might have been the

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one who benefited from the wiretaps and since he didn't testify the government hadn't proven its case.

Judge Bauman was impressed with Dershowitz's argument and himself called for reopening the hearing to fill in the gap in the government's story. Dershowitz objected to Bauman's action since "the government has the burden of proof on the wiretap and if the government has not up to this point satisfied its burden of proof, that is where it should lie."

"We were disturbed at the court's action," one of Seigel's lawyers later wrote, "since judges rarely if ever, reopen hearings to afford a defendant the opportunity to produce a missing witness to fill in a critical and perhaps fatal gap in the defense case." Judges instead point out the gap in their opinion, of course ruling at the same time against the defendant.

Despite Dershowitz's objection, McKeegan on Monday, April 16th appeared on the witness stand. McKeegan recounted that at 11 o'clock at night on a Tuesday in March 1971, someone dashing out of a car, threw a molotov cocktail at the Iraqi Mission. Assigned to investigate, McKeegan interviewed Eusebia Salgado, a doorman in the building across from the Mission, and learned that Salgado caught a glimpse of the driver of the car. The doorman was brought down to BOSI, where

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he was shown photographs of JDLers taken by the police during League demonstrations.

Salgado picked out two likely suspects: Josh Joffe and Sheldon Seigel. Since Joffe was in Israel when the molotov cocktail was thrown, McKeegan ruled him out and concentrated his investigation on Seigel. Shortly afterwards, however, McKeegan was reassigned to the Arson and Explosion Squad and just happened to be in the office when Parola received the fateful phone call from the Radio Shack store. McKeegan was thus able to immediately supply Parola with information on Seigel.

Dershowitz did not believe the Parola-McKeegan story; there were too many fortunate circumstances. He decided his best strategy was to cross examine them out of each other's presence, thereby eliciting conflicts in their testimony. But during a short recess right before Parola was to testify, Parola walked over to McKeegan in the hallway and said, "Why don't you get out of here now? Why don't you go home?"

The defense lawyers overheard Parola and immediately protested to Putzel demanding that McKeegan be made available for recall after Parola testified. McKeegan therefore remained in the corridor while Parola entered the courtroom and repeated his previous testimony.

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However, during a ten minute recess, Parola walked out of the courtroom and the speed with which he left, indicated to the defense lawyers that something was up. Dershowitz walked out into the corridor and finding it empty, went into the men's toilet and found Parola comparing notes with McKeegan. "Hey Professor," Parola said with surprise when he saw Dershowitz walk in, "pretty sneaky you following me, huh?"

Defense lawyers also overheard Parola again urging McKeegan to leave the building. "What the hell are you doing here," Parola said to McKeegan. "Why don't you take my keys to the car and get out of here?" Following Parola's advice, McKeegan took the keys and left the courthouse. Parola thus succeeded in preventing the defense lawyers from re-examining McKeegan, thwarting their attempts at developing any conflicting testimony. In no way was Parola ever criticized by the judge for blocking Dershowitz's access to the witness.

Nine days later, with the gap in the prosecution's case finally closed, Bauman announced his ruling. Seigel's motion was denied. The government had every right to call Seigel and question him about everything except the car search, which Bauman ruled illegal. Although during the hearing, Bauman had at first seen

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"nothing untoward" about Howard's behaviour, he now wrote that Seigel's account is by far the more credible, while Howard's was "patently unbelievable" and "strains credulity."

It was fairly clear from this ruling that the state prosecution against Seigel for possession of bombs could not succeed, since the evidence was based directly upon the car search. But in every other respect, Seigel's future looked bleak since the contents seized in the car related only to Amtorg. And Bauman ruled that Seigel's arguments were not applicable for the Hurok trial. Regarding Parola's promises of anonymity, Bauman found "that Seigel was never given unqualified assurance that he would not be required to testify."

> Even assuming that Parola's assurances were sufficiently ambiguous so that Seigel might have construed them as unequivocal, he cannot reasonably contend that he was entitled to rely on them for Seigel was never given any such assurance by either Pattison or Putzel. . . . I furthermore refuse to believe that anyone cautious enough to record his conversations with government officials would be so rash as to rely on the assurances of one whom he knew could not effect those promises. Seigel should furthermore have been aware that Parola regarded the prosecutors with some suspicion and antagonism; the tapes of their conversations contain several invidious references to 'the feds.' Hence Seigel had even less reason to believe that Parola's assurances could bind the federal government. Actually . . . the court concludes that Seigel . . . was engaged upon a game of cat and mouse for his general amusement and in the long run, his own protection.

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Bauman also dismissed Seigel's objection to being interviewed in the absence of his lawyer. "The record is clear," the judge wrote, "that he was as eager as anyone to keep from his JDL associates and even his lawyers any hint of his cooperation. . . . Particularly damaging to Seigel's claim is his subsequent failure to inform Alan Dershowitz [until two months after he was retained]. . . . The reluctance of Seigel to consult a lawyer, even one as uncommitted to the JDL as Dershowitz, speaks volumes as to the sincerity of this claim."

As for the wiretaps, Bauman wrote: "I have concluded that the government's discovery of Seigel's identity was untainted by any information gleaned from the wiretap. . . . Parola testified, that he never received information concerning Seigel from wiretap sources . . . [and] I credit this testimony." In a footnote to his decision Bauman added:

> There is considerable uncertainty as to whether the final sentence of Parola's second set of remarks reads "You know it's not on wiretaps" or "You know it's done on wiretaps." . . . I am inclined to agree with the government . . . that the context supports a reading of "not" . . . . At the supplemental hearing . . . Parola was confronted with this entire passage and insisted that he said "not." I must attach some importance to this recollection. It carries even greater weight in my view, because Parola consistently denied any knowledge or use of the JDL wiretap in the face of persistent and at times unfairly confusing cross examination.

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The defense lawyers were greatly troubled by Bauman's remarks. "The most shocking aspect of this decision," one of the lawyers wrote, "was the trial court's reliance on the truth of Parola's testimony -- after the tapes had proved beyond any doubt that he was not telling the truth."

> It was as if the tapes -- and Parola's sworn denials of his statements on them -- simply did not exist. Parola walked away unscathed by the revelation of his willingness to mold his testimony to his own perceptions of what would help the government's case; indeed Parola walked away a supporting pillar of the lower court's decision in favor of the government. Thus even in the atmosphere of the Watergate scandals, in a case where a defendant tape recorded the police, and where defense counsel succeeded in bringing to light, actual concrete examples of police perjury, the police officer not only avoided disciplinary action, but retained his position of respect and credibility within the judicial system. (Dershowitz, 1976)

Howard likewise was never in any way disciplined for his sworn narrative which even Bauman found "strains credulity."

Bauman in effect, accepted in his ruling the validity of virtually all of the defense's legal arguments. That is, if it was true for example that Seigel was discovered through the wiretaps, in such a situation, the government would have no case against Seigel and he need not testify. The majority of Bauman's opinion therefore, was devoted to explaining why the facts of the case did not fit in

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with the legal arguments. Or to use the example given, Bauman ruled that Seigel was not discovered through the wiretaps. Appealing Seigel's case therefore would be difficult because ordinarily "such findings of fact are not reviewable by an appellate court," and in almost all of the factual questions, the judge ruled that the facts supported the prosecution.

Henry Putzel was pleased with Bauman's decision. Now that the hearing was out of the way, he could finally start the trial, scheduled originally a quarter of a year before. He knew though that he hadn't overcome all the hurdles, because Dershowitz immediately after Bauman's decision, had filed a notice of appeal. Nevertheless, Putzel began making all the preparations for selecting a jury, knowing that as things stood, Seigel had no legal recourse but to testify at the trial against Cohen and Davis.

Before the jury was selected though, Dershowitz won a minor victory: he managed to have Seigel's guilty plea in the Amtorg case withdrawn. Although the case wasn't in Putzel's jurisdiction but in Pattison's, Pattison had made it clear that he was holding the guilty plea over Seigel's head so that Seigel would testify in Hurok. It was important to remove that threat and Dershowitz in late March filed a motion before Judge Constantino to

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vacate Seigel's plea. There were a number of legal reasons to justify this motion; Dershowitz argued that Pattison's letter to Seigel (written right before Seigel testified before the Amtorg grand jury) gave Seigel full transactional immunity and wasn't conditional, as Pattison maintained, on Seigel's testimony. Furthermore, "this indictment . . . and Seigel's guilty plea are tainted by massive violation of Seigel's privilege against self incrimination (Fifth Amendment), right to effective assistance of counsel (Sixth Amendment), and freedom from unreasonable searches and seizures (Fourth Amendment)."

If Pattison wasn't prepared to acquiesce to the motion, Dershowitz in his affidavit wrote that Seigel "is prepared to testify, to call witnesses and to produce tape recordings of . . . Assistant United States Attorney Thomas Pattison. . . ." It was a very subtly phrased threat but its intention must have been clear to Pattison: if Pattison opposed the motion, Dershowitz would cross examine him in similar fashion as Parola. What helped Dershowitz's proposed strategy was Judge Bauman's decision that Seigel need not release all his tapes. Dershowitz had opposed releasing all the tapes, not because they were damaging to Seigel,

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as Putzel erroneously thought, but because Dershowitz didn't want the government lawyers, including Pattison, to know what was on them, possibly tailoring their testimony in advance of the playing of the tapes. Pattison, of course, didn't know exactly what Seigel had taped, but he knew that some of his remarks might cause him embarrassment, (particularly his comment that Judge Constantino "is not the brightest guy in the world.") And so for whatever reason, Pattison on the eve of the hearing, agreed to have all the Amtorg guilty pleas withdrawn. Judge Constantino, knowing that Pattison wasn't opposing Dershowitz's request, had no recourse but to order the guilty pleas withdrawn. By coincidence, the order came a day after Bauman ruled against Seigel.

On the eve of the trial therefore, no side seemed to have a clear victory. Dershowitz had managed to get Seigel off on two out of the three cases. Seigel didn't have to worry about Amtorg nor about the explosives found in his car. But the government still had a hold over him in the all important Hurok affair, although neither side knew where the appeal would lead them to.

Six days before the start of the trial though, one of the most bizarre incidents occurred. At 2:15 in the morning of Wednesday May 23rd, an anonymous caller

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telephoned the New York FBI headquarters and told Agent Thomas Dalton that he saw Ari Ilovitz, JDL's youth chairman, make at least two bombs, which were going to be planted at the Russian or Iraqi Mission to the United Nations. The bombs were still at JDL's office, the caller told Dalton before adding, "I am the same person who told you about the planned demonstration at the West German consulate." Since the previous information had proven correct, Dalton had no reason to doubt the truth of this new tip.

In the morning, an FBI agent went before United States Magistrate Sol Schreiber and requested a search warrant for JDL's offices. With the warrant granted, twenty agents from the FBI, ATF and New York police, including at least one from BOSI came upon JDL's office, now located at 144 West 27th Street. Emerging on the 9th floor, the agents broke down the League's door and began searching the premises, assisted by a dog specifically trained to sniff for explosives and booby traps. Sheldon Davis, Eileen Garfinkle and two or three others were there, but when they refused to open the safe, the FBI agents tried to break it open. It wasn't easy and eventually the agents had to use a sledge hammer. Davis was so impressed with the strength of the safe, that he wrote the manufacturer, complimenting them on the quality of their product.

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The FBI agents found twelve flashlight batteries, bound with tape in groups of four, as well as a catalogue, Laboratory Apparatus and Chemicals, which Putzel later said, if "put in knowing hands, provides the information to those who sought to make bombs." The FBI took these items but they never did find the all important bombs.

David Fish walked into the office after the raid and seeing the smashed door, asked what happened. Someone started humming the theme from the "FBI," a television show. The JDLers quickly decided to get some publicity out of the raid and making it appear as if the FBI had ransacked the place, they began to overturn files, throw books around and in general, gave the appearance that the office was in worse shape than the usual shabby condition it was always kept in. At a news conference, Fish was quoted as saying that the FBI "broke everything in sight," and "took religious articles and threw them around the place." (New York Post, 25 May 1973) JDLers also charged that the FBI exceeded their search warrant, not only in removing the catalogue and batteries, but also removing JDL files. However, at a hearing before Magistrate Schreiber, FBI agents under oath, swore that no files were ever removed. Richard Kinsey, an FBI agent, also swore that the raiders did no

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damage other than breaking the front door and safe, but "the rest of the room was approximately the same as when we entered."

Nevertheless, Zweibon filed some motions with Bauman, asking him to postpone the opening of the trial because the raid "might have prejudiced the minds of the jurors with regard to the JDL." (New York Post, 25 May 1973) Zweibon also raised the possibility that the FBI might have illegally obtained JDL files, but he refused to have any JDLers come and swear to the truth of these allegations. The judge viewed these allegations as just another excuse to postpone the trial and since Zweibon didn't call for a hearing, continued with the opening motions of the trial.

Finally, on the morning of May 30th, the trial began as the jury of six men and six women were brought in to listen to the opening statements of counsel. "May it please the court," Joseph Jaffe began, "ladies and gentlemen of the jury, this is a murder case. . . . We have the solemn obligation and the very heavy duty of presenting the case to you ladies and gentlemen for your ultimate decision." For the next few minutes, Jaffe outlined to the jury exactly what he planned to prove. The defense lawyers listened to him carefully and from his outline, they realized that just as they

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had surmised, the government's case rested primarily on Sheldon Seigel's testimony. Although Jaffe didn't tell the jury this, the government had no idea whether Seigel would or would not cooperate. And as the entire day was spent with the opening statements, the mystery of Seigel's intentions remained as great as ever. The following morning the tension was only heightened, when federal marshals electronically surveyed everyone coming into the courtroom, checking them for weapons and asking them also for identification. To add to the drama, Seigel's lawyers walked in with voluminous memoranda and from that, it seemed obvious to all that Seigel was going to continue his fight. A long discussion then developed between Slotnick and Putzel whether or not the jury should be present when Seigel was called to testify. Slotnick claimed that if the jury was present when Seigel refused to testify, that would unnecessarily prejudice them.

"You are saying we all know [that Seigel is not going to testify]," Bauman protested. "I want the record clear as I sit here now I do not know that."

"I would indicate that one would be a pretty good guess if he guessed that Mr. Seigel was not going to testify," Slotnick countered.

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"But my experience in these cases is at least as long as yours and I have seen time after time when a witness is up against what Mr. Seigel is up against this morning. I have seen strange and remarkable things happen more than one time."

Putzel on the other hand felt that "the presence of a jury is quite frankly an influence on a witness which may well induce him -- when he has in mind prior to this time to refuse to answer questions -- to answer them. And I think that is what a jury trial is all about."

Long discussions continued until Bauman decided to start the questioning without the jury's presence. "Get Mr. Seigel on the stand," he finally said impatiently.

Seigel was called up and sworn but before Seigel was asked anything, Dershowitz got up and raised a new issue. "I would like to ask the government . . . to affirm or deny . . . as to the surveillance by any of the following agencies or groups: the CIA, Army, Navy or other military intelligence, any UN security agency, any agent of the Soviet security agency, any direct or indirect aegis of the White House, the Attorney General or the Committee to Reelect the President." Dershowitz also read a long list of names associated with illegal wire-taps in the Watergate scandal, an issue that for the first time had emerged in the press the previous day;

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was there any surveillance by Halderman, Ehrlichman, Mitchell, Dean, Magruder, Liddy, McCord, Segretti, Stans, Mardian?

"Mr. Dershowitz," the judge later asked, "did you mention Mr. [John] Dean in the list?"

"Yes I did."

"I thought you might have forgotten somebody."

Putzel was noticeably exasperated. "Your Honor, I can't resist saying that I am having trouble trying this case without trying the Watergate case too. As to the matter concerning the CIA demand, that is absolutely new after extensive hearings before this court and we are now forced with an entirely new list of demands."

Although the government claimed that Dershowitz was raising a new issue, with Bauman agreeing and denying the request, Dershowitz pointed out that he initially had asked about the CIA, months before, when the hearing first started. In addition, he asked whether wiretaps existed on any of the lawyers working for Seigel. Dershowitz had been in the offices of private attorneys, which the Times just revealed, had been bugged. Yet in these other cases, the government in court had at first denied any wiretapping, only to return later and embarrassingly admit they were wrong.

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Bauman denied the application but Dershowitz came up with another one. "I also ask the government to affirm or deny whether any of the following investigative techniques were employed against Mr. Seigel . . . or his attorneys: break-ins, mail watches, mail interceptions, planting of saboteurs or agent provacateurs."

Dershowitz should have raised these issues during the taint hearing, Putzel protested.

"These could not have been raised," Dershowitz retorted, "owing to the fact that the government of the United States, the representative of which is sitting in this court, engaged in activities to cover up all of these activities as to which I would like public access."

Bauman again rejected the application adding, "it is my view that what I have been confronted with today . . . is the last in a long and unrelenting effort to prevent the trial of this case. . . . It is my view that these are tactical moves and that they do not want consideration. . . ."

"May I respond to those personal comments?"

"These are not personal comments; those are the views of the court, Mr. Dershowitz."

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At long last, the time had come for the prosecutor to question Seigel. "Now go ahead," the judge told Putzel. After asking him his name and address, Putzel asked, "Are you now a member of the Jewish Defense League, sir?"

"Objection," Dershowitz said. "It is our position that Mr. Seigel's membership in the Jewish Defense League and questions asked him are based on illegal wiretaps and may be based on CIA wiretaps. . . ."

Bauman overruled the objection. Putzel, however, wanted the judge to rule on whether Dershowitz had "standing to object to individual questions."

By then the judge was very edgy, as Slotnick who joined the fray, was to find out. "Your Honor," Slotnick began.

"I won't hear from you at all," Bauman snapped back.

"If he has no standing, I might. . . ."

"I don't want to hear from you as to Mr. Dershowitz's standing."

"I am objecting to the question . . . [for the same] reasons pronounced by Mr. Dershowitz."

"All right you may object," the judge conceded, but totally agitated he forgot what had been asked of him. "Where did we leave the record?"

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Putzel reminded him he was to rule if Dershowitz could object to each individual question asked of Seigel. "I will permit it," Bauman said, and then turning to the JDLer, ordered "answer it."

"I respectfully decline to answer this series of questions," Seigel began reading, "on the ground that: I was promised by government officers that I would not have to testify, . . . that my identity was learned as the result of illegal wiretaps. . . these questions are based on information illegally secured from me in violation of my right to counsel . . . it is clearly not my intention to obstruct justice but only to see that justice is done to me and my constitutional rights are secure."

"Who prepared that statement for you?" Putzel asked in utter frustration. Seigel's response so disconcerted him, that for a moment or two he could think of asking nothing but the obvious.

"Obviously his lawyer [prepared it] . . ." Bauman said. "I don't think it makes much difference . . . I hardly doubt he wrote it himself."

Seigel continued reading his long statement after each of Putzel's additional questions, until the judge advised him he need only say he refuses to answer "on the grounds previously stated." After many futile

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questions, with Bauman each time ordering him to answer, the government moved to have Seigel imprisoned for civil contempt of the court.

Dershowitz was prepared for such a situation; he had brought all the legal memoranda with him that morning to back up his request for a stay to Bauman's jail order. In addition, wanting to keep Seigel from the pressures of jail, they had drawn up a motion for Seigel to be released on bail pending the appeal of contempt. However, in the eventuality that Bauman might deny bail pending appeal, the lawyers also had similar papers drawn up for the Court of Appeals, petitioning them for emergency relief. "May I represent to this court today," Dershowitz said, "that I am prepared to argue this appeal before the United States Court of Appeals at 2:30 this afternoon, or at 9:00 A.M. tomorrow, or at any time the Court of Appeals would like to hear us."

Bauman allowed Seigel to remain free on his present bail and while Jaffe remained behind, Dershowitz and Putzel took the elevator to the 17th floor where they appeared before the sitting panel of the Second Circuit Court of Appeals. Despite their heavily crowded calendar, the court agreed to an expedited appeal, to be argued June 13th with all briefs submitted prior

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to oral arguments.

While Putzel was upstairs, Jaffe called Richard Huss as a witness, but before anything could be asked of him,Bauman turned to all the lawyers. "Could I see all counsel at the side bar for a moment please?" Side bar conferences were called when lawyers didn't want the jury or the spectators to hear what was discussed. "Gentlemen," Bauman said once everyone had gathered around him, "I have a situation that . . . has been troubling me increasingly. I am sure you all have noticed that throughout my conduct of these proceedings I certainly and obviously and naturally would abide the religious beliefs of the people who are in the courtroom, but there is a conspicuous amount of praying going on and it is a conspicuous nature of the praying here that concerns me. Yesterday for instance, there were two ladies who sat in the front row . . . and I am going to use the appropriate word - davening. For the benefit of anybody who is unfamiliar with that, it means, in substance, holding a prayer book, mouthing the words and generally rocking back and forth. The record should reflect that as the Court speaks, there is one certain gentleman who is doing the same thing. What can we do to stop that? I don't want to make an issue of it but I think you can understand that it is

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not an appropriate activity in the courtroom."

It was a poignant illustration of the conflicting worlds relatives of the JDLers found themselves in. Pious and observant, they found themselves spectators at a trial, their children or nephews accused of murder. When in trouble, their natural response was to pray or read Psalms, irrespective of its appropriateness or inappropriateness in the Federal Courthouse. How the issue was resolved remains unknown, for Putzel asked, "May I talk with Mr. Zweibon for a minute off the record?" and the rest of the conversation wasn't recorded.

Huss was put on the witness stand but before anything was asked of him, his lawyer, Arthur Miller, called upon the government "to determine if Mr. Huss was overheard by any electronic surveillance . . . including the FBI, CIA, and the Secret Service."

Jaffe responded saying the government had checked everything except the CIA. "[W]e had a respresentation from Mr. Calhoun of the Department of Justice on February 2, 1973 that no voices were overheard and we also have an airtel . . . [sent two days before, by Henry Peterson, Assistant Attorney General, Criminal Division], which reads as follows:

> Pursuant to your request, inquiries were directed to the appropriate agencies of the federal government to determine if there has been any electronic surveillance of the conversations of Murray Elbogen, Jeffrey Smilow, Richard Huss

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> and Sheldon Seigel since the date of the agency's last response in this matter. The federal agencies to whom this inquiry was directed are: FBI, Bureau of Narcotics and Dangerous Drugs, United States Secret Service, Internal Revenue Service, Bureau of Customs, Bureau of Alcohol, Tax and Firearms and the United States Postal Service.
>
> The agencies have responded that . . . there has been no electronic survillance. . . .

Since the airtel didn't cover the CIA, Jaffe told Bauman he was willing to make a special inquiry of the CIA.

"How long would it take to get that information Mr. Jaffe?"

"I will make a phone call to find that information, your Honor, as soon as your Honor breaks."

By then, Bauman was sufficiently concerned about the CIA angle to state, "I don't intend to proceed in the absence of receiving information. . . ."

"If your Honor please, if we will take a recess I will go and attempt to find that out."

"All right."

Jaffe returned after the recess considerably more frustrated. "I have communicated with the Department of Justice in Washington and I am informed that because this [request] is unique -- if not the first inquiry of them of this nature -- the Department advises it

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would take at least a week before they would hear [from the CIA], perhaps longer."

"[W]hy is it that the CIA cannot tell me within a week, seven days, whether any of these people were tapped or not?. . ."

"It may very well be that they can, but I was advised by the people in the Department of Justice -- this is a policy decision and there are no guidelines to it, in their approach to the CIA. However, they are going to work it out, it is a novel thing, a unique thing, so they couldn't assure me they would have an answer by say, next Tuesday or Wednesday. I asked for an answer by Monday. They just said they have no idea how long it would take. In all candor, they wish to express to the court that they just had no way of knowing what the response will be and how long a time period it would take to answer the court's ruling."

Bauman, over Slotnick's objection, recessed the trial until June 8th. "It is my son's birthday, but I will be there," Slotnick agreed. However, he wanted the jury sequestered, so they wouldn't read or watch anything on television about the trial.

Bauman taking a different approach, called the jury into the courtroom. "[Least] . . . you think that I just walked into the building, I have been in this

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courtroom since half-past nine on other matters, and dealing with certain problems in this case since a quarter to ten, so it isn't that we have been doing nothing here.

"Matters which do not concern you require that I adjourn this case until June 8th. Now I will direct you to be back on June 8th at 10 o'clock. I am relying on the fact that you will not talk about this case with anyone, among yourselves or with anyone else as I have ordered you [in the past] and as I now order. I order you not to read anything about this case should anything appear and if you should see a headline or anything that indicates it might concern itself with this case, I direct you not to read it. Should anything about this matter be reported on the radio or on television, I order you that as soon as that becomes apparent, you are to turn off the set. Now it must be clear, that I mean for this jury not to receive any information of any kind from any source about this case, and it must be equally clear that I mean to see that you not discuss it among yourselves or with anybody else. On June 8th, when you return at 10 o'clock, I shall interrogate each of you individually to find out whether in fact you have obeyed the order I have just made. Is that clear? Under those circumstances . . . you may retire."

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After the jury left the courtroom, the prosecutors applied for a material witness warrant for Murray Elbogen. Elbogen had been subpoenaed the previous January but because of the taint hearing, he wasn't called as a witness then. "Mr. Elbogen is not around," Jaffe now told Bauman. "Detectives [from the Arson and Explosion Squad] who went to his house last night, talked with his mother and he did not come home last night."

"[B]efore I issue a warrant calling for somebody's arrest or being taken into custody, I want to know,and I confess,I am ignorant of what the requirements of law are. I mean, one just doesn't go around signing pieces of paper to have people picked up. I want to know what the law requires before something like that is issued. I am frank to say I don't know."

Jaffe showed the judge the appropriate law. "Yes but the case wasn't tried on the return day of the subpoena. I am going to reserve decision on your application and ask that you submit a memorandum of law." The government's endeavor was futile however, for Elbogen was one step ahead of them, already living in Israel.

On Friday, June 8th, everyone again appeared in Bauman's court. Putzel submitted an affidavit from Garvin Lee Oliver, "an attorney with the Department of Justice in

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Washington, who represents that following a search of the files or records of the Central Intelligence Agency, that there are no wiretaps of Stuart Cohen, Sheldon Davis, Murray Elbogen, Richard Huss, Jeffrey Smilow and Sheldon Seigel, now on file in that agency."

"The key paragraph it seems to me," Bauman commented, "is that the 'deponent states there have been no overhearings by electronic survillance by the Central Intelligence Agency, of conversations at any location to which any of these individuals was a party.'"

With the issue resolved, the trial continued with Richard Huss the first to be called. "Mr. Huss," Jaffe began, "directing your attention to the morning of January 26, 1972, did you see Sheldon Davis on that morning?"

"I respectfully decline to answer this series of questions on the grounds that it is my understanding of Jewish law, I am prohibited from testifying against another Jew in a non-Jewish tribunal, and on the grounds that any contrary interpretation of Jewish law made binding on me is itself a further violation of basic Jewish law."

Again Huss refused to use the plea of self-incrimination, because he knew the government would grant him

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immunity and he would end up in the same place.

Bauman ordered Huss to answer the questions but he remained steadfast in his refusal. Eventually Jaffe asked "that the court make the finding that Mr. Huss is in contempt of this court and ask that he be remanded to the custody of the Attorney General until such time during this proceeding that he be recalled and give testimony before this court."

Bauman agreed and found Huss in civil contempt of court. His lawyer bitterly complained about the delays in the trial. "Those delays have placed my client in a position where really it is imposing on him a burden far greater than the contempt burden. He is in a position where he is in effect prohibited from going to school, taking his final examinations, taking his regents examinations, and graduating from [high] school."

"You are reciting all of the factors that I, believe it or not, find terribly painful, but you are not reciting anything that has to do with the law in this case," Bauman commented.

"Your Honor, may I make one additional request?" his lawyer asked. "[I]f . . . he does have an examination in school, . . . could [he] be accompanied by a United States Marshal to take those examinations so that he can in fact complete his studies on time?"

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"I will. I would like you to convey to the United States Marshal that I should like that to be done if it is possible for him to do it. I want him to be able to take his examinations."

"One further request. I would like to request . . . kosher food during his stay. . . ."

"Your Honor," Putzel said, "we have had a terrible problem with that in the past and all that we have ever been able to assure the court is that we will do our best in the United States Attorney's office to honor the religious obligations and customs that are observed by any prisoner, and we will convey the request of the contemnor Mr. Huss, to the people at the Federal House of Detention and do all we can to accommodate, but that may not be a guarantee that this will happen."

"I know there is no guarantee but I hope they will extend themselves to honor the religious beliefs of people who are in prison there," Bauman commented.

"We have sought to do that, and I hope we will continue to," Putzel assured.

Jeffery Smilow was the second witness to be called. He too refused to testify, since as an observant Jew, testifying in a non-Jewish court would violate his First Amendment rights of freedom of worship. Bauman ruled

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against him and after he continued in his refusal, the judge likewise found him in civil contempt and ordered him imprisoned. Since Smilow was completing his first year at City College's School of Engineering, Bauman also permitted a United States Marshal to accompany him to his final examinations. "These young men will have a chance to take their examinations, and that is an order," Bauman said.

Putzel also decided to have Seigel recalled. Although Seigel had already been called and had already been held in contempt of court, Putzel was afraid he might have fallen into a trap by refusing to affirm or deny whether Seigel had been a victim of CIA surveillance. Although Judge Bauman had sided with him, denying Dershowitz's request for information about CIA wiretaps, Putzel realized the Court of Appeals might dismiss Seigel's contempt on the very technical grounds that Seigel hadn't been informed about CIA wiretaps. Now Putzel was prepared to deny the existence of any CIA wiretaps and on that basis, he wanted to question Seigel again.

Dershowitz argued the government couldn't have it both ways. Either they didn't call Seigel because he was already in contempt, the appeal scheduled for the following Wednesday, or else they should vacate the original contempt request "in which case it will be

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perfectly appropriate for the calling of Mr. Seigel to the witness stand to ask the questions again."

Putzel agreed to vacate the original contempt order, Seigel was recalled and again reading from the same sheet of paper, Seigel cited the by now familiar long list of reasons for his refusal to testify. However, he also added an entirely new issue. Dershowitz, the night before, had discovered a very recent opinion by a Californian judge, which except for a summation in the law reports, was as yet unrecorded. Although Dershowitz hadn't read the decision in its entirety, he decided to bring it in also for it raised an entirely new issue on appeal. Accordingly, Seigel at the end of his long statement added: "I also respectfully decline to answer the questions on the basis of Judge Ferguson's recent decision . . . in which case the court held that a witness who has previously given statements to the FBI, as I have, is not sufficiently protected from self incrimination by the grant of use immunity. I don't recall the contents of each of my statements to federal law enforcement officials, but it is very possible some of them may not have been entirely accurate and I can say no more than that without violating my privilege if I were to answer the questions being put to me and these answers may well be used against me in prosecution. . . ."

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The new issue led the court clerk to comment to Dershowitz, during recess, that just when he thought Dershowitz had run out of tricks, Dershowitz arranged to pull out of his hat, one final rabbit. Even Judge Bauman was impressed and although he again ruled against Seigel, holding him in contempt, he commented that "frankly, I think that Judge Ferguson is a person of such repute that I would regard his opinion that you exhibited to me as to create a substantial question."

Before the trial adjourned for the day, Zweibon asked that Smilow be permitted "to receive his tfillin [phylecteries] in the prison."

"Certainly, any objects necessary for prayer, those are to be delivered."

The following Wednesday, Dershowitz and Putzel appeared before the Appeals Court, with Irving Kaufman the presiding judge. Many in JDL were not optimistic about Seigel's chances, for Kaufman's most publicized judicial act was his imposition, years before, of the death sentence on Julius and Ethel Rosenberg. Although Kaufman had a reputation for being an excellent and distinguished jurist, many were afraid he would "bend over backwards," being even more severe when judging fellow Jews. Moreover, many JDLers -- and their attorneys

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also -- were offended that the judicial process was becoming a Jewish issue, particularly in the Hurok trial. The defendants, their attorneys, the judge, the prosecutor all were Jewish and although it was never discussed out in the open, the defense camp was very concerned that the judge and the prosecutor would demonstrate their 'impartiality' by being even more severe with JDL, than they would be with non-Jewish defendants.

As the arguments began, however, it became obvious that Judge Kaufman was genuinely unbiased, concerned only with the complex legal arguments. Kaufman had done his homework well. Having carefully read the briefs, he was very familiar with the facts and needed no explanations. Minutes into the discussion, Dershowitz realized that Kaufman was conerned about the government's destruction of the wiretaps, an issue not mentioned at all in Bauman's ruling and one that Dershowitz himself had relegated in his brief to only a few paragraphs. Aware of Kaufman's interest, Dershowitz began building all his arguments around it.

With the arguments over, everyone nervously waited for the decision. Although they all knew the wait wouldn't long -- by law the court had to decide within thirty days of the contempt order -- this did not in any

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way lessen their anxiety. A few days later, Judge Kaufman's law clerk contacted both sides requesting additional information. Further research and writing took place. At long last, two weeks after the oral arguments, Alan Dershowitz received the long awaited telephone call from the Court of Appeals. Dershowitz was victorious! Seigel's order of contempt had been reversed; after more than two years of mental turmoil, police intimidation and court battles, Seigel was finally a free man.

Kaufman, who wrote the decision was eloquent in his writing. "The legal issues involved in this appeal are set in a context that unfortunately highlight the seamiest aspects of the criminal law and its enforcement." Noting the FBI wiretaps which lacked any legal authorization, the police's 'patently' unbelievable version of their search of Seigel's car and Seigel's own surreptitious recordings, Kaufman wrote:

> Thus, in the midst of so much deceit and lawlessness, we are called upon to render a decision that serves the cause of justice. When under such circumstances, the court, as an engine of and in the pursuit of truth, is compelled to decide which of the two competing parties is more unbelievable, that engine is put under extraordinary strains in its efforts to keep its commitment to the rule of law. . . . We conclude however, that under the extraordinary circumstances that prevailed in this case, the govenment failed to sustain its burden of proving that information in its possession which formed the basis of its questioning of Seigel at the Hurok trial was untainted by unlawful electronic surveillance. (US v. Richard Huss et al., 73-1920)

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The Appeals Court placed much emphasis on the government's destruction of the wiretap tapes.

> The significance of the destruction of this evidence cannot be understated in this case. To compel a party who objects to the use of evidence obtained as a result of unlawful wiretapping to go forward with a showing of taint . . . and then to withhold from him the means or tools to meet that burden, is to create an absurdity in the law. . . . We recall in this connection that Congress specifically provided that under no circumstances may electronic surveillance tapes -- even those obtained legally -- be destroyed for a period of at least ten years. Individual rights, particularly the right of privacy so paramount in the minds of the drafters of the wiretap statute, cannot cavalierly be balanced away by other factors whether there be concern for efficient warehouse space management or different undisclosed reasons.

Kaufman reviewed the government's version of Seigel's discovery. Sarcastically noting that "the extraordinary good fortune" of having McKeegan and Parola in the same room when Seigel's name came up "must be considered nothing less than miraculous," Kaufman admitted that the government's proof of discovering Seigel independently of the wiretaps, "was at least on its face a strong one." However, Parola's own words "'you know it's done on wiretaps,' must inevitably raise questions about the invincibility of the government's proof of independent source."

> In a rather puzzling explanation the district judge stated that there was "considerable uncertainty" as to what [Parola] actually . . . said. . . . This Court, however, which is in as good a position as the district judge to

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determine what the precise language was, listened to the tape many times over. We have concluded, without the slightest doubt, ambiguity or uncertainty, that Parola related to Seigel: "You know it's done on wiretaps" . . . .

The teaching of the Supreme Court (in Alderman v. United States, supra,) cannot be avoided. We are instructed that when illegal electronic surveillance has come to light it is the adversay system, not representations by the government and not in camera decisions by the court, which must be relied upon to determine whether overheard matter is "relevant" to the taint hearing. . . . [Because the government in this case destroyed the tapes, Seigel was denied] the necessary armanments with which to pursue the adversary encounter. . . . Since the tapes are no longer in existence, remand for further proceedings would be futile. Accordingly, the order of civil contempt against Seigel is reversed and vacated. . . .

The rule we announce today would not have been necessary had law enforcement officials simply preserved records of the surveillance tapes as the statute requires. The law imposes, in this respect, only the most minor inconveniences upon the government but which, at the same time, serves as an invaluable guarantee of individual rights. . . . Of course, we all suffer when in Cardozo's classic phrase, the criminal goes free because the constable has blundered. The remedy however is to help the constable not to blunder.

The problem of crime, particularly the diabolical crimes charged in the indictment here, is of great concern to us. But if we reflect carefully, it becomes abundantly clear to us that we can never acquiesce in a principle that condones lawlessness by law enforcers in the name of a just end. There are those who argue that on occasion illegal methods must be employed to preserve the rule of law. Justice Brandeis responded eloquently to that argument and his words need no embellishment:

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> . . .Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law; it invites anarchy. To declare that in the administration of criminal law the end justifies the means . . . would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face. (US v. Huss et al., 73-1920

The Court of Appeals ruled on a very narrow issue which they specifically said applied only to Seigel's case. They did not rule whether Parola's promises not to reveal Seigel, were enforceable against the federal government, nor did they rule on the very many other legal issues Dershowitz brought up. Had Dershowitz raised only the "warehousing" issue however, he has little doubt that Seigel's case would not have been won. "Our entire strategy," one of the lawyers wrote, "was of course to raise broad civil liberties issues in hope of encouraging the court to reverse [Bauman's ruling] on a narrow technicality. . . ." But "it was only by presenting a wide ranging attack on the government's conduct, and by developing a complex array of constitutional issues that we forced, or permitted, judicial resolution to rest largely on the narrow ground of destruction of wiretap tapes." (Dershowitz, 1976)

A day after Kaufman's ruling, at 10 o'clock in the morning, all the lawyers and the defendants entered Bauman's courtroom on the 15th floor. "We have all read the opinion of the Court of Appeals," Bauman started. "What

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does the government have to say?"

Putzel moved to have Seigel's contempt citation vacated and then again called Huss to the witness stand. The Court of Appeals had specifically ruled that Huss and Smilow had no grounds for not testifying.

"Mr. Huss, do you know an individual named Sheldon Davis?"

"With all due respect to the decision of the Court of Appeals and of the honorable tribunal, I find that the cardinal precepts of my religion must take precedence in my mind. Therefore I respectfully decline to answer any questions. . . ."

"I direct you to answer, I order you to answer," Bauman said angrily. "Before this goes any further, Mr. Huss, I want to tell you something . . . I for one regard your refusal to answer as criminal contempt. I want further to advise you, Mr. Huss, that for criminal contempt there is no limit upon the amount of punishment which can be imposed upon you for that crime. Is that clear?"

"Yes your Honor."

Jaffe continued questioning Huss with the same results. Finally after the tenth question, Huss's lawyer got up to protest. "Excuse me your Honor. The witness has made it

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clear in my mind that he will not answer. I see no purpose in this continuing."

"Let me tell you what the purpose is. Someone has committed a dastardly, vicious, unforgiveable, unforgettable crime. Someone is frustrating the administration of justice in a case that in my mind involves murder. People who deliberately do so, will learn the power of the law, even if there are those who have literally gotten away with murder."

Defense lawyers would later question the propriety of Bauman's remarks. "I think it was a questionable remark for a judge to make," Dershowitz said. "He wasn't representing Iris Kones. He was not representing the victim's family. I think a judge should stick to defining the law and not stating his opinion as to what the defendants were accused of doing." Nor was Bauman bothered by Howard and Parola's perjury. As repulsive as Iris Kones's murder was, Bauman, if he was going to comment about crime, should have also mentioned police perjury.

Attention, of course, did not focus on the police but on Huss who was on the witness stand. Inevitably, Huss was charged with criminal contempt. His lawyer asked for his release on bail while awaiting trial for contempt but Jaffe protested listing all those who fled.

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"We have at least three sitnesses . . . who are not available to the government. I know that two of them are in Israel. One . . . was served with a subpoena and failed to comply. . . . Another . . . is some place in Israel but is one step ahead of the people who are trying to serve him. In addition, Elbogen, who is another witness that the government sought to obtain, is nowhere to be found. . . ." Afraid that Huss would disappear also, Jaffe asked that he be held on $50,000 bail and Bauman granted the request.

Smilow was also recalled. His appearance was tinged with poignancy for he had already been held once before in contempt, although it was then before the grand jury investigation. But even more so, the Appeals Court strongly implied that his lawyer had missed an opportunity in trying to get him off.

> At no time did Smilow's counsel request a hearing, nor did he suggest that the government's questioning of Smilow had been tainted by illegal electronic survillance. . . . Since Smilow never moved to suppress, nor even remotely suggested to the court that a proper claim of taint was before it, we concluded that Smilow lacked just cause in refusing to answer questions at trial. Accordingly, the order of civil contempt against him is affirmed.

But had Smilow's lawyer behaved differently, the court implied that his situation might have been different. It was a bitter pill for Smilow to swallow. Seigel, who had

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made the bomb and who had squeeled on everyone, was let off, while Smilow was to suffer unless he testified. Nevertheless, he too refused to cooperate even after the Appeals Court ruled against him and Bauman likewise found him in criminal contempt. All the government's witnesses had balked at testifying.

Bauman turned to Putzel and asked him what his "next move was."

"For the past twenty-four hours, your Honor, I have been wondering what I would say at this moment and I am going to decline to make any speeches because I don't think it appropriate. The government is unable to proceed in a case, the seriousness of which this court has noted so eloquently and so directly. We cannot proceed against Mr. Cohen and Mr. Davis. . . . We have sought to proceed according to the system which we operate under, and we have been frustrated by that and we cannot proceed. We consent to a directed verdict of acquital as to these defendants as to counts one, two and three." At the start of the trial, the government, fearing that the witnesses would remain recalcitrant, decided to sever two of the five counts of the indictment. This way even if Cohen and Davis couldn't be tried on the first three counts, they could still be tried on the remaining two counts, if Putzel ever managed to find a

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cooperative witness. Putzel now consented to dismiss only the first three counts.

"I have said what I want to say about this situation," Bauman said grimly. "I see no point in making any further speeches about it. Bring in the jury." They were brought in and Bauman addressed them. "Ladies and gentlemen of the jury: First of all, I want to apologize to you for any inconvenience that you may have been put through these successive Fridays and indeed today. It is my unhappy duty to tell you that the government is unable to proceed with the trial of this case because three young associates of theirs have refused to testify in the case. Without that testimony, the government has straightforwardly admitted that it has no case against the defendants and I have been forced to dismiss it. You will be interested in knowing, however, that with respect to two of these people . . . . I have ordered prosecution for criminal contempt of court. Again I thank you for your cooperation and you are excused with the thanks of the court."

After the jury left the courtroom, Slotnick turned to the judge. "I have an application on behalf of the defendant Cohen -- and to expedite things, on behalf of his codefendant. We would respectfully request that your Honor dismiss counts four and five."

"Denied."

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"At this point, in view of your Honor's refusal, I would indicate to the court, that the defendant Stuart Cohen is ready to stand trial on counts four and five." Bauman had fallen right into Slotnick's trap. Since the judge refused to dismiss the remaining counts, Slotnick asked to have the remaining two counts brought to immediate trial, realizing, of course, that the government couldn't proceed with any of their witnesses.

"That is a cute trick," Bauman said, understanding only now the full import of Slotnick's request. "What does the government have to say about that?"

"I don't have to detail the exceptional circumstances which we believe cover this exact case, your Honor. We are not ready to proceed, but we do not believe the case . . . should be dismissed . . . . We have every hope and expectation that when Mr. Huss and Mr. Smilow see the extraordinary gravity of the penalty that they face, they might well reconsider."

Bauman agreed.

Slotnick was still bristling over the judge's "cute trick" comment. "I feel your Honor, that I have no need in detailing the reasons that I had originally given for dismissal of counts for and five. . . . May I also indicate most respectfully for the record, that I feel

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that protecting my client's rights is not a cute trick. I suggested to the court that they are entitled to speedy and immediate trial and that is why I make the basis of this claim at this point."

"Yes, I withdraw the characterization."

"Yes sir, your Honor."

Zweibon asked if Bauman would "retain jurisdiction over counts four and five?"

"I am afraid it is my particular albatross. It was assigned to me. It is still assigned to me. It will always be assigned to me." With those words, Bauman brought the Hurok trial to a close. Despite his great fear of the albatross, the trial would never reopen again, although for awhile, the prosecution thought there was a chance for its resumption. Four months before, they had requested that Israeli authorities extradite Jerome Zeller. The nineteen year-old almost immediately after the Hurok bombing, had arrived in Israel and had joined the army. Jaffe somehow found out about this and started extradition proceedings to have Zeller brought back to testify. The prosecutors met with initial success, for in September 1973, two months after the Hurok trial fell apart, the Israel Attorney General advised a Tel Aviv judge to declare Zeller extradictable. Zeller was taken

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from his army unit and arrested, but free on $1,200 bail, he rejoined his military unit. As fate would have it, his unit bore the brunt of the fighting on the Golan Heights during the 1973 Yom Kippur War, and Zeller, distinguishing himself during battle, was critically shot up by the Syrians. His grave wounds effectively put an end to any further effort by Israel to have him sent back to the United States.

As for Huss and Smilow, criminal contempt proceedings were promptly initiated against them, although their trial didn't start until more than a year later. They had dismissed their attorneys and the new counsel submitted numerous discovery motions, which took the government considerable time to respond to. For a variety of reasons therefore, their contempt trial didn't start until thirteen months later. In the interim, they remained free on $50,000 bail each. Finally, on July 16th, 1974, in a very brief trial, a 12-man jury deliberating only twenty-nine minutes, found Smilow and Huss guilty and Judge Thomas Griesa sentenced each to a year in jail.

The year of court pressure had exerted tremendous strain on Richard Huss and his family, and had taken a terrible toll. While his father was supportive, his mother, completely opposed to his refusing to testify, even refused to attend her son's trial. A few days before

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the sentencing, Huss's uncle wrote the judge asking for clemency and in his letter, he briefly described Huss's ordeal and its impact on the entire family:

> You may have noticed that Richard Huss's mother was not at trial. She has ordered him from her home . . . and by local court order has prohibited his re-entry . . . . His mother has abandoned him, his parents are to be divorced and the family split. That was punishment! He has lived with his relatives, with his father, kept up with his job, his school and with terms of a bond that was onerous in size and whose cost he has been unable to defray. . . . I . . . pray that you can spare Richard further punishement." (Letter from Sidney Willig to Judge Griesa, 23 July 1974, US v. Huss and Smilow, 73 CR MS, 24 & 25)

To JDLers, Huss's behavior was particularly impressive. Unlike Smilow who lived in Borough Park, completedly integrated within the Orthodox community, Huss, coming from Staten Island and growing up in a non-Orthodox milieu, could easily have decided to testify without anyway experiencing social ostracism. There was nothing to prevent him from keeping quiet. "As a matter of fact," Eli Schwartz commented, "Huss was not even that involved in JDL. He went to camp once or twice but other than that, he was not that integrated within the JDL community, certainly not to the point where he would have found it impossible to testify for social reasons. His choice was a principled one and was not at all based upon being shunned by his friends."

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Whether out of principle or because of social pressure, no witnesses ever came forward and on July 14, 1975, the government dropped the last two counts of the indictments, filing an order of nonprosecution against all the Hurok defendants. The tragic affair, enduring a slow death, had finally come to an end.

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CHAPTER XIV

GETTING TASS'S GOAT: THE JDL IN WASHINGTON, D.C.

The New York chapter of JDL, paralyzed over the Hurok affair, virtually ceased activity, but in Washington, JDLers were as inventive and as effective as ever. Each year for example, the Soviet Embassy celebrated the 1917 October revolution with a gala reception and in 1971, Dr. William Perl, a psychology professor and the 65 year old director of JDL Washington, decided to use the event's press coverage to his advantage.

Learning of a Rolls Royce available for hire, Perl rented it for use during the reception. Few security men, he figured, would question the occupants of a Rolls Royce. The day of the party, Terri Green and Gordon Rayfield, both 21 year old students at American University and both elegantly dressed, entered the Rolls and deliberately arrived at the embassy driveway when the greatest amount of people were trying to get inside. At the driveway, security men checked the identities of the partygoers, but instead of joining the line of cars waiting to drive through, the JDLers had the chauffeur come from the opposite direction, turning from the left lane. The Rolls thus was blocking

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traffic in both directions, and police, impatient with the stopped traffic, signalled the limousine's well dressed chaffeur through. With relief, the JDL couple realized their ploy had worked; they had successfully avoided the security control at the gate.

The couple left the car and walked up the stairway to the cloakroom. Once inside they planned to chain themselves somehow to the embassy walls and in anticipation of speedily doing that, each had hidden under their coats, handcuffs on one of their hands. They had not planned on giving up their coats however, for doing so would reveal their handcuffs. But when confronted with the necessity of the cloak room they deftly managed to remove their coats without being revealed. Proceeding to the receiving line, they shook hands with Mr. and Mrs. Dobrynin just as Secretary of State William Rogers was leaving. Henry Kissinger had arrived a few minutes before, and Dobrynin soon left the receiving line to talk with Kissinger in the dining room, plying him with generous portions of black caviar.

After surveying the festivities around them -- the crowd contained the greatest number of high ranking American officials ever to attend an embassy party -- the JDL couple quickly climbed up to the second floor balcony and handcuffed themselves to the banister. "Get the Jews out of the Soviet Union! Send the Soviet spies back to Russia!" they started shouting as the 2,000 surprised guests stood frozen on the

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floor. KGB agents surrounded the couple, but since they were in plain view of the guests below, the agents were unable to silence them. Worse still, the Russians were unable to remove the handcuffs.

Ambassador Dobrynin was in the other room talking to Kissinger, when the protest started. Although he received an immediate report of what was going on, he made no effort to go to the scene but kept on talking to Kissinger, urging more caviar on him.

Soviet embassy personnel tried to minimize the disruption, with officials on the receiving line attempting to ignore the chanting behind them. After 15 minutes, Washington police entered the Embassy with heavy duty wire clippers and removed the students' handcuffs. "At such an occasion," Perl later said, "the Russians hate to have police in uniform come in. You imagine this, everybody at these parties is gossiping what's new and this happens. This was an event!"

Indeed it was. The JDL infiltration was front page news in the Washington Post, (6, November 1971) their staff writer reporting that "the demonstration created a lot of conversation." Eventually members of the Executive Service led Green and Rayfield away but because Embassy officials were reluctant to appear in court to press charges, the pair was only charged with disorderly conduct and released after posting ten dollars bond.

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Although the disruption occurred even before the Hurok firebombing took place, the event received such publicity that Dr. Perl decided to repeat the performance the following year, a time when New York JDL was preoccupied with the forthcoming Hurok trial. That year was the 50th anniversary of the formation of the Soviet Union and Perl himself decided to crash the party. As his escort, he chose Denise Leish, an extremely attractive 20 year old student at the University of Maryland. "I did this purposely," Dr. Perl later explained. "She was stunningly good looking and people would think she was coming with her sugar daddy." Perl disguised himself with a wig and took along a friend's identification. "This time we had one of our JDL people, Robby Rosen, dress as a chauffeur," Perl recountered, "and he drove us over in a rented Cadillac. I had nc idea how we would get in, but we were favored by luck. It was raining and the control, instead of being outside by the iron fence, was inside the front door." People were pushing hard when Perl and Denise Leish arrived. Two Russian security men, in typical style of a 1950's Hitchcock movie, were standing at the doorway asking to see people's invitations. The couple ahead of Perl showed the Russians their invitation, and after a nod from the guard, entered the embassy.

"Your invitation please," the Russian asked Perl.

"Sure." Perl began fumbling in his pockets and with the security men distracted, Denise Leish slipped inside.

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She stood near the staircase, waiting to see what would happen to Perl. Perl smiled sheepishly at the Russian. "You know what happened," he said while rummaging through his pockets, "I was sitting next to the chaffeur and I left my invitation on the seat. But don't you know who I am?" Perl demanded, deliberately putting the Russian on the defensive. "I am Jim Konagis of the Pepsi Cola company." Pepsi Cola had just signed a trade agreement with the Soviet Union.

"Pepsi Cola is good, it's okay," said the senior of the two Russians, letting Perl pass through.

"I looked very dignified, not like a young fellow. They had expected some young JDLniks. I didn't look like somebody who would cause trouble."

Perl joined Leish and they went to the cloak room, leaving their coats behind. Unlike the previous year, they didn't wear handcuffs but kept them on their person. The two joined the receiving line, where Mrs. Dobrynin, in the absence of her husband who was in Moscow, was welcoming guests with the Charge d'Affairs, Minister Counselor Yuly Voronstov. "We went through the receiving line. This is just a formality where everyone mumbles his name. Denise Leish went first and then I shook Mrs. Dobrynin's hand and said jockingly, 'Bill Perl, JDL.' What did she know? I didn't stress J!D!L! I said it softly and smiled. She shook my hand and smiled back and then we were in. We were in this large room on

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the second floor. Many of those black ambassadors were there, dressed in their fantastic national costumes. Some of them had big ribbons around their chests. The Arabs were there in their tarbooshes and in the middle of it all was a huge buffet, with caviar and champagne. It was a very beautiful and colorful picture which I will never forget."

The JDLers walked around, mingling with such guests as Senator Fulbright, chairman of the Senate Foreign Relations Committee, Secretary of Transportation John Volpe and Undersecretary of State John Irwin. All the while, Perl was looking for a place to chain themselves to. A few months before, he had met Avraham Shifran, a Jewish emigre from Russia, who was touring the States. Shifran had spent many years in a Soviet slave labor camp and was very familiar with Russian KGB tactics. "You will not be able to repeat it," Shifran warned them after their first embassy disruption. "First of all, they will be particularly careful this time. Second, at all those places where you can chain yourselves, there will be Soviet agents. I know the Soviets." Looking around ruefully, Perl had to admit that Shifran was right. Russians were standing near all the railings on the stairways and balconies. But as Perl walked around the room, he spotted his target.

"I saw a big candelabrum, an ugly 19th century representation of a fat woman holding a lamp. It was a couple of feet high, some 19th century Victorian taste, made of bronze and weighing at least 200 pounds. I

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decided to chain ourselves to her outstretched hands."

Leish went over to the corner candelabrum and Perl went to the buffet to fetch some caviar, returning with the food. Pretending to eat, Perl covered Leish while she began chaining herself. The day before, both had practiced chaining themselves with the handcuffs. Suffering from Parkinson's disease, Perl could only do it then in 18 or 20 seconds, with Leish much faster. But when it came to the real thing, Leish found herself stuck. "It won't click. It doesn't click," she whispered nervously. Stepping over, Perl closed the handcuffs and then chained himself, doing it even more quickly than Leish. "Now!" Perl directed and both started screaming "Free Soviet Jews, Free Silva Zalmanson, Free Ruth Aleksandrovich." At the same time, both threw leaflets protesting "The Great Russian Wheat Steal" and "Soviet Ransom of Jews."

"My leaflets didn't go far," Perl said, "perhaps five feet, but hers really went far -- about ten or fifteen feet."

There was a moment of complete silence as the crowd froze. Then someone tossed a drink in his face and at least 2 KGB agents came dashing over. Perl kept on shouting and as the Russians started beating them, Leish screamed, "You beasts. Let me go. I can imagine how you handle those you've imprisoned."

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As the Russians beat the couple, one tried to pull Perl back by his hair. Instead he pulled Perl's wig off. "This Russian woman standing next to me saw my wig fly off and she started screaming in horror at the top of her voice. She must have thought I was scalped. Her screaming though was very good for us because we wanted as much commotion as possible.

A Russian locked his hand over Perl's face. "Quiet!" he commanded. Perl obeyed fearing the Russian would break his head if he kept on screaming. Three security men lifted the candelabrum off the floor but Leish and Perl dropped to the floor instead of walking out with them. A Washington Post photographer took pictures of the melee but a Russian confiscated the camera, returning it a half hour later with the film removed. However, a photographer for the Washington Star managed to get a picture of Denise Leish in her bright red dress, being dragged across the floor by the Russians.

As guards dragged the JDLers out to a side entrance, the crowd parted silently. "It was really very painful being dragged by my hands but I yelled at the top of my voice. Everything. We passed the receiving line and Mrs. Dobrynin was still shaking hands as if nothing was happening but everybody else looked as we were being pulled out. As they carried me down, I saw on my left a knife inches away from me but another stopped him. I saw the hand being

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pulled away but my suit -- an expensive one -- has a 3-inch slash in it. Fortunately, the knife didn't go through the shirt. Once outside, the Executive Protective Service arrested us and I finally felt safe."

Coatless, Leisch and Perl waited in the cold December night until a police car came to pick them up. As originally planned, a second group including Perl's son, Solomon, was to enter the embassy minutes after the first, but Perl thought it would now be unnecessary because he and Leish had done everything that could be done. "I did not want them to go in so I told the policeman that there would be another attempt and my son Sol would be among them. Please tell my son that his father tells him he should not go in because we have all the publicity we need. I knew that if they went in they would be beaten very bitterly. I used a certain code word which would signify the message was authentic and I started describing Sol. The policeman radioed the information to the one at the front gate and was about to give the description I had given of my son, when the second voice responded over the radio, 'Description unnecessary. Subject known.' I was very proud of this. But it was too late. Sol had gotten in."

Sol Perl, Abraham Kaplonsky, a 21 year old student at the University of Maryland and Arthur Quell, 23, of American University were driven in the Cadillac up to the front of of the embassy. Security had been increased after the

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first disruption, with six men now at the front door.

"May I see your invitation?" one of the security men asked Sol Perl. Entering guests were about four abreast in the foyer waiting to get in and the security men were laboring under great pressure to get them all speedily inside.

"Oh, I just showed it to him," Perl said pointing to another Russian and nonchalantly walked in. Since he had been arrested there several times before, the possibility existed that the Russians might recognize him, so he disguised himself by wearing a short black wig over his very long light hair.

They stopped Quell however. Realizing he had no chance of getting in, he started screaming in the foyer, "Free the prisoners, stop the slave trade." Caspor Weinberger, President Nixon's designate for Secretary of Health and Education and director of the Office of Management and Budget, heard the JDLers screaming at the door and witnessed the ensuing commotion. Russian security men went to Quell, and Kaplonsky joined the fray. Sol Perl saw the scuffle and he went to his friends' assistance. "I had seen the Russians carrying my father away so I knew there must have been a disturbance upstairs already. Actually, we had hoped to be in before my father started. Obviously, there would be more security after the first incident so we hoped to

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be in by then. Unfortunately, we came by afterwards so I figured chances were that people downstairs didn't know there had been a disturbance, so why not have one there too."

The Russians tried to push the JDLers outside, but Kaplonsky closed the door, which opened inwards, so the Russians ended up pushing against the door making it even tighter. "Leave them alone," Perl screamed as he joined in, "you can't do that to them; this isn't Russia."

In the midst of the brawl, guests were continuously arriving for the reception. The Russians were just pushing against the closed door and the JDLers pushed back. A fight developed. One Russian grabbed Sol Perl's wig and pulled. Putting the force of his whole body behind the yank, he fell over backwards, holding the fistful of false hair in his hands. As with his father, a woman started screaming hysterically, thinking Perl was scalped. Two men eventually held Perl down while another hit him in the face with brass knuckles. Eluding their grasp, Perl ran out the doors. "As soon as I walked out the doors, I saw the police leading the other 2 JDLers away, so I just kind of slinked in the other direction and nobody noticed me. I guess they were looking for some guy with short black hair and glasses, which I lost in the melee. My jaw was feeling funny though; the bite was off. It didn't hurt, rather it felt stunned, numb."

All the detained JDLers were taken to the police

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station, charged with disorderly conduct and released after paying $10 bail. Perl and Leish however, wanted their coats back. Immediately after being arrested, they had given the police their coat check numbers. "The police were very nice," Dr. Perl recalled. "Secretly they enjoyed our one upmanship of the Russians. They treated us very nicely. A policeman went back to the embassy and came back to say they didn't have our coats." Later the police again called from the stationhouse, but the Russians said no such coats were there under those numbers. "I considered my coat lost," Dr. Perl said, "but Denise used her best coat. She bought it in Spain the summer before, and she very much wanted her coat back. So I telephoned the police the next day and told them, 'Listen, I'll leak some information to you. We are now in the process of collecting scores of old shabby coats, which we will all dump on the Soviet embassy grounds. We'll inform all the newspapers about it, telling them the Russians want old coats for their needy diplomats; they obviously need coats since they stole two coats of ours. The whole embassy story will again be revived in the newspapers. Maybe if you as a police officer, tell them about our plan, they might give you the coat back.' A few hours later the policeman called to say they had our coats."

The next day though, Sol Perl went for an x-ray and discovered his jaw had been broken in the fight. The doctor wired his teeth shut and for a month he existed

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only on a liquid diet, unable to open his mouth. "I got very creative. I used to make liquid salad in the blender. I drank steak, cauliflower in cheese sauce, jello, instant breakfast. I was so afraid of losing weight, that I drank so many fattening things and gained weight instead.

Dr. Perl and Denise Leish suffered after effects too. Their bodies were bruised all over and for weeks they walked around with blue and green discolorations.

The reward for the pain though, was the publicity JDL received. They were very newsworthy in ways that even New York wasn't. "Our big influence," Dr. Perl's older son, Rafael said, "was that JDL in New York was more oriented to skull cracking while we in Washington were instrumental in getting an equal amount of publicity through gimmicks, achieving results without violence." Such was the case during the Second Leningrad trial, when JDL smuggled a live goat into the National Press Building and chained the "scapegoat" to Tass's door. "We sat around brainstorming one evening," Dr. Perl said, "and we came out with the idea of a scapegoat. We had a ready made audience because the Press building is filled with news correspondents. In addition, seeing a goat in a skyscraper in itself would be unusual enough to arouse interest. You see goats in fields, not in office buildings."

Perl's first problem was acquiring the goat. Pet shops didn't have any, so he went to inquire at animal

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feed stores. One store in the Baltimore area told him about a customer who always bought goat feed and Perl and his wife drove out to the farm. "I want a billygoat as a pet for my grandchildren," Perl told the farmer. "We will pay for it now, but I want to pick it up in a few days." Perl gave him $35.00 for the goat, promising to return the day of his "grandchild's birthday."

In the interim, they visited a veterinarian, and obtained a sedative pill for the goat. The animal had to be quiet while they brought it into the building. On the eve of the action, Perl informed members of the news media to meet him at 11 A.M. in the lobby of the Statler Hilton Hotel. He deliberately chose the hotel, because although a bit aways, it was very close to the Russian embassy; if the police found out JDL was planning something, they would immediately suspect the wrong target -- the embassy instead of Tass.

On the eighth day of the Second Leningrad trial, Perl walked into the Statler Hilton and requested the assembled reporters to follow him. As they walked to the National Press Building, Perl saw the JDLers drive up in a truck and unload a crate at the freight entrance located at the side of the building. He knew the goat had been delivered and so he took everyone up in the elevator to the second floor. "I told the reporters to wait at the elevator while I went around the corner. There was nothing there! They had taken longer to get up in the freight elevator than I had

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expected so I returned and told the reporters it will still take some time. A few seconds later, two of our people dressed in worker's clothes -- overalls and hard hats -- wheeled a crate by on a dolly. This was around the corner so the newspapermen didn't attach any importance to the two. When I saw them returning a minute later, I knew the goat had been chained. 'Okay, let's go,' I said."

There right in front of Tass's door stood the animal. "I am a Jewish scapegoat, Please Save me!"read the sign on its back. Perl went over to the door and banged on it. "Come out and take responsibility for the kangaroo court you are having in Leningrad." From inside Perl heard a muffled voice saying they couldn't get out. After delivering the goat, the 2 JDLers had wedged pennies into the interface of the door. The pennies pushed the door away from the frame, increasing the pressure on the latching mechanism and making it difficult to open. Knowing this, Perl kept on banging on the door, telling them to come out. "It was very dramatic on television. The newspaper and television people were all around and they photographed it all."

In addition to the reporters who came from the Statler Hilton, other journalists came upon the scene also. JDLers had gone to the building's other floors and distributed notices about the action taking place at Tass. For the journalists, it was a very convenient

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assignment -- they could cover the story by taking the elevator down to the second floor.

Police arrived, but unsure of who brought the goat in, they arrested no one. Raphael Perl told everyone the protest was non-violent; even the goat was sedated so he wouldn't hurt anyone, Raphael explained tongue in cheek. The assistant manager of the building, Bernard Morris, came by and demanded that all the JDLers leave; if not he would order them arrested for trespassing. "We complied with the request," Perl said, "so we left and he was very glad also, until he discovered that not everybody had left: the goat was still there." A policeman waited around with the goat until someone from the SPCA came and took the animal away. The following day, the Washington Evening Star carried a front page picture "Tass Gets the Goat" with an accompanying story on page ten. The Washington Post (19 May 1971) carried an even more dramatic picture on its second page of Dr. Perl banging on Tass's door with the goat at his feet. "You must understand," Dr. Perl said in explaining their approach, "that I, and all the people here in Washington believe in the necessity of dramatic elements in order to get publicity. But that drama can be provided in ways other than violence. This philosophy is the basis for many of the actions we conducted here, particularly if the dramatic element is mixed with humor so that it not only

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arouses interest but also provides the reader with relief too, due to the humor."

Early recognition of the value of humor gave the Washington chapter prominence out of all proportion to their meager numbers. For example, they made up stickers which read: "Hey man, want a full body massage like never before -- and more? Call Sonia at Embassy House, 628-7550. She'll satisfy you, 24 hour service." The telephone number of course was that of the Soviet Embassy. "I got the idea out of a Mad Magazine: how to get even with your teacher," Sol Perl explained. "We put the stickers everywhere: in the toilets of topless bars, men's rooms, the red light district, dormitories, bus stations. To make sure the Russians knew what it was all about, now and then we'd phone them and say, 'This is Sonia calling from the JDL. Let the Jews out -- never again.' The embassy had to switch numbers and for more than a year they had an unlisted number. Unprecedented." (Washington Post, 2 April 1971, Evening Star, 1 April 1971) The League didn't just stop with stickers but expanded their telephoning to include most of the Embassy personnel. The Perls had located a diplomatic directory and from it took the address and telephone numbers of every member. Each family was phoned with the message: Free Soviet Jews. In addition, a few months before that, Dr. Perl and a few others had delivered letters to the homes of every one of the 151 accredited Soviet diplomats (". . . you and your

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family can help to bring about a more humanitarian approach in your government's way of handling the Jewish problem.") and the telephone calls were a similar tactic.

They did not limit their calls to the Russians in Washington. Someone placed a collect call to the Soviet Embassy in London, identifying himself with the name of a nonexistent Senator. When they accepted the call, the JDLer said, "This is JDL. Let my people go." Similar calls were placed to Paris and Chile. However, when JDL tried the same thing a few days later, the Russians didn't accept the call. One of the Perls also tried calling the commanding officer of the notorious Potma prison. "We want to inquire about the health and welfare of Silva Zalmanson." Of course, that call too never went through. Members of other JDL chapters joined the campaign. In Brooklyn, Yossi Templeman tried placing a call to London from a public telephone booth on Kings Highway.

The campaign infuriated the Russians. In March 1971, the Soviet Emabassy sent a note to the State Department condemning "the provocative anti-Soviet activities of the Zionist organization" who among other things "made telephone calls to the apartments of Soviet diplomats, uttering hostile statements." Surprisingly enough, the telephone campaign reached the highest echelons of government. A confidential State Department telegram to the American Embassy in Moscow indicates that the matter was even important enough for

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the Russian ambassador to bring up when he went to lodge a protest with Under Secretary of State Irwin. Dobrynin "handed the Under Secretary a mimeographed sheet . . . which called upon individuals to phone Soviet Missions and offices in an effort to tie up their lines and to disrupt their work. Dobrynin also gave the Under Secretary a copy of a mimeographed sheet. . . . He noted that copies of this letter were being received by Soviet Embassy employees in the Washington area. (Zweibon v. Mitchell, 18 March 1971)

Izvestia went so far as to devote on page 2, an entire article on the phone campaign.

> Hoodlums from the notorious American "Jewish Defense League" have found a new "occupation." Having for some time laid aside their pogrom clubs and the oakum that is used to set Soviet automobiles afire, they have taken to telephoning. They dial from morning to night. . . . What is more, they call uninterruptedly. This way they wish to paralyze the switchboards of Soviet offices in Washington and New York. . . . Broken up into "action groups" the hooligans are doing their utmost to hinder the normal work of Soviet institutions. They have issued leaflets listing the home numbers of the employees of these offices. "Call them day and night. Give the families of the Soviet people neither rest nor peace!" summons the leaflet concocted by the "League." And the telephones keep ringing, complicating the lives and work of Soviet people.
>
> Even this is not enough. The "League" does not limit its "activity" to Washington and New York. The Zionists have issued instruction leaflets in which they call upon their adherents in the capitals of other countries, including London and Ottawa, also to organize a "telephone seige" of Soviet offices. (Izvestia, 20 March 1971

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Current Digest of Soviet Press, vol. 23, no. 12, p.33)

Besides the Sonia stickers and the telephone campaigns, JDL Washington sought other ways to belittle the Soviet Union. "You can blow up the Soviet Embassy only once, but you can embarrass them a thousand times," Raphael Perl explained. "Besides, if you blow up the embassy, anything else after that is not going to be newsworthy so you do little things that are embarrassing. You make people laugh at the Russians. They're sensitive about their image."

During the Leningrad trial for example, JDL sent the following invitation to all the embassies in Washington:

> His Excellency, Ambassador and Mrs. Anatoly Dobrynin request the honor of your presence at the Kangaroo Ball to be held at the Embassy of the USSR . . . in honor of the judges, prosecution and defense attorneys at the current Leningrad trial.

"Many, particularly among the newer nations, might not have known what a kangaroo ball meant," Raphael Perl said. "We put in RSVP and it must have been embarrassing for the Russians to have to phone and say it was a prank."

However, what really distinguished the Washington chapter from all the other JDL groups, was their astuteness and brilliance in generating newsworthy stories. "Every war needs its infantry, artillery, commandos and so on," Raphael said. "New York functioned as the commandos and we as propaganda. First of all, we didn't have the

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people who would be violent, so perhaps that being a basic limitation, we had to work within certain constraints. But it makes sense not to overkill. There are many ways of drawing publicity to a cause other than violence. So our philosophy was no overkill. Embarrass. Make fun."

"Certain days are better for news," Raphael continued, "if you try to have a demonstration during the world series or the day America sends a man to the moon, you won't get much coverage. But other days are kind of dull. Generally, a Wednesday is a good day for doing things because the Washington papers get a lot of food ads on Thursday's issue, so they have to fill the ads with news. If you do something on a Wednesday, chances are that you will be covered. Deadlines are very important too. If you have a demostration at 10 in the morning, you make that day's afternoon papers and the following day's morning papers so you get double coverage."

Towards the end of the summer of 1971, based on Raphael's experience, JDL decided to stage a Wednesday morning event by announcing they would sell an "anti-Soviet" newspaper, in front of the embassy. A local Washington statute forbade distributing literature or demonstrating within 500 feet of an embassy. Included in the ban were placards and posters putting the foreign country in "public odium," but Raphael, a law student, discovered the statute does not mention newspapers. The Washington Post was certainly sold within

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500 feet of the embassy. In fact, it was even printed within that distance.

Newsmen were informed that on Wednesday September 15th, JDL would sell right in front of the embassy, the "anti-Soviet" London publication, Focus on Soviet Jewry, with JDLers instinctively figuring that the police would prevent them from selling the papers. Banning the sale of newspapers in and of itself would be a newsworthy event; at the same time the problem of Soviet Jews would again be publicized.

With a flair for the dramatic, Solomon Perl drove up to the embassy and came to a screeching halt. Barbara Strong, the wife of a statistics professor and mother of 5, leaped out of the car. They kind of hoped these theatrics might lure the police into immediately arresting Strong, making the story even more newsworthy, but in spite of it all, she was not detained at first. She started selling papers and to insure customers, other JDLers came over to 'purchase' the periodical for ten cents. Within a minute, members of the Executive Protective Service came over and told her she was in violation of the statute and ordered her to stop. Harvey Rosenberg, a Silver Spring attorney sympathetic to the Washington League, who "just happened" to come by, began advising Strong of her rights. Backed up by the lawyer, she

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pointed out to the policemen that she was selling rather than giving her 'papers' away. The policeman went to consult a fellow officer and he in turn called a superior. Journalists meanwhile photographed the entire incident, finding humor in the confusion it was causing. The Washington Post (16 September 1971) for example, started its story in the following way: "The officer called for the sergeant, who called for the lieutenant, who called for the inspector who called headquarters. But not one of ten Executive Service policemen could figure out what to do about Barbara Strcng and the Jewish "newspapers" she was selling. . . ."

While the EPS police were still clarifying the issue, Strong left, promising journalists she would return in the future "because the problems are not going to disappear tomorrow." (Washington Star, 16 September 1971)

Strong returned on Friday and this time the 28 year old woman was arrested. Again there was publicity; a four column picture in the Washington Post, a story in the Star and local television coverage on NBC. When the U.S. Attorney's office dropped charges against her, the prosecutor agreeing that the sale of Focus does not fall under the 500 feet statute, there was further publicity.

Three days after Strong's arrest, during the first day of Rosh Hashana, 2 JDLers sneaked into the embassy

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grounds to blow the shofar. The event brought Washington JDL the most publicity ever, out of all proportion to the simplicity of the action.

Aware the media would want something on the Jewish New Year, Raphael contacted the journalists and told them to be on the first day of Rosh Hashana in front of the embassy at 10:35 A.M. for a demonstration of "a type not conducted before in Washington." "Every newspaper carries something about the Jewish New Year," Perl said, "so if you give them a picture of shofar blowing in front of the embassy, the article they carry about Rosh Hashana will be your article. And it will basically be an ad that says: free Soviet Jews."

The first newsmen to arrive came at 10:30 A.M., but minutes before, two students from American University, Ben Weintraub and Richard Sitomer, went into the embassy. "People on campus are saying that Jews are persecuted in the Soviet Union and we'd like the true facts," the two explained to the Russian at the entrance. The embassy official was reluctant to let them in but when the students claimed that the cultural attache's office had assured them they could get the information, they were permitted entry. "Some underling came down to give them the 'true' facts," Dr. Perl recalled.

Meanwhile, at around 10 o'clock, JDLers started walking in groups of two's and three's into the Philip Murray

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building across the street from the embassy. The individual JDLers aroused little attention but when reporters started arriving at 10:30 the two police on duty called on their walkie-talkies for assistance. Behind the glass doors of the building and clearly visible to the police, the JDLers began putting on prayer shawls. Not realizing the 26 people were a decoy, the police threw a cordon around the building, keeping the JDLers under close observation. Unsure of the number of people in the building, the police called for additional help; newsmen all the while photographed the arrival of each new police car.

At exactly 10:38, the two students emerged from the embassy building. "We were always punctual Perl explained. "We didn't waste the press's time. A journalist's time is valuable and if we said 10:35, the press knew it was fine if they were there by 10:30." The students, as planned, stood on the grounds right below the Embassy of the USSR sign. "You want them demonstrating near the sign," Perl continued, "because the chances are greater of getting a picture all over the world if there's a sign there that says 'Russian Embassy' rather than if somebody sees a fence or a tree in the background. If there's no sign, you know it's the embassy, but no one else does so it's very important to stage the picture and to tell the photographers where the best place for them to stand is. We secretly told the

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reporters to watch the embassy grounds. We knew who the reporters were; there were always FBI agents who posed as reporters."

Emerging from the embassy, the two students took out prayer shawls hidden beneath their clothes and put them on, taking hold of the shofars they had similarly concealed. When they started blowing on the shofars, the police were so startled by the unexpected sound behind them, they at first mistakenly advanced on those standing in the Philip Murray building. Discovering the two, police stormed onto the embassy grounds and wrestled with the students, handling them roughly, choking one with his own prayer shawl. Not knowing how the two had gotten onto the embassy grounds however, the police became more concerned with searching the area than with those in the office building. Those police who were not investigating, moved back and stood near the embassy fence.

Seizing the opportunity, all 26 moved out of the office building; three in the front also held shofars and they began trumpteting also. The television people came running over and although the JDLers were few in number, it later looked like a large crowd to the television viewers.

Defying the statute, the JDLers crossed the street and stood on the sidewalk in front of the embassy. An inspector came over to Perl and read him the statute. "This is not a demonstration, but a religious ceremony," Perl countered,

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but compromising agreed to cross the street again. Why get arrested unnecessarily? They had gotten all the publicity they wanted: CBS, NBC and Metromedia carried the event on their afternoon and on their evening news programs, the Washington Post had two photos on the front page of the Metro section, and UPI carried a widely distributed photo.

"We do not aim only for the Washington Post," Dr. Perl explained. "Our main interest is in the wire services because it goes to Paris, Kalamazoo, Peru and Kabul. It goes all over. Furthermore, the rough handling of Sitomer and Weintraub by the police, seen on television by hundreds of thousands here in the area alone, brought us many calls of sympathy, even some contributions."

Three days later, Harvey Rosenberg won another court victory when the assistant U.S. attorney dropped all charges against the two boys; the statute did not cover religious services.

"The following year we tired to get a permit to have a prayer service in front of the embassy, but they denied one to us," Raphael Perl explained, "I filed a lawsuit before a 3 judge federal court but didn't succeed either so we went to the Committee to Reelect the President [Nixon] and told them: 'Jews are going to pray in front of the Russian embassy on Rosh Hashana. We want it to be peaceful. It's going to look bad, if before the [presidential] elections, Nixon's Protective Agency arrests Jews and hauls them away. All we

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want is a little publicity; give us three minutes and it will be peaceful and there won't be any trouble.' So on the second day of Rosh Hashana in 1972 we went into the middle of the street." The press was there and one reporter wrote the following:

> Although the 10 minute service was held in the middle of 16th Street NW, a few feet from the front steps of the embassy, District police made no arrests either for blocking traffic or for demonstrating within 500 feet of an embassy. . . . During the protest, traffic edged around the demonstrators, undirected by police. A crowd of about 100 persons, including Executive Protective Agency officers, watched quietly from the sidewalks. (Evening Star and Daily News, 11 September, 1972)

"Well let's put it this way," Raphael Perl explained, "if the Chief Executive Protective agent in charge didn't arrest everybody on the spot and looked the other way, obviously some sort of pressure from a high level had been put on him."

The political sophistication with which Perl handled JDL's publicity was not only limited to Washington's internal politics. "Whenever we had an action," Raphael said, "we'd collect newspapers from all over the country and the world and we'd always send a copy to the Russian embassy. We also informed them that we had sent a copy overseas to their Foreign Ministry in Moscow, which forced the embassy to report about our action to Moscow. Sometimes we didn't really send the newspapers to Moscow because it cost money we didn't have, but those at the embassy had no way of knowing. We wanted the Russians to see how

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much publicity we were generating. We'd send them clippings from campus newspapers because they're concerned about the voice of students so we let them know demos were taking place on campuses. We'd send them clippings even from little campus newspapers because in Moscow they had no way of knowing how big the campus was."

"Another one of the things we did was to try and create dissent among the Russians. So for example, we'd send a letter to a Soviet diplomat thanking him for cooperating. Let's say for illustration, that we got a Russian's signature. We'd xerox it onto a check made out to JDL and we sent it to him, thanking him for the money -- sending at the same time a copy of the letter to the Soviet embassy. Every Soviet diplomat has enemies somewhere and although it's obviously fabricated, his enemies might use it as a pretext to get him."

Vladisla Shimanovskiy, an attache at the embassy, had the unfortunate luck of being the favorite target of JDL. The day after Michael Labovic, 18, and Ralph Bieber, 15, threw a brick through his ground floor picture window, (the brick was wrapped with the message: "Stop trials, free Kishinev nine") Kahane, Raphael Perl and a bunch of other JDLers were picketing in front of Shimanovskiy's apartment when the Russian walked by. From that incident, the JDLers latched upon the idea of framing Shimanovskiy

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and made up a story how "for the first time" the Soviet government allowed one of its diplomats to talk to Kahane. "I called AP, UPI and Washington Post and they grabbed it like hotcakes," Raphael Perl said. "It was a good story. The old saying is, si no vera et bon trovato, in Italian, if it's not true, at least it's a good story."

The Washington Post, under the headline "JDL Founder Talks to Russian Diplomat" wrote:

> The founder of the militant Jewish Defense League said he met privately with the first secretary of the Soviet Embassy for about 20 minutes last night . . . and was the first time a JDL member had discussed Soviet treatment of Jews directly with a Soviet diplomat. Kahane said . . . "the very fact that he spoke to me is progress of some kind." Shimanovskiy was unavailable for comment last night.
>
> A JDL spokesman said the conversation began shortly after Shimanovskiy returned to his home . . . Rabbi Kahane and Shimanovskiy spoke on the step of the house for about a minute last night before the rabbi was invited inside. . . . Rabbi Kahane said he believed the Soviet government was aware of the conversation with Shimanovskiy. "Soviet diplomats don't do things on their own," he said. "I'm sure he was allowed to speak, if not told to do so." (25 June 1971)

The International Herald Tribune carried the identical story while UPI reported: "When the diplomat and his wife came home, Kahane approached them and was asked into the apartment. Neither side would comment on the 20 minute conversation, but Kahane asked the diplomat to speak at a rally Sunday across from the State Department. Shimanovskiy said he would discuss the invitation with Russian officials." (UPI, 25 June 1971)

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"The Russians never denied stories," Perl continued. "Nobody would stick his neck out and make any statements, so by the time they got clearance from higher channels to deny the whole thing, nobody was interested anymore. Somebody once said that if anything can't be denied within 24 hours, then for all practical purposes, it is true. The Russians didn't deny it. It takes too long."

"We did this often with the Russians. Once for example, we had the press cover us as we supposedly gave the Russians petitions from 4,000 people, many of them university professors. Actually many of the petitions were nothing more than last week's Washington Post folded up in an envelope. FBI agents who later interviewed me, got a big kick out of it. I'm sure there were a lot of agents who secretly applauded when Soviet buildings were blown up. I mean, these were people who spent their entire life following Russian spies. You know, they'd probably love to smash in a couple of heads themselves. Now as to the petitions, our logic was that if 4,000 members of the community already support the cause of Soviet Jewry, others would join more readily. Anyway, you see, you can attribute all sorts of things to the Russians. By the time they are ready to deny anything, it isn't newsworthy anymore."

Playing on the Russians' refusal to comment on incidents, Perl and Kahane staged another fabricated

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event: Kahane was to head a 'fact finding mission' to Russia. Kahane told newsmen in March of 1972, to meet him in front of the Soviet embassy. At the appointed hour, Kahane and his retinue of reporters assembled in front of the embassy's electronically locked gate. As they arrived, Police Captain H.R. Horowitz, the highest ranking Jewish officer on the force, warned Kahane of the 500 foot statute, but Kahane invoking the name of his 'favorite' Russian, replied he was to see Vladislav Shimanovskiy for a 10:45 appointment. "Shimanovskiy said the visa application would be handled like anyone else's."

Kahane also showed newsmen his round trip ticket, telling them he would be there from April 14th until May 7th, "in order to have sufficient time to present a detailed report to President Nixon in advance of his trip to Russia." And in anticipation of his appointment, Kahane had filled out the visa application which he passed around. In response to the question about immediate family in Russia, Kahane wrote, "Three and one half million Jewish brothers and sisters. They live all over the USSR, many of them in prisons, slave labor camps and mental institutions."

Perl had written the 'script' for the conference, and it was convincing enough to make the story believable. "It was like a stage screen," Perl explained, "but with all the details,it made it seem credible." Although the Russians barred Kahane's entrance, refusing to let him through the electronic gate, they were helpless in preventing the

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Washington Post from writing the headline: "JDL Leader Is Refused Soviet Visa." (17 March 1972) All the wire services carried the story and the Washington Post published the all important picture of Kahane standing next to the USSR Embassy sign. Again JDL had publicity, all for a non-event. What is more, Raphael Perl had even succeeded in outwiting the police, having managed with their cooperation to bring the Soviet Union in public odium. This time, instead of Kahane mouthing the words, they were typed on the visa application.

"Shimanovskiy no doubt had problems with his superiors," Raphael Perl said chuckling. "I think he later went to Siberia. He was no longer at the embassy, you know. We checked up on him; he was one of our favorites."

Another distinguishing feature of JDL Washington, and the reason for their success, was their social cohesiveness. Having started their activities on behalf of Soviet Jewry long before they joined JDL, they brought with them a ready made cadre of activists, experienced and sophisticated in creating publicity. Central to the Washington group of course, was the Perl family, Dr. William Perl, his wife and their two sons, Solomon and Raphael. The family as early as 1968 took an interest in the problem of Soviet Jewry and they credit Moses Brodetsky, active in the Washington Committee for Soviet Jewry, for having been very influential for them. "Brodetsky was the first person to get me interested in

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Soviet Jews," Raphael Perl said. "The Washington Committee was a very small group; we'd discuss such things as sending cards to Soviet Jews on Passover, but it was through this group that I became aware that Soviet Jews have problems. And I thought it might be good to do something about it."

Brodetsky and the Perl family early on, became the nucleus for Soviet Jewry activity, even before JDL become involved and certainly long before the majority in the Jewish establishment took interest. From handing out cards at performances of the Moscow Philharmonic ("Symphony is harmony, but what culture is Russia exporting to the Arabs? Bombs, rockets, machine guns and the incitement to genocide.") the Perls quickly graduated to disrupting Soviet concerts. Raphael Perl, a 1968 graduate of the Georgetown University School of Foreign Service and three years later the holder of a law degree from the same university, had by then established numerous contacts in Washington. Among them, was Milton Friedman, a former Washington Bureau chief of the Jewish Telegraphic Agency and later one of President Ford's speechwriters. "Friedman is an old Revisionist," Perl explained, "and I knew him somehow through Brodetsky or through my father. We were planning to throw leaflets at a Moscow Philharmonic performance and as he was a journalist, I asked him what he would find newsworthy. 'Leaflets are nothing,' he said. 'If you do something like blow a shofar, that would be

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newsworthy.'" From that Perl developed an elaborate and very photogenic disruption. Buying center orchestra tickets, he gave them to five students who would actually do the shofar blowing. In addition, he bought two seats in back of the five, giving the tickets to newsmen. The result was a widely distributed photo and story.

"You try to pick interesting gimmicks," Raphael Perl explained, "and you always make it photogenic because a picture is worth a thousand words. What's more, you wrote the press releases, which meant more or less than you wrote the story for them in advance so they didn't have to do any work. The picture goes all over the world and you get hundreds of thousands of dollars worth of free TV, radio and newspaper coverage for your cause. You couldn't buy that with an ad in the New York Times becuase that's one paper and this goes to newspapers all over the world. Thousands and thousands of newspapers."

The Perl residence became the center of activity, with Raphael and Solomon bringing their friends into the informal group. "We were a closely knit social group too," Dr. Perl added, "and even after the meetings were over, we would sit around and talk for an hour or two. People didn't just leave. Every JDLnik knew he could come here anytime, get some cookies or if it was supper time, he would join us. On many occasions we would go out together and after every action, we would return here to my home and celebrate with champagne.

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When Dr. Perl heard about the League, he thought perhaps they in Washington could call themselves JDL also? He wrote Kahane but the League's poorly organized New York office never bothered responding. Perl sent them a copy of his first letter, a few weeks later, but again no answer. By then Perl was organizing a conference in Washington on Soviet Jewry and he invited Kahane to it. The leader showed up and they met for the first time in 1970 at the Mayflower Hotel. There was little time to talk however and they agreed to meet again.

Shortly afterwards, Zweibon and Eli Schwartz came down to the Perl's residence in College Park, Maryland, to speak to the 30 or so people in the group. "They came with shotguns in their car and all they talked about was beating up Nazis," Raphael Perl recalled. "Zweibin spoke and he turned everybody off," Dr. Perl said. "First of all, I was furious at Meir [Kahane] that he himself didn't come down, since I told everyone Kahane would speak. And secondly, Zweibon talked in a way we weren't used to. He didn't understand the situation at all. He brought as the main target, the protection of Jews in poor neighborhoods, an issue which doesn't exist here at all and he spoke to us as if we were all students. He didn't find the right tone. No one joined and they left, not only with nothing achieved but having counter effects."

Perl telephoned Kahane nevertheless, and they finally arranged to meet in Philadelphia at the Zionist Federation

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meeting. There, Kahane and the Perl family "had a good talk" and Dr. Perl "decided that at some future occasion we would join officially." "I joined because I knew JDL was not solely Zweibon. The others joined because I joined."

Although the Washington group officially took on JDL's name at the March 1971 really (where over 1,100 people were arrested), cooperation between New York and Washington existed long before that. However, once the group took on JDL's name, they became even more newsworthy. Although admittedly interesting and humorous even before their name change, now that the Washington people merged with a widely recognized group, more reporters were forced to take notice. "Our activities would not have been newsworthy had there not been a bombing [by New York] occasionally," Raphael Perl admitted. "You need a bombing to make a harrassment newsworthy. Even the goat thing would not have been newsworthy. Nobody would have been interested. But in between bombings you can get a lot of mileage by doing other things."

One such event occurred in March 1972 when Judith Sothoro, a 17 year old Maryland high school student went over and poured blood over a Soviet diplomat during a reception given by the President of American University. JDLers took some invitations from the college's printing shop and using them, gained access to the reception. A volunteer donated

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blood into a Red Cross packet containing an anti-coagulant; afterwards the plastic container was ripped open and the blood was diluted with water. Sothoro carried the jar of blood concealed under her poncho and walked over to the diplomat, Gennadi Domakhin. "Murderer!" she suddenly screamed, drenching his face with blood. "Free the Jewish prisoners." Turning quickly she headed for the door and ran out. Belatedly, she realized she had gone out the wrong door. It was not the exit but a stairwell. As a result of that mistake, the two pursuing university guards succeeded in apprehending her.

No reporters were there. "After awhile, you learn the best demonstrations you can have are those where you don't have the press but where you take your own pictures and give it to them," Raphael Perl said. "My brother, Sol, was at the reception and he took pictures of the bloodied diplomat." Hurrying out with the undeveloped photos, he went over to UPI and they bought the photos. "We even made money on the deal," Solomon Perl added.

Almost every American newspaper carried the photograph. Somehow an insignificant local reception with a very minor Soviet aide became big news. "J.D.L. Member Pours Blood Over Soviet Aide's Head," ran the headline above the picture in the New York Times, (16 March 1972). Other papers were less staid. "Red Faced Counselor," (Washington Daily News, 16 March 1972) and "Soviet Diplomat Gets Baptised" (Network

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of American University, 21 April 1972) were some other headlines.

Nevertheless, the impact of the incident was far in excess of its symbolic simplicity. The following day, U.N. Ambassador George Bush went before a House judiciary sub-committee and asked them to make such attacks on foreign diplomats a federal crime. The Washington Post (18 March 1972) devoted an entire editorial to the "dousing" calling it an "arrogant and unpardonable offense."

"The diplomatic community has a revered aura of respectability about it," Raphael Perl said explaining the rash of publicity the dousing received. "You just don't do outrageous things like that to diplomats. It's like farting in front of the Queen of England. And to add insult to injury Kahane came around and called it a fine and noble act."

"Our theory was that any publicity which you can get, was basically good, even if you do something outrageous. Why is it important to have a lot of publicity? First of all, to solve a problem, people have to be aware that a problem exists. If you're not aware of the problem, there's no incentive to solve it. Let's assume you even do something outrageous like disrupt a concert. You annoy maybe a few hundred people at a concert and you get publicized. But at that point you're not only dealing with a few hundred people at a concert but with tens of millions of people all over the world. After a few months, people don't

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remember the concert disruption; they just remember there's a problem with Soviet Jews. The more activity you do, the more people become aware of the problem. They may be angry at the Jewish Defense League as an organization, but they'll realize there's a problem to be solved. Therefore, if you accept the premise that press coverage is good for a militant cause, then the more press coverage you get, the more successful you are. If you can get a message into newspapers all over the world that the Russians are barbarians, then you can injure the Soviets worldwide. In a newspaper war we can be a very effective opponent to a large power. With publicity we become a powerful opponent in a propoganda war."

The Washington Post reporter was so impressed with Raphael Perl's tactics that he devoted an entire article to him. (1 November 1971). Perl's expertise was not casually arrived at. After every demonstration, he would buy as many different newspapers as possible, and since he was located in Washington, he was able to get hold of papers from many varied cities. "It's important to see how effective you are. I'd examine all the papers to evaluate just how good our coverage was. What were our mistakes? How could we have made this picture more photographic? Why didn't they take our picture and what could we have done to get our picture in? How could we improve our statements?"

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In this sense, JDL Washington was unique. With all press contact centralized, Perl got to know most of the key reporters and could banter back and forth with them. More important, from the past the reporters knew that if he called them, the story would be newsworthy. They'd come if he said, "Meet me at 2 o'clock at the corner of 10th and K; can't tell you what it is, but I guarantee you'll get a good story."

By comparison, New York's handling of the press bordered on the chaotic. No one was responsible solely for press contacts and Kahane's idea of publicity was that you could never call the press enough. At times, the media was oversaturated with New York JDL while paradoxically, there were many instances where there was no coverage at all because the press had not been properly notified. And because New York was less disciplined, they'd have a number of people giving statements most of them in conflict with each other.

Perhaps more important, few in New York were as articulate as the Perls were. With eloquence in such short supply in the New York chapter, they frequently came off sounding heavy handed. In addition, the statements the New Yorkers gave were very badly prepared. They were long and bothersome for the reporters to take down. The length also enabled the reporters to take a bad sounding

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part of the statement, and amplify it while ignoring the rest of JDL's message. Raphael Perl kept his messages short, virtually guaranteeing the press would report what he said. "If you only give four sentences, they're going to print at least one of your four sentences in exactly the language you want it. It's like an ad that you've paid for and you're sure will get in."

Perl was adept at successfully combining different issues, ridiculing both at the same time. "The best demonstrations you can have are those where you don't have the press but where you give them your version of what happened. If you give your own version, you have a biased report in your favor." During one Nazi really in honor of Hitler's birthday, JDL taunted the speaker by waving an Israeli flag in his face until a fight developed. But the story Perl gave the press was quite different. The Washington Star (20 June 1971) reported: "Minor scuffling broke out . . . [with] the Nazis who had taken out a permit to demonstrate in the park in favor of 'Soviet Persecution of Jews.'" Perl had deliberately -- and falsely -- injected the issue of Soviet Jewry into the Nazi rally, admitting "it would make the Russians look very bad if the Nazis were supporting their persecution of Jews."

There were other occasions where Perl effectively mixed and garbled the issues to sharpen his edge in the propaganda war. In 1972, when JDLers blocked traffic in

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front of the Soviet embassy on Rosh Hashana, Perl told reporters they were protesting " the absence of the Russian Olympic team from the memorial service for the eleven Israelis slain by Arab terrorists last week." (Washington Star, 11 September 1972) There hadn't been such an issue when Perl went to the Committee to Reelect the President to pressure them into allowing the protest.

The sophistication, elan and wit the Washington chapter exhibited could best be attributed to Dr. Perl's influence. A World War II graduate of the Military Intelligence School, a retired Lt. Colonel in the U.S. Army and a clinical psychologist, Perl had much experience living by his wits. Born in Prague in 1906, his family six years later moved to Vienna where he grew up, eventually getting a doctorate in law at the University of Vienna. During his university years he joined the Ivriyah, a Jewish fraternity and to counteract the image of Jews as cowards, members of Ivriyah would go around challenging German and Austrian nationalistic fraternities to duals. Perl still sports his duelling scars.

Friendly with Vladimir Jabotinsky, president of the World Union of Zionist Revisionists, Perl himself was co-chairman of the Revisionist organization in Austria. In the fall of 1936, a young man came to Perl's law office, introducing himself as Moshe Krivoshein -- later Galili -- a Russian Jew who had somehow gotten into

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Palestine. Dr. Von Weisl, a well known Revisionist and friend of Jabotinsky, had sent him to recruit Perl into smuggling Jews into Palestine. Krivoshein said he had contacts in the Greek shipping underworld who "worked" in America during the prohibition. Now they were looking for a new business and Krivoshein proposed that Perl use them to run the British blockade of Palestine. Perl brought the idea up with Af Al-pi, the small militant wing of the Revisionists he belonged to, and they and Betar accepted it. Not knowing Krivoshein well however, they first sent 20 Betarim on a trial run to Palestine. Post and telegrams confirmed their safe arrival and two more boats were sent, this time with assistance from the Irgun. By the time the Nazis annexed Austria, Perl had a small but proven organization.

Perl hit upon the idea of having the Nazis assist them. In some perverse way it might be mutually advantageous, for the Nazis intent on a judenrein Europe, were very interested in having Jews emigrate. But no country was willing to take the Jews in. Perl was hopeful, therefore, that Eichmann would approve his plan to smuggle Jews into Palestine and he and the group's secretary, Erich Deutsch, went to meet with him. However, they were not at all received by Eichmann the way Perl had hoped for.

> Eichmann ordered me to stand with my face towards the wall and to address him only from that position.

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> As I talked, he pressed his gun against my back and said: "Maybe you need another belly button, or a second asshole -- one higher up," he continued, displaying his later notorious sense of 'humor.' Yet he seemed interested, and in the end ordered me to submit my proposal in writing. I did. A couple of weeks later, he let me know that he was against the project. "We do not need a center for criminals." (The Jewish Paper, July 1977)

Ignorant of the way the Nazi hierarchy functioned, Perl decided to go with Krivoshein to Berlin to appeal Eichmann's decision. The head of the Berlin Revisionists, Dr. Kareski, warned them the idea was crazy,and if they pursued the matter, they most probably would be arrested, never to be heard of again. "Yet at our insistance, he gave us valuable advice on how to proceed with our 'mad' undertaking." They proved successful, returning to Vienna with permission to continue with their 'visaless' emigration, for 5,000 Jews initially. More astouding still, because of the Greeks' reluctance to be paid in German Marks, the Reich, ever short of foreign currency,granted Perl permission to exchange the Marks into foreign currency.

Reluctantly, Eichmann went along with Berlin's decision and Perl estimated that his organization alone was responsible for saving 18,000 Jews. In 1938,Perl left German occupied Austria for London, working for Jabotinsky -- and later from Rumania, where he worked with Jabotinsky's niece, Mila Epstein.

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Aware of Perl's activities however, the British tried to pressure other government's into arresting him. "In South-eastern Europe, there is no country in which jail I have not been in," Perl later said. Detained finally by the Greeks, he was imprisoned for four months before being deported in April 1940. He managed to land in Portugal with the aid of a forged visa. From there he tried to get to Palestine via South Africa, but on the ship, he met with Moshe Smilansky who told him the British had put a price of 500 pounds sterling on Perl's head. Perl would be arrested as he arrived in Palestine.

Someone in the Irgun provided Perl with a visa for Venuzuala, purchased in a cafe in Greece, and changing directions, Perl sailed to the United States instead of Palestine. Perl was admitted on a transit visa, conditional upon his continuing on to South America, but not wanting to go there, his first task was invalidating his Venezuelan document. Stopping by their consulate, he turned to one of the officials and said: "Listen, I want to make sure this visa is valid and I can get into the country, because you know, I'm not in the best of health and I don't have any money." The Venezualan official "was a dog," and not wanting an impoverished Jew coming in, wrote "not valid" on the face of the visa. Perl was where he wanted to be: stuck in America. His transit visa was changed to a visitor's

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one, and he immediately volunteered for the Army.

"Many people laugh at the army putting recruits in the wrong place, but that never happend to me. I made my capacities clear to them." After ten days of basic training -- he never completed it -- they transferred him to the Military Intelligence School, at Camp Ritchie, Maryland where he soon became an instructor. When his American citizenship came through, he was commissioned as a Second Lieutenant. The Army transferred him to England where he served at the British run Combined Services Interrogation Center, the highest level interrogation center for the allied army. "You see, the British were foolish," Perl said. "Had I stayed in Britain they would have interred me as an enemy alient, despite their shortage of people fluent in German -- there is a difference between knowing German and interrogating a smart German officer."

Brigadier Kendrick was the commander of the camp and in the mess one day, he went over to Perl. "Don't I know you from somewhere?"

"No, I don't know where you would know me."

"Where do you come from?"

"Originally Vienna."

"Oh, I was with the embassy over there."

Perl then felt compelled to confess to his smuggling operation. "He knew me from Vienna," Perl later recalled. "You know what the result was? He gave me a very

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responsible job because he knew that I could do things."

At the end of the war, Perl had enough 'points' to go home. But the army was interested in having him remain and they tried to disuade him from going. Perl arranged a deal: he would stay if he could get a vacation pass to Palestine. "They couldn't give me one because it was in the Mediterranean theater and I was stationed in the European one, so they issued orders to me that I proceed to Palestine in order to interrogate people there in reference to war crimes. I was then a special assistant to the war crimes trials. I flew to Cairo in an American military aircraft and from there I boarded a train to Palestine. At El Kantara, a border checkpoint, a control came to check everyone's papers. I had no passport but I gave them my American military orders. The train stayed for a very long time. One Englishman said he'd never been stuck before for so long. Eventually some guy from CID -- he was in civilian clothes -- came over to me. "Lieutenant, are you identical to a certain Dr. Willy Perl?"

"No."

"Have you by any chance been to Athens?"

"No."

"Thank you." He returned after 10 minutes. "Sorry, but would you open your luggage?"

"No, I won't open it. If you want to check an American officer, you open it yourself." Perl had very little

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luggage with him. "I was completely kosher and he returned it. Minutes later, he came back and asked me to 'detrain.' I had never heard that word till then but its meaning was clear."

"I'm very sorry but I will not detrain. If you want me to leave this carriage, you will have to bodily carry me out. And as soon as I am back in Cairo, I'll call a press conference, particularly of foreign correspondents and inform them of how you treat an American officer." The CID man left and ten minutes later Perl was on his way to Tel Aviv.

While there, he visited his cousin, who was in the Stern group. "You are being shadowed," he warned Perl. After making sure Perl was not being followed, the cousin took him to see some mysterious man in the Stern group. "Two officials stationed in Germany were on trial for having stolen the Hesse Crown jewels," Perl explained. "They wanted me to go in my uniform with orders, which they would supply me with, and confiscate the jewels, disappear and bring them to the Stern group. I said I couldn't do that. While I am a committed Jew, America has put trust into me and I won't break that trust."

After his service in Europe, Perl came back to the States and enrolled at Columbia University, where he received an M.A. in psychology. Returning to the military, he served as chief clinical psychologist with the U.S.

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Disciplinary Barracks at Ft. Leavenworth, while continuing to take psychology courses. Four years later, he was transfered to Bavaria, again a chief clinical psychologist. Leaving the military in 1958, as a Lt. Colonel, he eventually got a teaching position at George Washington University, from where he retired as a full professor.

With so talented a figure as Dr. Perl at the helm of JDL and with his family providing the nucleus, there is little wonder why they were so successful in getting publicity. His sons merely emulated their father's exploits. There was for example, the time at the Lincoln Memorial where JDLers placed a banner across Lincoln's statue that read, "If I could only free the Russian Jews too." Solomon was in on the planning.

Late one evening in November 1972, a JDL couple wandered into the back of the building for a 'romantic view' of the city. A second JDL couple arrived and within moments a staged argument began. When the quarrel became heated, one of the women ran to get the police to "help" her husband. As expected, the police who were assigned to guard the building, went to her assitance in the back of the building leaving Lincoln's statue unattended.

Other JDLers quickly hoisted the banner onto the statue and took a picture. After a few moments the second couple broke off their argument and left. Returning to the front, the police discovered the banner and took it down. By then

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the first couple had escaped by climbing down the 12 foot back wall.

The declining fortunes of New York JDL however, influenced those in Washington. There were few new recruits and Dr. Perl's sons could not bring new members as they had done in the past. Raphael Perl took a job with the government and ceased his JDL activity, while Solomon Perl began devoting his time to pre-medical studies.

The declining healthof Dr. Perl and his wife Lore, also were important factors. Dr. Perl began suffering from Parkinson's disease and Lore Perl's heart condition severly curtailed their entertaining and their JDL activity; their home ceased to be the hub of JDL activity. No one was around to fill the vacuum.

The final blow to Washington's JDL chapter however, was the arrest of Dr. Perl on federal charges of conspiracy. Perl had contacted a former chaffeur of the Israeli embassy, a Mr. Lev-Tov, giving him a .22 caliber rifle with a telescopic sight. Sometime in May 1976, Lev-Tov was to shoot out the windows of 2 Russian diplomats.

Instead of complying, Lev-Tov informed the Israeli embassy and they, eschewing illegal activity, informed the FBI. Perl was convicted but the judge gave the 70-year old a suspended sentence. Nevertheless, things in Washington weren't the same again.

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CHAPTER XV

THE HOUSE ON CALLENDAR STREET: JDL IN BOSTON

Unlike Washington, the JDL in Boston did not evolve around a cadre of friends or around one central family but arose when a number of interested people joined forces. Not built around a charismatic leader such as Kahane, the Boston group was forced by necessity to delegate authority and in so doing, they became from an organizational point of view, the most sophisticated chapter JDL was ever to produce. Blessed too with exceptional talent, Boston was the only city which had an ongoing daily JDL patrol, something that not even New York could rival.

On a Sunday afternoon in November 1969, Kahane for the first time broached the subject of a Boston chapter when he came to speak at Congregation Chevra Shas in Mattapan. A few years before, Mattapan had been a major Jewish neighborhood, but by 1969 blacks had displaced thousands of Jews. The rapid shift in population was greatly destabilizing for the local Jewish population, creating an unknown vacuum. Kahane readily moved into this void, proposing neighborhood patrols to protect them from "violence and anti-Semitism."

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(Boston Herald Traveller, 24 November 1969) Kahane's charge of violence wasn't lightly taken. The Christian Science Monitor reported that crime in the Dorchester-Mattapan area, had in only one year, risen by seventeen percent, five percent more than the rest of the city, while attacks on Jews had become "almost commonplace." For example "some months ago, Mrs. Wine was found in the early hours of the morning lying on the floor of her Mattapan home. She had been robbed and brutally beaten. She was hospitalized for six weeks." (8 December 1969)

Yona Ginsberg (1975:VII) in her study of the Jews of Mattapan wrote:

> If one can summarize in four words what life was like for the Jews I interviewed, the best way would be "to live in fear." When I began this research I certainly had no idea how painful the situation would be for these people. I suddenly realized what it means when your whole life is dominated by fear. To be honest, if I had known how stressful and painful the research setting would be, I doubt that I would have begun the study.

It was this situation that Kahane came to address, attracting a number of very talented people to the cause. Among them were Alan Mandel, a bearded broad shouldered engineer from Brookline; Dr. David Loev, an engineer from Newton; Dr. Leonard Friedman, a forensic psychiatrist, a graduate of both the State University College of Medicine in Syracuse and Harvard Law School; Arthur Bernstein, who in 1948 fought in Israel's War of

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Independence; and Dr. Marvin Antelman, a physical chemist who owned his own business in Rhode Island.

Antelman knew Morton Dolinsky, one of the three original founders of JDL, both having been in the same class at Yeshiva University. He also vaguely knew Kahane from their days in Betar youth organization. Therefore, when the situation in Mattapan became acute, Antelman contacted Kahane and invited him up to Boston. But when the local head of Israel Bonds, Samuel Matross, was shot dead in Roxbury, Antelman "wasted no time" in trying to form a Boston branch.

Extremely impulsive, Antelman didn't even wait for the organization to form before going out to patrol. Instead he, Irv Jacobson, (another engineer) and a third went to the Franklin Hills project in Roxbury, where for two hours, they walked around very conspicuously with Antelman wearing his Betar uniform.

By all accounts, Alan Mandel became the spearhead of JDL and the person most responsible for maintaining JDL's cohesive energy. An exceptionally fine administrator and like Antelman, a successful business entrepeneur, Mandel not only knew how to delegate authority, but also had the personality to motivate people as well. With strong ties to Rabbi Levi I. Horowitz, the Bostoner

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Rebbe, Mandel had the tacit support of the Rebbe's community. Trying to widen their support, they approached Saul Berman, the rabbi of the Young Israel of Brookline. Berman was opposed to a JDL chapter. Having just completed six years of serving as a rabbi at Berkeley, where he was known for his liberal views, Berman now was "very violently opposed to the politics of Meir Kahane, certainly regarding the Vietnam War but also in many other areas as well." "While in principle I felt that local community patrols were a valuable idea," Berman said, "I felt that JDL in New York was misusing the idea, creating racial tension rather than alleviating it. I felt very strongly that the Jewish community did have a responsibility to live in a racially integrated community and to do whatever it could to minimize tensions."

What evolved after a few days of discussion was a compromise that pleased everyone. The patrols would be unarmed, with a non violent focus and would be instituted after discussions with the black community. If possible there would be integrated patrols rather than just Jewish groups. Furthermore, there was agreement that the Boston group would be completely independent of JDL New York and would not in any way receive instructions from them. The Boston group would decide

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their own courses of action. "On the basis of those kinds of agreements," Berman said, "I agreed that I would become a member of the executive of the Boston chapter, helping to develop the patrol program and mediating between JDL and the broader Jewish community."

Initial reaction to the League was predictable. "The response of the established Jewish Community was absolutely wild," Rabbi Berman said. "It was unbelievable. The main editorial in the Boston Jewish Advocate, which is the leading Anglo-Jewish newspaper in Boston, absolutely tore into JDL and said we were a bunch of cossaks. I don't even think it was written by the editor of the newspaper, I think it was written by the executive director of the Jewish Community Council." The Council itself, in a formal statement vigorously opposed the League, claiming they would "invite violence and inevitable counter-violence." (New York Times, 28 November 1969) and the regular Boston papers published editorials claiming the League's arrival was "ominous" and the "wrong answer." (Boston Herald Traveller, 25 November 1969)

Yet the leaders of the Jewish Community Council greatly underestimated the appeal JDL's patrols would have, and even more so, misunderstood the sophistication

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with which they would carry it out. To screen out the thrill seekers, Dr. Freidman, the psychiatrist, interviewed everyone volunteering for the patrols and the threat of the interview alone, discouraged most of the unstable adventurers. Eventually the patrols won the begrudging respect of people. For example, the Boston Jewish Advocate, which had opposed the League's formation sent a reporter on one of the patrols and although initially skeptical, he returned very impresed with the people.

> The men who ride the Jewish Defense League patrols are not thrill seekers out to bust heads for kicks. They do not like their jobs they feel compelled to perform. Instead, these people come across as intensely human-motivated less out of venom for the hoodlum than out of concern for the plight of those left behind and out of a genuine desire to assuage their fear. In this limited capacity, JDL patrols keep a small part of a rapidly disintegrating world intact for some of Boston's forgotten Jews. (quoted in Intermountain Jewish News, 8 January 1971)

Among those patrolling with the Jewish Advocate reporter were Frank Gorvitz, a computor programmer and Mike Ross a nuclear physicist. "Of course, none of us believe that JDL is the ultimate answer to the problems besetting these people [in Dorchester]," Ross told the reporter. "We know we're just a stop gap measure, that we must often respond after the fact. But the community has allowed all of the talk of the

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underlying causes to obscure any attempt, however, limited in scope, to deal with the symptoms and manifestations of crime."

Why did people like these go out on nightly patrols? "A lot of them were originally from Dorchester-Mattapan," said Philip Shapiro, one of the original founders of JDL, "and they still remembered those days. They all had relatives there. Boston is a close knit community, so everybody has strong ties. It's not like New York where people all come from different neighborhoods. All the Jews living in greater Boston, started out in Dorchester, so it was their community. It also depends on what kind of salesman you are when you approach people for patrols. If you speak to them in terms of a need, of feeling responsibility for a fellow Jew, you awaken something."

In the short time of a few weeks, Mandel with his exceptional organizational talents, managed to create a very effective civilian patrol. Authority was very well delegated and since patrols went out every evening, seven nights a week, each evening had a different patrol leader. It was he who decided how to split up his six man patrol, whether to assign them to car patrols (usually three cars, two men to a car) or to foot patrols. "There was a lot of argument

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within the executive, whether the patrol cars were to be identified," Berman explained. "Eventually, we decided they should not be identified. And in fact word came back to us from the high schools in the area, that the kids in the schools believed that the place was saturated with JDL patrols because everytime they saw a car with a couple of guys in it slowly driving down the street, they thought it was a JDL patrol. That was one of the things that swung us to not identifying our cars because if you've got a sign up on the car, then they know when you're there and when you're not there. This way there's always a suspicion that maybe a JDL patrol is around. Now again whether or not that had any real impact on the crime rate is arguable. The local police captain at one point said, yes he thought that it did have, and at a certain period in time, there was a decrease in crime, but that's always arguable.

"The more significant issue as far as we were concerned was in terms of the Jewish community itself, to give them a sense that they are free to do something, that they are not entrapped, nor imprisoned, but that there really was something that people could do. They just don't have to sit by and watch all of this thing disappear. In this way we tried to generate a sense of

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community."

However, they did not want to create this sense of community at the expense of the blacks and actually tried to recruit blacks and other non Jews into the patrols. "In fact, the Black Panthers had agreed to join with us in these patrols," Berman said. "For a brief period there was a Panther Chapter in Boston and they agreed in principle, saying they would bring people down here." Nothing ever came of the agreement, the reason having little to do with JDL, but with the internal problems of the Panthers. "But occasionally, there were blacks on the patrols," Berman continued, "and it was certainly not out of a lack of interest on our part that they weren't there more frequently. There were attempts to reach them. Arthur Bernstein headed JDL's intercommunity relations and he was primarily responsible for those negotiations. A fascinating person. He was one of the few people who out of principle, refused to move from Dorchester. One of the people who was really holding out. He was an old fighter; at the time JDL started out he must have been in his late fifties. He ran a lumberyard in Boston but before that he fought in Israel in 1948, a gunrunner -- just a fascinating guy. A bright sophisticated guy, but with real street wisdown --

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he knew the streets, and he was very involved contacting local organizations, particularly black groups."

Bernstein once organized a Sunday morning brotherhood breakfast at Temple Beth Shalom where NAACP leaders met with some of the JDL executive board. Alan Mandel, Dr. Friedman and Arthur Bernstein represented the League. "JDL provides these Jewish elderly with security to live out their lives without fear of having their social security checks snatched from them," Bernstein explained. "Their children have left them. They consider us their children who have come back to protect them. To uproot these elderly would probably kill them."

The first of JDL's attempts at not alienating blacks became evident when Abner Darby, past NAACP president was asked if he agreed with the patrol concept. "I only wish I had the time to go out on patrol with them," Darby said. (Boston Jewish Advocate, 3 December 1970)

Within JDL, one of the most potentially explosive areas was on the types of weapons the patrols should use. There was considerable argument between the executive board and the overall coordinator of patrols, with the executive arguing against firearms. Eventually the six page patrol manual listed the following:

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> High visibility of weapons will generally tend to be counter productive in relation to the neighborhood. The weapons should be non-lethal but effective in disarming a potential hoodlum . . . clubs . . . [tear] gas . . . . Patrol dogs should remain in the car unless a walking patrol is set out and then only on a leash and under command . . . guns are not wanted on patrols for a number of reasons. The most important reason is that if one or two members are individually licensed to carry a gun, the other members of the patrol will look to them to carry the burden in stressful situations. At that point, the patrol will fall apart.

"We had a very good relationship with the local police station," Rabbi Berman explained. "Patrols used to check with the police before they'd go out on the streets and tell them who was going out and where they planned to patrol. The police used to brief them on the location of the most recent thefts or muggings and things of that sort. Since we were not allowed to have a direct tie-in with the police, we set up a radio tie-in with a woman in the neighborhood. Whenever the patrol wanted to communicate with the police, they would radio her and she would simply phone the police from her apartment. They invariably responded immediately to calls from the patrol. They knew they should show up immediately because the guys weren't playing games. The patrols never abused the privilege."

Boston, however, got into the "Soviet Jewry business" rather late in the season. Rabbi Berman for

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example, agreed to join the executive only if they avoided the political issues New York was advocating. "I had been very active out on the West Coast in creating the California Conference of Soviet Jewry," Berman said, "and I was not at all anxious to see JDL become the medium of communal expression of Soviet Jewry activities. While the violent thrust of New York's activities got a certain degree of publicity, the issue would certainly have been counter productive in Boston. It's one thing to do that in the center of media when you're standing in front of the Russian Mission. It's another to try that shtick when there's no national coverage anyway. You don't have the diplomats, the missions, the United Nations and so you're only likely to alienate people from associating with the entire cause."

After the 1971 Brussels conference on Soviet Jewry however, Berman returned to Boston convinced that the conference was not going to produce any successful Soviet Jewry activity. "At that point my conviction that the established organizations were not going to do anything serious conjoined with the continued pressure from within the JDL group to go into Soviet Jewry activities.

"There is no question that for a couple of years, Boston's most significant Soviet Jewry activity was the

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stuff done by JDL. Whether it was massive rallies or picketing Russian cultural programs, it was always done in a way that allowed the community to participate without any violence or the artificial creation of conflict. Because we generated a massive involvement in Soviet Jewry, the leadership of the community began realizing they had better begin doing the same thing; their people were really turned on. They finally began in 1971 discussing the hiring of a part-time person to work solely on Soviet Jewry activities."

In February 1971, a Russian fishing fleet of twenty-three ships was located off the New England coast near the Boston harbor. Berman and Mandel thought it an excellent opportunity to rent an airplane and shower the fleet with leaflets urging the fishermen to consider the rights of Jews. "As one human being to another," read the leaflet, "I . . . urge you to petition your government to allow these Jewish citizens equal minority rights -- allow them to have Jewish schools, publish Jewish newspapers and allow them the right to join their families and loved ones in other countries."

The leaflets were printed in both English and Russian, and plans were made to rent a plane and have a JDLer

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who was a former Air Force pilot fly over and drop the leaflets on the Russian boats.

"I was visited by the FBI almost immediately after we had worked out the details of the arrangement," Berman said. "That was the FBI 's second visit. They wanted a quiet arrangement from me the first time, whereby I would keep them informed of what the JDL chapter was planning. That I refused to do. Their motive in coming a second time was our plans for the Russian fleet which they somehow had learned about. The State Department had informed them that it had the potential to create an international incident. We were convinced that they were tapping our phones because the only people who knew about the whole plan -- at least at one stage -- was Alan [Mandel] and myself. We had worked it out over the telephone. We asked them if they were tapping phones and they wouldn't deny it. That surprised me. I assumed they would lie for the cause so to speak but they didn't deny it.

"The FBI then visited Alan Mandel for the same reason. I told them nothing and Alan told them nothing so they went to visit the printer and told him he is going to be in bad trouble if he prints the stuff. The printer threw them out bodily from his description of it. Well then they went to visit the pilot's employer and a week later the guy was

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notified that his job was terminated."

JDL never succeeded in their plan. The Russian fleet changed course and the plane wasn't able to locate the ships. "We flew for a total of five and one half hours, from Nashua, N.H. to off New Jersey looking for the Russian trawlers," Ralph Wright, the plane's pilot said. "We couldn't find them. It was reported they were off the coast and that the Coast Guard ordered them moved out to international waters."(Boston Herald, 12 February 1971) JDLers suspect that United States authorities deliberately altered the Russian fleet's course, preventing them from dropping the 20,000 leaflets.

Nonetheless, the FBI visits greatly disturbed the JDLers. Many on the executive board were government employees or maintained professional practices and they felt it would be detrimental to their professional advancement if they were publically associated with the League. Therefore, Alan Mandel kept their participation confidential. They would only come to closed executive board meetings, or would telephone Mandel to discuss things but their names were never publicized. The FBI visits, however, made everyone leery. "In fact at one executive meeting," Berman recalled, "we invited an attorney who because of his

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contact with radical groups, had a great deal of experience in dealing with the FBI and he instructed us on how to handle our meetings with them. He suggested for example, that we should tape our discussions with them, because they are not beyond cutting and splicing tapes in order to produce certain things." In any event, the FBI visits greatly inhibited many of the JDLers.

Certainly what enticed the FBI to initiate their harassment was the group's use of the JDL name. As a result, many in the group wondered whether it was not wiser to call their group by some other name. "We had a good working relationship with most of the Boston student organizations," Berman said, "and they cooperated with us very closely both on Soviet Jewry and on the patrols. These students certainly would have nothing to do with JDL New York and they would constantly bemoan the fact that we had the name JDL. Why didn't we give ourselves another name? We had debated at great length whether we ought to drop the name JDL and were convinced -- and I think that we were right -- that we gained much more by its use. If we became a new independent organization patrolling and doing Soviet Jewry things, the Boston community would have said, 'They're nice boys, go do your thing.' But since

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we carried the name JDL, the community had to be suspiciously respectful of us because they never knew what we could do next. After all, if we had the name JDL, we might be crazies under our skin and who knows, one of these days we might pull out a gun at a Jewish Community Council meeting and shoot somebody. At the Jewish Council meetings they would say to us, 'You guys are so sane, why don't you change your name and then we'll cooperate with you all the way?' It's a guise. The reality is that the Jewish Community establishments are interested in doing their own thing. As long as people don't bother them, they'll let people do what they want, but they won't do what other people want. Calling ourselves JDL was a very effective means of establishing an identity which compelled the Community Council to take account of us. We lost certain kinds of support but we gained identification and on the whole it was beneficial for us."

It took awhile to work out Boston's relationship with New York. "We had one big meeting where Rabbi Kahane came down," Philip Shapiro related, "because a lot of people were dissatisfied with some of the stuff that was taking place in New York. This was when we were deciding whether or not to be part of the international organization. Kahane went through a

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session with the board and took up each one's complaints individually. He satisfied everyone and we decided after that meeting to go along."

What emerged was a relatively good working relationship. Boston would never say anything condemnatory of New York JDL nor would Boston take responsibility for New York policies. "We cannot judge what New York did. We can only take responsibility for our own policies and decisions." At the same time, New York JDL never interfered with the policies of Boston and never advised them on what to do.

The situation in Dorchester and Mattapan was changing rapidly, however, even while people were arguing over the use of JDL's name. Six months after the start of JDL, arsonists broke into the same synagogue that Kahane had spoken at and set fire to the ark, destroying a Torah scroll. Fortunately, the fire did not spread to the rest of the synagogue, but two back rooms were vandalized. The funds in the charity box were untouched, but a picture of a rabbi was taken off the wall and torn into pieces. A second synagogue suffered more extensive damage when fires were set in at least two different parts of the building, gutting the entire front as well as parts of the main sanctuary. A third synagogue located between the two

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burnt ones wasn't touched. It had just been sold to a black church group.

Antelman was so enraged at the fires, that on the day the Torah scroll was to be buried, he began advocating street warfare with black gangs. Mandel heard of it and for Antelman's own safety, realized he had to keep him off the streets. "I was literally picked off the street by Mandel," Antelman recalled. "'Come into my car for a minute,' Mandel said, and then sped me off to the funeral. I couldn't get out of the car. I was like a prisoner. I was going to give a command for the guys to go right out on the street and immediately start a fight. The guys were all armed and ready for action and I was nipped in the bud by Mandel. To this very day I regret being taken off the streets, because I trusted Mandel implicitly. But by that time, he had complete control of Boston and I realized that it was impossible for me to override him. I couldn't give a command and have it followed because he had Boston so wrapped up. He had the administrative reigns of Boston JDL pretty much in his hands."

"Mandel was giving me all sorts of arguments. If you go out onto the streets now you'll be devastated. 'What are you talking about?' I said. We got the most

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powerful patrols -- we have tremendous firepower in the streets now and can decimate them. Instead he met at City Hall with black groups and he came out telling me all about the great things they were accomplishing. I told him it didn't mean a thing."

Two weeks later another synagogue was also burnt by arsonists. The wanton fires greatly anguished the entire Jewish community. Great pressure was put on the police and they promised that an auxiliary police force of 100 men would soon be put on the streets. Nothing materialized.

Patrols continued. One patrol was composed of orthodox people who came around Sunday afternoons to help make up the minyan for evening services. Each month services ere held a little earlier, until the time came when they'd finish while it was still light out so the elderly would get home before dark.

Little though prepared the community for the Callendar Street incident. The Boston Jewish Advocate published the events of that night and its repercussions were such that they were felt even years later. "The following chronology," the paper explained, "was written by a Jewish Defense League patrol leader, who views the events recorded here as typical, with more and worse forthcoming. His name is not used in order to protect his family from possible harassment."

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6:35 -- JDL base relays call from "J" son of harassed, elderly poor Jewish couple from Callendar Street, Dorchester.

7:00 -- Two JDL radio cars leave Mattapan for routine patrol. Car no. 2 checks two synagogues with evening services and reports to Boston Police station house, District 3.

7:35 -- Car no. 2 arrives at Callendar Street. Rocks intermittenly thrown at house. 'J' says that for the past ten days his parents have been terrorized by neighbors, who threw bottles and rocks, broke house and car windows, flattened tires and stole. Parents sleep in their clothes, afraid to go out. Little food in house. 'J' trying to convince parents to abandon house. CJP [Combined Jewish Philanthropies] Mattapan-Dorchester Service Center gives some advice, including "Don't call JDL." Police tell son, "We can't do anything until something actually happens." Son asks JDL patrol, "Would you do something so I can get a few hours sleep tonight?"

7:45 -- Car no. 2 posts watch at house, maintaining radio contact, street quiets down. 'J" retires and parents prepare cold supper.

8:10 Groups of black children form on street. Older black woman goes from group to group, apparently agitating crowd against Jewish family.

8:25 -- JDL car no. 1 arrives. Dead calm on street. Ominous. Small rocks occasionally thrown in our direction.

9:00 -- Anti-Semitic curses fly at us. Call JDL base for reinforcements.

9:50 -- Twelve JDLers at the scene. Fire bomb thrown at kitchen window. We extinguish fire. Our men restrained but tense. Parents then decided to leave house tomorrow.

10:05 -- Call 'Mr. Williams,' City Desk, Boston Globe, asking him to "come see the jungle in action." Says Williams, "We'll try to get somebody there." Nobody from the Globe shows.

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> 10:10 -- JDL makes routine report to District 3 police about incident. Assure them we are capable of defending our people.
>
> 10:15 -- Two police squad cars arrive at Callendar Street scene.
>
> 10:45 -- Police offer to replace JDL as guard of house. JDL agrees, after offering 'J' help in moving out parents. We leave our phone numbers. Mother protests, "But I don't want to have to move out of my own house."
>
> 11:15 -- JDL security unit checks house. Police are on duty. Youthful crowd and older woman still milling about, but orderly.
>
> Monday afternoon, July 12, 1971: Special JDL unit helps with moving. House abandoned. Last Jewish family in area is out. Why? How many more? (Jewish Advocate, 15 July 1971)

Concerned over possible unrest after the article's appearance, Emmanuel Eaves, Acting Director of the Office of Human Rights, held a meeting at City Hall and invited a number of JDLers including Mandel and Antelman to meet with black leaders "to create a wholesome atmosphere in which people can live."

At the meeting, "a position paper on Jewish persecution" was given out on stationery bearing Antelman's name. In it he raised anew the issue of the abandoned Lubavitch school which although worth one and a quarter million dollars had been given to Elma Lewis for only one dollar. Lewis had used the abandoned Lubavitch building to open a school of fine arts which she hoped would develop into a center of Afro-American culture.

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The loss of the New England Hebrew Academy, as the Lubavitch school was formally called, was shocking and had left deep scars, especially in the way they were forced out. While classes were in session, stones were thrown through the windows. At night, fires were repeatedly set in one of the Academy's buildings. Prayer shawls and prayer books were burned during the night. "It's horrible; it's like Nazi Germany," one of the Lubavitchers had told Antelman. The fires were so frequent that the Academy had its insurance cancelled. Students were accosted on their way to and from the school and the situation deteriorated to the point where most of the parents were reluctant to keep their children in the school. "Had we stayed there any longer," Mrs. Lillian Cohen, the school's executive secretary testified, "the parents would not have sent the children to school. We would have lost most of our enrollment because the parents were terribly concerned with what was happening in the community." (Lewis v. Antelman, 1973: 2-97)

Negotiations began in 1966 to sell the building with Elma Lewis among those interested in acquiring the property. "It was ridiculous for us not to own buildings within our own community," she once said on a radio

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program. At another time she told Mrs. Cohen, "You don't belong here, this is a black community and this property should belong to blacks." (Lewis v. Antelman, 1973:2-11)

Negotiations continued over the course of the next two years. Lewis visited the school at one point and Ruth Savitsky, a student at the school described what happend. "I was having a physics class in the lab . . . across the hall from the school office. Suddenly I heard someone shouting, 'If you don't get fire insurance on this building by April 15th, I'm gonna burn it down.' After class, I asked who the speaker was and was told that it was Elma Lewis."

Lewis telephoned the Insurance Commissioner's office from Mrs. Cohen's office and 'In no uncertain terms, she said, 'There better be insurance on this building fast.'"

"I was very shocked," Mrs. Cohen later testified, "that Miss Lewis was able to get insurance on the building and we couldn't."

What evolved over the two years of negotiations was a rather intriguing compromise. A number of Jewish businessmen, including Eli Goldston, president of Eastern Gas, and Bernard Solomon, vice president of Stop and Shop supermarkets, agreed to donate money to

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pay off Lubavitch's $150,000 mortgage, freeing the school to move to a safer neighborhood. Lubavitch also received $50,000 for moving expenses. The entire arrangement was negotiated through the offices of the Combined Jewish Philanthropies and the one sidedness of the deal raised many eyebrows. The Jerusalem Post described the negotiations as follows:

> One of these [black militant organizations] decided that the community center would make a fine arts school, and they demanded that the Boston Jewish Council turn over the complex to them. The Council agreed to let them have it for the balance of the mortgage still outstanding. The rebuff was simple and to the point. The Boston Jewish Council had misunderstood -- no one wanted to pay for the building, they wanted it for free. In the end they did not succeed in getting it for nothing -- they had to pay $1. (4 March 1970)

"Miss Lewis says that she didn't even pay her own dollar in the transaction," Ebony (June 1970) magazine reported:

> "As we stood there before the press," she says smilingly, "I borrowed a dollar from one of the Jewish Philanthropies representatives to pay them with. And I still haven't paid it back."

Elma Lewis acquired the building in July 1968 but the Callendar Street incident three years later inflamed old wounds and Antelman at the City Hall meeting brought up the subject again. He wrote the following in his position paper on Jewish persecution:

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> In her efforts of blackmail, Elma Lewis publicly disclaimed any connection with the series of unexplained fires set in the [Lubavitch] building or with the terror and assaults on . . . Jewish school children at the school. . . . On the eve of the "gift," . . . Elma demanded insurance on her new building. When told she could not get it, she asked for the phone, got Mayor White on the phone and promptly informed him that Boston would burn unless she got her insurance. . . . Elma now began to teach neighborhood children to hate Jews.

Soon afterwards, Lawrence Shubow, a lawyer who later became vice president of the New England region of the American Jewish Congress, filed a $500,000 defamation suit against Antelman on behalf of Elma Lewis, thus bringing to a climax an ugly conflict of interest within the Jewish community.

It was not the first time that Shubow was pitted against Antelman or the JDL. A year before, some Lubavitch girls were assaulted by blacks and JDL took the girls on one of their patrols through the neighborhood to identify the attackers. Some of the black youths were spotted, the police were called and the blacks were apprehended. One of the blacks confessed, implicating others also. JDL set up a twenty-four hour guard service for the families of the assaulted girls to insure that nothing would happen if they pressed charges, and with that, the

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families agreed to go to court.

At the trial, Lawrence Shubow represented one of the black defendants. But what was most upsetting was the presence in court of his partner Stephen Morse. Morse maintained that as a member of the Jewish Community Council, he came down as an observor, and not as Shubow's partner. Nevertheless, he took the opportunity to condemn JDL in front of the judge and later wrote to a newspaper saying the League was a "clear and present danger to the Jews." (The Jewish Advoate, 29 October 1970)

JDLers countered that for a man who claimed to be so concerned with legality and correct jucicial procedure, Morse had a very strange conception of a court of law.

> When did a courtroom become an open forum in which representatives of the Jewish Community Council engage in gratuitous and irrelevant attacks on other Jewish organizations? . . . The question which Mr. Morse and the Jewish Community Council -- whose agent he is -- must answer, is why he intervened in a situation where he had no business, in direct opposition to the interests and wishes of the Jewish victims of a criminal assault, for the sole purpose of attacking the Jewish Defense League whose actions in the case were above reproach. (Jewish Advocate, November 1970)

Antelman insisted that the Jewish Community Council investigate whether there was any conflict of interest in Morse's behavior. An inquiry took place. Morse explained that he and Shubow were not partners although

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both shared the same office and both had their names on the same stationery. Furthermore, on the day of the Lubavitch assault trial, neither knew of the other's interest in the case and neither knew the other would be in court. The special review committee, therefore found Antelman's charges unsupported and recommended that no disciplinary action be taken. Antelman was bitter. "Stephen Morse was being paid for by the Jewish Community Council and the money was going to keep up his and Shubow's office."

Morse was not involved in any other controversies after that, but Shubow later became active on Elma Lewis's behalf. He went with her to look at the Lubavitch school and served on the board of directors of her Fine Arts Center. And it was he who worked on the half million dollar defamation suit. That lawsuit fired up all the old battles again.

At the defamation trial, a former student at the Hebrew Academy testified that mothers of school children were scared to death the building would be burned to the ground. "I went to Rabbi Kaster [the principal] and asked him if this was true or if this was just mass hysteria, and he said in fact it was true and that he'd been threatened that the yeshiva would be burned with the children in it. . . . He was really afraid."

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After a two day hearing, Judge Doerfer dismissed the case against Antelman despite "the outrageous and racist character" of his statements. "By no means, however," the judge wrote, "would I find that the defendants has established the actual truth of his allegations. Fortunately for him, it is no longer necessary for him to do so in a case such as this. . . . ."

Shubow tried to get the decision reversed by taking the case to a different court and asking for a jury trial. Five years later, a Suffolk Superior Court jury ordered Antelman to pay $85,000 to Lewis. (New York Times, 19 November 1978)

Irrespective of the outcome though, the lawsuit demonstrated a bizarre twist of divided and ambiguous loyalties, for while the case was before the courts, Shubow became the regional vice president of the American Jewish Congress.

While the Elma Lewis lawsuit was winding its way through the courts, JDL in Boston began to fall apart. Its strength initially was its patrols, but by 1973 there were very few Jews left in Dorchester-Mattapan to protect. After more than two years of constant patrols, the Jewish presence in those neighborhoods was almost nonexistent. Although used

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as a stop gap measure to slow the massive migration from the area, the patrols proved ineffective in reversing the inexorable trend. "We patrolled above the Jewish area," Dr. Friedman explained. "The patrols were on the perimeter of the Jewish neighborhoods. We didn't get the rapport with the local population who were frightened enough. They kept to their houses. We should have spent more time in the Jewish area making more contact with them." Patrols dwindled to two or three men instead of the usual six. It was at that point that they began carrying firearms. Eventually the patrols ceased altogether.

The executive committee also began to dwindle. Since Boston JDL did not evolve around a charismatic figure such as Kahane, they were forced to work things out among themselves through ongoing discussions. The committee met at Mandel's house where all the problems were resolved through consensus. "People did not just go out and do whatever they wanted," Berman explained. "It was carefully and democratically constructed."

The problem, however, was that although the committee was a very effective team, little was done to replace those who dropped out. Although democratic in

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decision making, no elections were conducted for joining the committee. If someone became active, he might be asked to join the executive, but there was no ongoing recruitment.

This deficiency became very apparent when two members left the organization. After two years in the organization, Mandel moved to Israel and Berman left soon afterwards to join the faculty of Yeshiva University, becoming chairman of the Jewish Studies Department of Stern College. Antelman too left the organization, realizing he had no control over its decision making. Distressed at being on the periphery, he started his own organization, the Jewish Survival Legion. Three others from the executive joined also. At the time of his quiting, however, he told reporters that his resignation was over the means JDL was using; he objected specifically to the bombings in New York and Washington.

After Mandel left, a triumvirate composed of Dr. Friedman, Philip Shapiro and Mordecai Melnitsky headed the League. "None of us have the qualities Mandel had," Friedman said, explaining the executive's decline. Robert Silver, a Harvard graduate student in social psychology took over the daily running of JDL. Under his leadership, JDL received an award from Mrs. Nixon, the First Lady, for their services in

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assisting the elderly in the government's Project Find program. Sponsored by the Department of Health, Education and Welfare, the project was a nationwide effort at locating those eligible for federal food assistance, with JDL undertaking responsibility for contacting the Mattapan elderly. If they were eligible, the JDLers encouraged them to join the program. JDLers also helped deliver the food. "Most of the elderly did not drive or couldn't afford it," Gary Stein, one of the participants said. "They'd have to travel by trolly into the heart of the black community, then pick up their two, three or four bundles of food and travel back by trolly or subway lugging all this food with them. We would go down to the food distribution center and wait in line with all the rest of the poor folk to pick up the food. Then we'd deliver it to the elderly.

"We really served two functions. We provided them with necessities and we were almost like a social agency, giving them some sort of contact with younger people. I remember one elderly couple who wouldn't let us leave because we were almost the only contact they had with the outside world. They said, 'Have some more cookies, have some more milk.' We spent almost two hours just sitting and kibbitzing with them."

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As a result of their work, they received an award "In grateful appreciation to [the] Jewish Defense League for services to Project Find, 1972" which was signed by the project's chairman and by Mrs. Richard Nixon. (Boston Jewish Advocate, 1 June 1973) Mrs. Nixon's award was given just a few months after the end of the national security wiretaps, right in the midst of the Hurok trial.

In another vein, Silver at an SDS convention in Boston, tried to have them pass a resolution favoring Israel:

> Resolved: The Zionist establishment be condemned for its reactionary policies in the face of its role in the long list of atrocities perpetuated on the residents of Palestine -- the Hebron riots, Tel Hai massacre, etc.
>
> Resolved: The efforts of progressive Israeli forces such as the Freedom Party of Israel (Herut) and such Jewish movements as Jabotinsky's in fostering an international progressive Jewish consciousness be supported.

An Israeli delegate from Brandeis saw through Silver's ruse and screaming "fascist" shouted him off the podium. (Iton, Lag B'omer 5732)

No one after Silver, however, was willing to commit himself to working full time for JDL. The number on the executive continued to decline and the issue of patrols had become insignificant since there were few Jews left in Mattapan. Perhaps most important, JDL

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no longer had a cause. "If somebody calls you to join, what are you going to have him do?" Phil Shapiro asked. "If you don't have something in the offing, how is he going to get involved? I think more than anything else, that started the decline. When Alan Mandel was here, he was working on a whole series of projects. Since then, however, it's been one project at a time -- when it was that." And so without an effective executive, with no administrator, and without a rallying cause, JDL in the words of Shapiro, went into "suspended animation."

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CHAPTER XVI

CAN PRISONERS KEEP KOSHER?

When Judge Weinstein sentenced Kahane to jail, he ruled that Kahane be placed "in a setting so that he can obtain the benefits of kosher foods." Weinstein's ruling, however, directly contradicted the Bureau of Prisons "Policy Statement" which read that "A committed offender may abstain from eating those food items . . . which are prohibited by the religion of the resident," but could supplement his diet instead with "added portions of non-rationed food items from the main serving line." The statement, however, in no way granted the prisoner the right of kosher food. And since most of the food was cooked in unkosher utensils, almost all of the diet became restricted for a kosher inmate. The Prison Bureau had steadfastly refused for years to allow Jews to have kosher food, but the issue became acute as more and more JDLers were sentenced to jail. Until then, the majority of observant Jews sentenced to federal penitentiaries had been too embarrassed and shamed to fight for kosher food. The JDLers though, most of whom were arrested for weapons violations, were different.

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Proud of their struggle and convinced of their ideals, they continued their agitation for kosher food even after imprisonment. They acted much differently than, for example, a kosher person imprisoned for income tax evasion. Whereas the income tax evader shunned publicity, the JDLers had little to fear by way of exposure.

The first to experience the ordeal of being deprived of kosher food was Avraham Hershkovitz. But since he was a strict vegetarian -- shunning even meat substitutes such as canned fish and eggs -- his situation presented unique problems to those trying to get him food.

When David Levine was imprisoned for making bombs at the Lido Beach synagogue, Raphael Perl tried to help him obtain kosher food. Perl's request was forwarded to the American Civil Liberties Union Foundation but no one supported the issue. "Mr. Levine's problems with kosher food," Alvin Bronstein, the executive director responded, "are about as low on our priorities as you can get and I am not prepared to do very much on this situation."

It was not until Kahane faced a jail sentence that the fight for kosher food went to the courts. Weinstein ordered the Bureau of Prisons to "obtain" kosher food for him, but because Passover was approaching the

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following week, Weinstein allowed Kahane to go to Slotnick's home for part of the holiday, spending the rest at a Manhattan halfway house, the Community Treatment Center. While there he had the right to leave the Center for meals and for religious services, but after the holiday, Kahane was to be transfered to jail.

On the appointed day of Kahane's jailing, Slotnick instead went to Judge Weinstein's courtroom. "The Bureau of Prisons have told me point blank they will not obey your Honor's order," he complained. Weinstein was unsure of what to do.

"I don't know what the law is. I am not a rabbinical scholar and I don't even know enough about American law to know what the answer is." But Weinstein wanted both sides to submit briefs to him about the law. Was it indeed a violation of Kahane's constitutional rights to deprive him of kosher food? Furthermore, is it "a serious religious lapse for him not to have kosher food?"

Pattison tried to throw Kahane's own words back at the JDLer, and quoted Kahane's comments made a few years before at a bail hearing attended by Robert Morse. Kahane had then said that when an army draftee inquired of his rabbi if he could eat pork, since it was the only

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food available, the rabbi responded by saying, "Yes you may, but don't suck the bones." "That is Rabbi Kahane," Pattison told the judge.

"Yes," the judge responded, "but I don't hold myself out as an expert on either American constitutional law or rabbinical law." Slotnick agreed to provide the judge with the necessary papers and the appropriate expert testimony. Meanwhile Weinstein ordered Kahane kept at a community treatment center "being allowed out to eat meals and attend religious services until further order."

In the interim, Kahane taunted the government by publicly running JDL from the Treatment Center, "Let's face it . . . here I can direct the JDL activities," Kahane admitted to a reporter for the Daily News. "I planned the sit down . . . on Sunday. I can communicate with my group and make plans." The resulting article, "Kahane Free and Easy at W. Side 'Jail'" (New York Daily News, 16 April 1975) infuriated prison officials who were helpless to intercede.

"I told the reporter that," Kahane explained, "because I wanted very much to win the kosher food battle and the only way the government could send me off to prison was to relent and agree to kosher food. One

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professor at Brooklyn College, Abraham Duker, mentioned that we have achieved the emancipation of the Jewish people. Now we must have the emancipation of the Jewish faith. Food is not a matter of privilege but a matter of right. In addition, I also told the reporter I was running JDL from the Treatment Center because I wanted people to say, 'This rabbi has balls.' I don't want people to think I've been intimidated just because I'm in jail."

The director of the Center took up Kahane's challenge and wrote to Weinstein complaining about his inability to supervise Kahane during the seven hours the rabbi was permitted to leave the halfway house. Weinstein read the letter and added it to Kahane's record, but little else was done to discipline the JDL leader.

The judge had meanwhile set April 26th, as the date for the kosher food hearing. Initially Slotnick thought of also going into other areas of religious observance that the prisons violated. "I was going to bring down one prisoner who was witness to guards forcibly shaving an inmate on a Jewish holiday. 'At first I didn't know the prisoner was Jewish,' the witness said to me, 'but I realized he was when I saw the numbers on his arm.' At the end, I decided to limit the hearing to kosher food,

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and didn't call him to testify."

In anticipation of the hearing, Slotnick orchestrated a "publicity stunt" and had kosher food sent to the Federal Community Treatment Center where Huss and Smilow were being held. Underscoring the importance of the issue, five prominent rabbis, Saul Berman, Reuven Grodner, Shlomo Riskin, Moshe Tendler and Avraham Weiss, came to the prison to show their support for the issue. "I drove them to the prison," Slotnick recalled, "and dropped them off about a block away. I didn't want to be filmed by the TV crews because it might reduce its effect. When they got out and took all this food I noticed there were all these strange looking men behind every pole, cars three blocks away with binoculars and I said, 'Oh my goodness, they must believe that these rabbis are going to break in.' It was just amazing. The security surrounding that incident was phenomenal.

"John Kinney went to the gate of the facility and refused to accept the food. I felt sorry for the deputy warden who had to go out. He was really caught in the middle and had to refuse it so there was no way in the world he could end up looking good. He was told to refuse it which I knew beforehand, but it was important because I needed the refusal for my case. One of the elements I had to show was that the Bureau refused the food. It showed bad faith on their part. It would eliminate their

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economic argument that kosher food was more expensive and, therefore, they couldn't serve it to prisoners. Here they were getting it for nothing and they still refused it."

A day later, Rabbi Fabian Schonfeld, president of the Rabbinical Council of America and former Attorney General Ramsey Clark added their support to the issue of kosher food.

When the hearing resumed on the food issue therefore, many more people than just Meir Kahane were supporting the cause. Slotnick again called upon Dr. Tendler to give his expert opinion and Dr. Tendler's testimony was most impressive. "Up until forfeiture of life, man must forfeit everything he has, company of his wife and children, his entire wealth, to enter into the realm of the most poverty stricken man rather than transgress the kashruth laws. He is to allow himself to be subjected to physical torture, to mutilation, rather than consume nonkosher food. I hope that impresses the Court with the fact that we are not dealing with a frivolous motion. It is not a question of a special dietary requirement of white wine with fish or red wine with beef. We are talking about a critical need of the Jew to relate with his God in a series of instructions that have been our mark of distinction from the days we left Egypt so many thousands of years ago." (USA v. Meir Kahane)

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Tendler's testimony was reinforced by three other rabbis at the hearing and by a letter admitted into evidence from Rabbi Moshe Feinstein, an eminent Talmudic scholar. Other witnesses testified that with modern technology, kosher food could be served using the regular kitchen equipment of the prison without any administrative difficulties. Furthermore, Louis Gengler, the warden of the Federal Detention Headquarters testified that Stuart Cohen (imprisoned for weapons violations) had received frozen kosher meals through an 'experimental' arrangement paid for by the government; no problems were encountered.

Consequently, Judge Weinstein in a very scholarly memorandum replete with references to Talmudic law, ruled that Kahane had a constitutional right to kosher food and ordered the Bureau of Prisons to provide him with such a diet.

By some uncanny coincidence, another Federal judge, two days before relying on the same constitution, the same Talmudic law and the same judicial precedents, had ruled that Jewish prisoners are not entitled to kosher food. The decision arose after Huss and Smilow were sentenced to a year in jail and they too applied for kosher food. Nathan Lewin agreed to handle their case and the issue went before their sentencing judge, Thomas Griesa, a Nixon appointee.

Griesa was hostile from the outset and the situation was further exacerbated when Smilow's Congressman, telephoned

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the judge about kosher food for Passover. "I just can't help but observe," the judge commented, "that there is a tremendous effort to take care of the dietary problems of these two men and it is a little ironic in view of the crimes which they participated in. They are all supposed to take great care about the dietary laws, but some woman was killed as a result of the activities of these two young men. . . . I think for somebody in the family to be even calling a Congressman, it is an exaggerated step . . . we have courts that pretty much take care of these matters."

Griesa could never quite fathom the significance or the importance of kosher food. "Is it possible," Griesa asked Smilow, "for the orthodox Jews to receive any dispensation from a rabbi or other authority to eat non kosher food under certain emergency circumstances?" Griesa also wanted to know "the penalty for eating non kosher food."

Further complicating the issue was the testimony of Rabbi Joseph Ralbag, the expert witness at the hearing. Ralbag was the uncle of Lewin's wife, and he was the easiest to contact. More important, he also was very experienced with the issue of kashrut since his specialty was certifying foods as kosher. Unfortunately, however, his testimony was not as forceful or as potent as Tendler's had been.

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Worse still, Griesa sidetracked him with incidental questions, the answers to which only confused and misled the judge.

"In Judaism there is no dispensation," Ralbag informed the judge, eliminating thereby an excuse for Griesa ruling against kosher food. But problems developed when Griesa asked him for the Biblical source for kosher food. Ralbag explained there were only a few references in the Bible, the majority being in the Talmud.

"When you say the Talmud, is that part of the Bible or is that something else."

"The Talmud is the oral Bible or the oral law."

"Has that been written down in some place?"

Ralbag began talking about the development of the Talmud, explaining that it was now codified in written form. Griesa had difficulty understanding the explanation. Trying to help the judge, Ralbag provided him with even more details, the majority of which were lost on the judge.

In his lack of understanding, Griesa repeatedly returned to question Ralbag about the Bible. "Aside from the [Talmudic] laws, does an orthodox Jew accept and read other portions of the Bible, such as the Psalms and Isaiah?" After Ralbag explained that these works were included in the Old Testament, Griesa asked him what punishment the Bible mandated for violating the dietary laws.

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Ralbag was forced to admit there was little in the Bible by way of punishment, but continued with a lengthy explanation about the value of kosher food in disciplining a person; it "leads to the fashioning of the character of man," he said.

Griesa was lost. "If the person is sent to prison . . . because of this very serious breach and then he simply says to the prison, 'Well you now have to serve me kosher food,' I really say this with all respect -- I don't see that that is any discipline, any moral effort on his part."

A week after the hearing, Judge Griesa as expected, ruled against Huss and Smilow. His discussion of Jewish law concluded that under Biblical law, "failure to obey the order of a duly constituted court" -- an offense Huss and Smilow were charged with -- was punishable with the death penalty, while by contrast, "there is no formal penalty for nonobservance of the dietary laws." For reasons, therefore, of cost, security and the fear that other groups would make similar demands, Griesa ruled that the Prison Bureau "is entirely correct in refusing to purchase special food."

Griesa was not entirely heartless. "This does not mean," he wrote, "that an orthodox Jewish prisoner is without food. He can eat fresh vegetables, fresh fruits, canned fruit,dry cereal, milk, bread and butter, coffee,

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and ice cream. He can also eat hard boiled eggs and canned fish such as sardines." Sinch a nutritionist testified that this would be an inadequate diet, Griesa also noted that prison officials would even "go to the extent of making vitamin and mineral pills available in the extent of a discernible medical need." (USA v. Jeffrey Smilow and Richard Huss, 73 CR 24 and 25)

Griesa's biggest mistake wasn't his incomprehension of Talmudic law, but rather his acceptance of the Bureau of Prison's dubious arguments. Cost was one of the Bureau's main reasons, but they tried to have the fruits of both sides of the argument. On the one hand, kosher food was more expensive, but they also objected to serving it even if the extra cost was defrayed by Jewish organizations willing to subsidize it because "the idea of prisoners being able to pay for their own special and more expensive food is repugnant to prison discipline. . . . Such special treatment has the potential of causing hostilities and hard feelings to the favored ones."

What was obvious though, was the incredible stubborness of the Prison Bureau. When Ramsey Clark, a few weeks before, went before members of the press to advocate kosher food, Rabbi Berman had a chance to talk to him. "From his experience as Attorney General," Rabbi Berman related, "he found that the administration of the Federal prison system

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is the single most conservative change resistant group of people he has ever met in his life. The issue was not right or wrong, good or bad, but whether it meant any change from the status quo. If it did, they were going to resist it even up to the Supreme Court. He made the point -- and rightly so -- that if the Prisons were really interested in rehabilitation, they would encourage, rather than fight religious commitment within the prison system. But that's not their concern. Their concern is that they've got a thing going, good, bad or indifferent, it's going. Anything that requires change, they are going to fight."

Ramsey Clark's prediction proved correct when two days after Griesa's decision, Weinstein ruled that Kahane must be provided with kosher food. As predicted, the Bureau of Prisons resisted implementing the decision, and instead appealed Weinstein's order. As a result, Kahane remained at the halfway house located in the Bryant Hotel. The hotel at Broadway and 54th Street, had seen better times having served as an elegant residence hall for physicians. Lately, the Bureau of Prisons had rented a few floors of the 72 year old building, sending convicts there to complete the last phase of their imprisonment. For lack of an alternative, Kahane was put there also and was given a $4.00 a day allowance for food, which he was permitted to purchase during the hours he was allowed out of the halfway

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house: 7 until 10 in the morning, noon until 2, and 6 to 9 in the evening.

Kahane rarely ate during these hours, using the time instead to run his organizations, lead demonstrations and lecture at various synagogues. He relished taunting officials at the Treatment Center and rarely returned on time. He even refused to sign "out" and "in" when leaving and returning, one of the most important rules the halfway house had. In a two week survey of Kahane, officials recorded eighteeen latenesses on his part. On Labor Day, Kahane even took off the whole day to travel up to the Pine View Hotel, a Catskills resort, where he addressed a convention of Young Israel Intercollegiates. "In an effort to impress upon" Kahane the importance of his coming back on time, Matthew Walsh, the Center's director, limited his time away to four hours, instead of the usual seven. "Unfortunately," Walsh wrote in an affidavit, "this has had no effect on appellee and he continues to come and go as he pleases."

Kahane realized Walsh and the other prison officials were virtually helpless in disciplining him. They couldn't send him to prison because the government refused to give him kosher food. So there was little else for them to do but threaten to deprive him of time off for good behavior, which for Kahane meant a difference of only two months. Kahane didn't care. "If I have a choice

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between ten quiet months or twelve noisy months in which I can demonstrate, I'd rather have the twelve months. Anyway, once you're in for ten months, another two is par for the course." [Jewish Week, 26 October 1975]

During the time he wasn't out on the streets, Kahane began to receive a stream of visitors at the halfway house. And if that wasn't enough, he further tormented prison officials by placing an ad in the Jewish Press for a seminar he planned to give at the Center. "We became aware of it," complained Walsh in a letter to Pattison, "when thirteen people showed up in response to the announcement. We permitted the assemblage because it was the prudent thing to do at the time, although we were not physically prepared to make that accommodation. I mention this to illustrate another example of Rabbi Kahane doing his own thing without our advice or permission and point to it as one of those 'unique circumstances' [we are forced to deal with.] (USA v. Meir Kahane, 71 CR 479, letter of 17 June 1975)

If that wasn't enough, a week later Kahane announced that a Jewish counter-terrorist group had been formed to "combat the sworn enemies of the Jewish people with hard core violence." Kahane claimed, of course, that he had nothing to do with the group, but that he was approached by three people -- two men in their early 20's and the

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other a Vietnam veteran -- who had informed him about the group. "Naturally" he didn't know their identities, nor did the group have anything to do with JDL. It was another typical example of Kahane's stunts, the 'counter-terriorist' group being nothing more than a figment of Kahane's imagination. Nothing wrong with people thinking there is such a group, Kahane most probably thought. "We hail their creation as a tragically needed thing," Kahane said, continuing the fiction. Such a secret group was long needed, he explained. "The simple fact of government surveillance makes it impossible for a group to be both legal and open -- with all its members known to the authorities -- and at the same time an underground group using explosives and other such weapons. You can't be both milk and meat." The group, therefore, would be secret, while JDL would serve "as a conduit for relaying their views." (New York Post, 19 June 1975)

Government officials again were forced to take notice of Kahane's activities. The FBI telephoned James Haran, the Chief U.S. Probation Officer, who in turn sent copies of newspaper clippings announcing the 'counter-terrorist' group to Matthew Walsh, director of the Treatment Center, and to Thomas Pattison and Judge Weinstein.

Things came to a crises finally during Kahane's tenth month at the halfway house, when he led 300 people in

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a demonstration through Borough Park. Hispanic youths had firebombed two Jewish buildings and reacting to this, Kahane led his supporters through the Hispanic section of the neighborhood. More firebombs were thrown, leading some to charge that Kahane had exacerbated the inter-ethnic tension. The incidents were widely publicized and further called attention to the fact that Kahane had been out on the streets long after he was supposed to have been back at the halfway house. New York City's Commissioner on Human Rights, Eleanor Holmes Norton complained to Judge Weinstein, asking him to "look into the terms of Rabbi Kahane's incarceration." (USA v. Meir Kahane, letter of 14 November 1975) Reacting to all the repeated complaints, Weinstein assigned two federal marshals to accompany Kahane whenever he left the half-way house. Kahane quipped that the two were his guardian angels Michael and Gavriel, a reference to the prayer "on my right is Michael and on my left, Gavriel." (cf. Numbers Rabbah 2:10)

The government was fortunate in not having to bear the burden of guarding Kahane for more than just a few days for on November 26, 1975, the Court of Appeals handed down their decision that Kahane had a constitutional right to kosher food. "The difficulties for the prisons inherent to this rule," the Court of Appeals wrote, "would seem surmountable in view of the small number of

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practising Orthodox Jews in federal prisons (which the evidence indicated would not exceed approximately twelve), and in view of the fact that state and city prisons, provide kosher food, that federal institutions do so on high holidays and that medical diets are not unknown in the federal system."

The only thing the Court modified in Judge Weinstein's ruling was the use of hot kosher TV dinners. "If these are merely suggested methods we find no fault with them. If, however, the order requires implementation of each and every one of these methods, it would go further than necessary. . . . We therefore modify the order to require the provision of a [kosher] diet . . . without otherwise mandating specific items."

The wording of the Appeals Court decision allowed the Prison Bureau wide discretion in what they could serve Kahane for it did not require that he be served meat. As it stood, officials could supply Kahane with food from the regular prison diet which did not require special handling. Each side, therefore, hailed the ruling as a victory.

Within minutes after the ruling, officials wisked Kahane from the halfway house and drove him to the Allenwood Prison Camp. It was done so quickly that Allenwood's prison superintendent wasn't even aware that Kahane had to be given a kosher diet. Kahane

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began a hunger strike when they refused him kosher food, and he telephoned Slotnick to inform him of their denial. "I was in the middle of my Thanksgiving dinner and there was Meir on the phone," Slotnick recalled. "I said I'm eating my Thanksgiving dinner, what are you doing? 'I'm not eating,' he said, 'They have no provisions.' I then called the United States Attorney Dave Trager. He was unreachable. I left a message with his office, called Judge Weinstein in the middle of his dinner and told him what happened."

Friday afternoon Slotnick strode into Weinstein's courtroom with papers asking that Norman Carlson, the director of the Federal Bureau of Prisons, be held in contempt of court, until such time that Kahane is provided with kosher food.

"I think at this point," Edward Rudofsky, the assistant United States Attorney said, "where we are no longer concerned with a challenge to a national policy -- we have gotten past that -- and we are talking about the nuts and bolts of providing this prisoner with a proper diet."

"It is a bad simile," Weinstein interrupted. "Nuts and bolts and a proper diet. That is the complaint: that they are complying with nuts and bolts instead of kosher food."

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Slotnick was livid with anger. He had never been as agitated over Kahane's case as he was that day in the courtroom. "I am asking for the Court at this time to do whatever possible to make sure that this man, who has not eaten in over 24-hours, be provided food through the prison system and not be provided with apples and oranges."

"He is not going to be provided with just applies and oranges," Weinstein assured him. "He is going to be provided, I understand, with a wholesome kosher diet." But if the diet provied inadequate, Weinstein told him he'd have to go to the court in Pennsylvania, since, the Allenwood prison wasn't in his jurisdiction.

"The last time I appeared before a judge of this court and asked for summary and complete relief because a client of mine was on his deathbed, the Court told me to go to Kentucky. By the time I got to Kentucky my client was dead."

"I really think you are overreacting, with all due respect, and I appreciate why you are doing it and I think you are properly trying to protect your client. If I had any question in my mind that Rabbi Kahane was not going to be fed properly and was going to be at all endangered or inconvenienced, I would take immediate action. But I really don't think was have that situation."

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"During his stay at the Community Treatment Center, he was taken to the hospital on three occasions. He is not exactly a well man at this time and I think that certain factors [are] unknown to the government with regard to his condition -- they also have to do with his diet. I may have overreacted and I apologize to the United States Attorney and to your Honor's family who I importuned during Thanksgiving. . . ."

"It is always a pleasure to hear from you even during a Thanksgiving dinner."

"Thank you, your Honor. But there is a serious problem at hand and I was just concerned about the fact that after all the representations, after everybody had worked so hard, to find this man go out there and then be told by a prison official: Well we don't know anything about it."

"I think that is very wrong," Weinstein agreed. He told the United States Attorney to telex the prison informing them of the Court of Appeals decision. Trager complied, instructing them that:

> Rabbi Kahane should be furnished with new plates and utensils (disposable plasticware and paper-goods will more than suffice) and a new pot and pan, and should be permitted to prepare his own meals, which may consist of the following items: raw fruits and vegetables, eggs, tinned fish, cheese, milk, juice. If Rabbi Kahane requests a particular brand of food, every effort should made to provide him with the requested item insofar as this is possible within budgetary limitations. Furthermore,

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> if Rabbi Kahane finds that any other item of food available in your commissary meets his dietary requirements and standards, he is of course, free to partake. (USA v. Meir Kahane)

After the telex was sent, Kahane's problems with kosher food virtually ceased. Although he wasn't supplied with meat, the Bureau of Prisons had come a long way in accommodating kosher prisoners. Unfortunately the Court of Appeals decision had come too late for Gary Shlian. His sentencing judge, Thomas Platt, had ruled that he needn't receive a kosher diet and by the time Kahane's Appeals Court decision had come down, Shlian had already been released.

While in Allenwood, Kahane suddenly became aware of the issue of prisoner rights, deciding to create a Union of Jewish Prisoners. To his discredit though, he only decided to form this union after he himself was imprisoned and not during the time any of the other JDLers were incarcerated. His influence at Allenwood, however, was considerable and he not only befriended the Jews there, but became something of a jail house lawyer for other minorities also. One journalist who had come to interview Kahane, was startled to see the great respect that an Hispanic inmate exhibited when he came over to introduce his wife to "the Rabbi." It was clear that Kahane was a hero, well respected by blacks and Hispanics also. Perhaps something to do with that was the fact that he was one

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of the few Jews sent there for weapons violations and not because of some white collar crime.

Most important though, Kahane showed everybody there that he "had balls," willing to fight the administration at their slightest infringement of prisoners' rights. When one black inmate was released without the proper monetary compensation, Kahane advised him to go back and demand his pay. The prisoner did so and got the money.

Kahane was aware of the power he wielded with his implicit threat of publicity. "An example of how much can be done when prison officials hesitate to react because of bad publicity," Kahane wrote, "is the list of achievements that have been gotten and are being gotten in less than a month at Allenwood."

> Faced with a hostile Superintendant, an immobile bureaucracy, a prison chaplain earning a good salary and not very happy about bucking the administration, and prisoners who were hesitant about pushing too hard and far for fear of official retaliation, it was possible nevertheless, to increase [religious] services to both Friday and Saturday morning, to increase classes to four times a week and to demand a permanent synagogue and place for religious texts and materials. (Jewish Press, 2 January 1976)

In this regard, Kahane had the Young Israel of Coney Island, whose president, Stanley Shumsky was a JDLer, donate a torah to the prison. The torah was brought up one Sunday with great festivity and the synagogue was inaugurated. There was even talk of creating a Young Israel of Allenwood.

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And to the great amusement of all the prisoners, Kahane in his speech at the synagogue's inauguration, took the opportunity of sniping at the prison officials. Few had ever gotten away with that and Kahane's audacity pleased his fellow inmates.

During his eight weeks of imprisonment, Kahane delighted in pestering the warden. And he continued this form of entertainment up until the very end. Knowing he was to be released on the morning of January 30th, he petitioned the superintendent to release him sometime after sundown on January 29th, since according to the Jewish calendar, the date starts at sunset of the previous evening. Kahane therefore requested that he "be released from Allenwood Federal Prison at sunset (approximately 5:10 P.M.) January 29, 1976." "As I am sure you can realize," the warden replied, "we can only use one calendar for release" and it was on the Christian calendar that Kahane left Allenwood, a free man again.

The issue of kosher food, however, had still not been totally resolved. Although Kahane had gotten everything except meat, his case still remained the exception rather than the rule, for only through a court order did he receive kosher food.

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But the Prisons Bureau still would not grant kosher food upon demand. To resolve this question, Nathan Lewin joined the battle on Smilow's behalf. He appealed Judge Griesa's decision almost immediately after it was handed down, but unfortunately the Court of Appeals dismissed the case on a technicality and the merits of the issue were never argued. Lewin then filed suit in Washington, naming the Attorney General and the director of the Bureau of Prisons as defendants. In addition to wanting a court order requiring the Bureau to provide Smilow with kosher food, Lewin also asked that Smilow be awarded $100,000 in damages for denial of his constitutional rights of freedom of religion and protection against cruel and unusual punishment. Unfortunately, Smilow was released from prison before the case was ever heard.

Kahane's influence at Allenwood was such though, that he inspired two other Jewish inmates to ask for kosher food. The warden refused their request, claiming that they had not been previously observant and they therefore were not entitled to kosher food. Kahane asked Robert Persky, a young New Jersey lawyer who had been active in JDL, to take up their cause. Persky flew down to Washington to file the suit, but the clerks there refused his papers since he was not a member of the Washington bar. He called Nathan Lewin, the only other lawyer he knew in town. Lewin was reluctant to take the

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case, fearing that if he did, the Justice Department might move to consolidate Smilow's case with the other so that the two could be heard at the same time. This could weaken Smilow's suit since he had always been observant and had always demanded kosher food, whereas the two from Allenwood had already been eating non kosher food in prison before their change of heart. Lewin suggested to Persky that he contact Paul Epstein, who had expressed interest in the issue. Epstein, a young Harvard Law School graduate, readily agreed to represent the two without fee, providing, of course, that his law firm would consent. "We didn't have 9-5 hours," Epstein explained. "Sometimes I have to work at night or on a weekend and that of course would come first. I checked with my firm the next day and they said fine. In fact, the whole firm would be willing to work on it free, pro bono publico -- for the good of the general public, and I could work on it during normal hours instead of at ten o'clock at night or Sunday afternoons."

Epstein went to the Bureau of Prisons to familiarize himself with their "Policy Statement," and by coincidence met Clair Cripe, the Bureau's head lawyer. Cripe invited him into his office and on his desk, Epstein noted an English copy of the Code of Jewish Law (Kitzur Shulchan Aruch). Cripe was very familiar with the kosher food

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litigation, and in particular the Kahane and Smilow cases. He told Epstein that the Bureau essentially had three objections to serving kosher food; the first was administrative inconvenience. "Their second reason," Epstein said, "was that other groups might object to the exceptional diet given Jews. This was no idle threat because there had been a whole series of Black Muslim cases in the late 60's which culminated in a decision that the Bureau had to publish a week ahead of time, a menu of all the foods they are going to serve on a given day. And they had to put an asterik next to each item on the menu made from pork or pork derivatives, so the Muslim could avoid that food. The courts, however, didn't require the Bureau to provide alternatives to the pork meals. But now the Bureau was afraid that allowing Jews to get special substitutes would make it much easier for the Muslims to argue they should get substitutes as well. In addition, there's an offshoot of the Black Muslims called the Church of the New Song, which got started by two inmates in the Atlanta Federal Penitentiary almost as a lark. They started a new religion, one decided to call himself the bishop, the other the reverend. One of their religious requirements was that they get steak and sherry every evening for supper. They demanded the Bureau provide them with that under their First Amendment rights of

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freedom of religion. They got shot down by the courts pretty quickly, but the Bureau was worried."

Cripes third argument was cost. Epstein countered that there were organizations willing to defray the extra expense but Cripes explained that without special Congressional authorization, federal agencies could not accept gifts from individuals. Furthermore, there was a policy reason for not accepting gifts. "We don't want to turn our prisons into a system like Mexico's," Epstein said quoting Cripe, "where they're given minimal food but each inmate is allowed to have his family come and bring him extra. So wealthy individuals who haven't bought their way out of prison and somehow have to stay there, can have butlers come in everyday and serve them nine course dinners while Indians and other paupers have to exist only on the basic subsistence diet the state provides. That kind of discrimination is clearly against the whole system of American political theory of equal protection under the law. What if kosher food is better than the average prison diet? It'll cause resentment and might even lead to a prison riot."

Epstein started exploring the issues with Cripe. "What if some organization is willing to subsidize a kosher food distributor, who could then sell the kosher meat at the same price as the non kosher? Would that be acceptable?" Epstein asked. "Cripe said he might be

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able to live with that kind of arrangement. He sort of winked his eye as if to say 'We really do want to go through with this. The times have changed and even though it's really the same thing as a direct subsidy, by using this two step subsidy arrangement we can work around the statutory fact that we don't have the authorization to accept gifts.' No Jewish organization had come forward to subsidize the food distributors so it was still hypothetical, but the way we left it was, if I could come up with an organization, a big obstacle would be removed."

Epstein began phoning several organizations. The Union of Orthodox Jewish Congregations (UOJCA) wasn't too helpful. "The general impression I got was that they would want some kind of credit if there was a major breakthrough, but they weren't going to actively persue the matter." When Epstein contacted Stanley Schlessel, director of the Young Israel University Dining Division, things were different. At their very first meeting, Schlessel promised that the National Council of Young Israel would defray the costs of the prison food. Young Israel had become active in subsidizing kosher food, expecially at universities where they had set up kosher kitchens for observant students. In Schlessel's opinion the UOJCA had abdicated their responsibilities in this regard. Nevertheless, he was willing to commit

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Young Israel to extending their kosher food program to include Jewish prisoners also.

With an organization backing him financially, Epstein decided to arrange a meeting between all the parties. By then, however, Epstein had ceased representing the two at Allenwood; one had been released while the other had a change of heart. "I called Cripe before the meeting," Epstein said, "and told him 'Look you don't have to worry about my filing suit, I've lost my plaintiffs.' Cripe seemed to be honest with us so I thought I'd reciprocate. Cripe was aware, however, that the issue would crop up in the future and he seemed genuinely concerned in wanting to settle the matter once and for all. In addition, Nat Lewin was carrying a flanking operation, which I think helped the negotiations a lot. Lewin had been trying to get a deposition from Norman Carlson, the Bureau's director, but the government had repeatedly gone into court asking for a postponement on the grounds that the whole issue might be resolved and therefore the case would be rendered moot. Lewin had indicated that he would drop the damage charges if the Bureau would change its kosher food policy so I think that Lewin's pressure helped a lot." Like Epstein, Cripe believed that a joint meeting between Bureau officials and Jewish representatives would be beneficial and a date

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was agreed upon.

Meeting in the Bureau's building, Epstein opened the joint discussions by saying that their purpose was to explore what could be done to resolve the food issue, a problem which seems likely to constantly recur. The first issue was administrative inconvenience. Could kosher food be distributed with ease? Schlessel was very experienced with the logistics of getting the food delivered, and Epstein asked him for his comments.

Young Israel had first become involved with kosher food during the Korean War, Schlessel explained, when they shipped it to United States Army camps, and they remained active ever since. During the Vietnamese War they even sent food there by way of Tokyo. There was no administrative problem. Given 24-hours notice, he could send kosher food to any place in the States. Caterers could deliver kosher TV dinners to any airport and local trucking companies could ship it from there. It could easily be stored in regular freezers and the food needed no special handling.

The meeting continued on, as all the possible problems were thrashed Bureau officials were friendly and cooperative and at the meeting's conclusion, the Jewish representatives were left amazed. They had all heard the Bureau was absolutely intransigent, but instead Cripe ended the three hour negotiations by inviting them to

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submit a policy statement of their own on kosher food. Epstein drafted one and submitted it to Cripe two weeks later. With only minor revisions, it was accepted as prison policy and on May 25, 1976 the Bureau released a "Policy Statement" granting all Jews the right to a full kosher diet including meat, poultry and fish. At the end, what was not won through court battles, was won through patient negotiations. "That's not to say that litigation didn't play a part," Epstein cautioned. "I think the Kahane litigation set up the entire issue and for the first time, the Bureau was made to face up to it."

Kahane had come a long way from attacking the New York Board of Rabbis for not providing Hershkovitz with kosher food. In the end, it took his own imprisonment to have him take the issue to the courts. But when the entire legal battle was over, all Jewish inmates could benefit from the JDLer's litigation. Thus a final derivative of all the lengthy negotiations occurred in June 1976 when Epstein succeeded in expanding the Bureau's list of "recognized religious holidays" during which Jews could abstain from work. Until then, the Bureau permitted an inmate to refrain from working only on the first day of Rosh Hashanah and on Yom Kippur, but under

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the new agreement, qualified inmates could abstain from their assignments on all thirteen days when work is forbidden Jews. The emancipation of the Jewish faith in federal prisons had finally begun and the Jewish Defense League had been at the forefront of that battle.

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CHAPTER XVII

"AN ENEMY OF THE JEWISH PEOPLE": THE WAR OF THE JEWS

"When the Dutch East Indies Company overrode Peter Stuyvesant's objections and permitted Jews to settle in New Amsterdam," a JDL report wrote, "it was on the condition that the Jewish community would provide for its own poor and infirm. Since that time, the established Jewish community has proudly asserted that 'Jews take care of their own.'" But such as not the case any more, JDLers argued. In one publication of theirs, a "critical report of neglect and waste" at Boston's Combined Jewish Philanthropies (CJP), the League accused the establishment of all but ignoring the poor of Dorchester-Mattapan, "at one time the most thriving Jewish community in New England" and now "a graveyard of Jewish hopes." For example, of the $1,541,364 budgeted in 1971-1972 for health and welfare, $430,000 or nearly one third went to Beth Israel Hospital. Of the rest, $854,200 went to the Jewish Family and Children's Service but out of that amount, $759,400 went for salaries and rent, leaving only $24,300 for child care and $70,500 for family assistance.

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"Even worse," wrote the report, "of the meager $70,500 spent in 1971-1972, only $20,500 went to 'local families' with the rest going to 'new Americans.' In other words, faced with the tragic poverty and pressing needs of the Jewish poor, the CJP sees fit to spend out of a four million dollar annual budget, only one-half of one percent (.005) on local Jewish poor." And even if every form of assistance to individuals (such as the new immigrant and child care programs) was included, that still amounted to only three percent of CJP's entire budget. Worse still, the figures for the following year projected a $3,000 drop in money allocated for charity, but a $100,000 increase for salaries.

To JDL, however, the most glaring mistake of Federation irresponsibility, was their meager allocations for Jewish education. In Boston for example, "$130,000 is spent on a Bureau of Jewish Education, whose main function is to supervise seven Hebrew schools -- who in all receive only half that sum." Another instance was the $100,000 spent for the Ledgewood School for Children, housing only nine Jewish youths. It had no regular program of Jewish education or Jewish religious instruction and services.

Certainly JDL was not the only organization interested in trying to restructure the priorities of Jewish Federations,

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but it gladly joined the fray and it did so with much gusto. "Too much Federation Jewish money goes for non-Jewish causes," Kahane maintained, "and too little for the important Jewish ones." (Jewish Press, 13 November 1970)

The pressing issue, of course, was insuring Jewish survival, especially its cultural and spiritual viability. But instead of maintaining and supporting Jewish education, the most important guarantee of Jewish survival, Federation spent "infinitely more money" on hospitals, most of which were non kosher anyway, and whose patients were in the majority not Jewish. Hospitals -- even the Jewish sponsored ones -- received most of their money from government sources, and despite all the millions Federations gave, that money amounted to only a small fraction of the hospitals' budgets. Federations would do much better, JDL argued, if they spent these millions on Jewish education. But since "Jewish patricians" sitting on Federation boards, opposed giving money to day schools and yeshivas, it was time to throw "the rascals out." Such people, Kahane wrote, "should not be allowed to sit on the board of Federation" having the "power of the purse over the Jewish future."

> [Patricians] want to assimilate comfortably and blatant Jewishness threatens their efforts. Yeshivas threaten the efforts of Jewish patricians to be accepted in country clubs and non Jewish establishment circles. Yeshivas are an embarrassment; yeshivas threaten the liberal values that decree that we all happily melt. . . . If Federation remains more interested in the 'American way of life' than in giving aid

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> to Jews and Jewishness, not one penny should be given them. Stop your donations; tell your business acquaintances to do the same. (Jewish Press, 5 February 1971)

In addition, JDL mounted their own 'guerrilla war' attempting to force Federation to change its priorities. But here is where Boston and New York differed significantly. Whereas Boston tried to embarrass the Federation into changing its goals, the actions of those in New York were a lot more boorish and heavy handed. The League in Boston obtained CJP's 1971 budget, and after analyzing it, published their results in a well written brochure: "A Critical Report of Neglect and Waste in the CJP Budget." It was an excellent example of ridicule, of trying to change the attitudes of CJP personnel through mockery. New Yorkers by contrast, instead of embarrassing Federation into change, chose the confrontation tactics of harassment, achieving results which were counter-productive.

It started in February 1970 when Kahane called for a "total reform" of the New York Federation. "It is certainly in the Jewish tradition," Kahane said in a press release, "to aid non-Jews, and Jews contribute to non-sectarian groups in a more than generous fashion.

> Federation, however, which came into being to aid needy Jews and which raises funds almost totally from Jews . . . has an obligation to give its aid, first and foremost to specifically Jewish problems. In particular, when Jewish youth is so alienated from us, and when that alienation is directly attributable to either a total lack or a minimal exposure to Jewish

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> education, it is obvious that Jewish day school[s] . . . must be given top priority by a Jewish communal institution. (JDL Press Release, 2 February 1970)

Accordingly, Kahane asked that twenty-five percent of Federation's budget be spent on Jewish education, presently "an impoverished orphan." In addition, focusing on the safety of Jewish neighborhoods, Kahane called for Federation support of armed guards in Jewish institutions and the funding of citizens patrols. If Federation refused, "the League would rouse the Jewish community to take 'active measures' to persuade Federation of the validity of its proposals." (JDL Press Release, 2 February 1970)

A few days later, on Washington's birthday, eighty people picketed the Federation's East 59th Street offices, chanting "down with assimilation, give us back our federation"; and "hey, hey, Federation, how about Jewish education." After a two week respite, Kahane placed an ad in the Jewish Press (13 November 1970) publicizing a "Drop-in a Heyman Day" referring to George Heyman Jr., president of the Federation. "On this day you can make your protest known by visiting Mr. Heyman at his [Wall Street] office. . . . If you cannot stop by, 'phone him several times that day. Tell all your friends to call too." During a "Purim Protest Against Heyman" at the end of March, Kahane led twenty five JDLers into Federation's seventh floor executive offices. There according to Federation's lawyers, the JDLers "sat

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down and ate on the office floor, occupied desks, sang, chanted, clapped, made additional distracting sounds with noisemakers and distributed leaflets." (Federation of Jewish Philanthropies of New York against JDL, summons:6) Refusing to leave unless they met with one of the executives, they remained there until Kahane spoke to Sanford Solender, Federation's executive vice president. Kahane's message was simple. They'd continue their behavior in the future unless Federation changed its policies.

A half year went by, during which time JDL focused on Soviet Jewry and on smuggling guns up from Virginia, but in the middle of October 1970, JDL resumed its harassment when one of its members attended a fund raising committee meeting held at a community center in Seagate, Brooklyn. The committee was meeting with a Federation staff member to plan Seagate's local fund raising drive and when the JDLer walked in they asked him to leave. Instead he became "loud and vociferous," interfering "with the conduct of the meeting," and threatening to disrupt their fund raising breakfast scheduled the following Sunday. During the middle of the week, Eli Schwartz telephoned Federation asking them if they still intended to hold the breakfast. Schwartz threatened that if they at all "cared" about the fund raising event, they'd

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better have Solender call Schwartz back at JDL's office. Solender refused. True to word, the morning of the breakfast, nine JDLers picketed in front of the Community Center, distributing leaflets to the arriving guests. Seagate police blocked JDL from entering the breakfast.

A week later, Kahane and twelve others again occupied Federation's executives offices. After locking the doors, they took control of the telephones, and answered incoming calls with the following: "JDL, we have liberated Federation."

As in the past, they refused to leave unless they spoke to Solender or Heyman. This time police were called and the JDLers left after being threatened with arrest. Before leaving though, Kahane vowed further disruptions.

Almost immediately, they headed for Abraham and Company, Heyman's business office. Entering through a side door, they avoided the reception area and proceeded directly to the firm's private trading area. Despite repeated requests, they refused to leave unless Heyman spoke to them. Heyman yielded, promising to meet them if they waited in the reception area. Once they complied, however, Heyman backed out of his promise and ordered the doors locked behind the JDLers. The police were called and the group finally left; Kahane threatened though to return with even more people.

Three days later, Kahane led fifteen JDLers into the Americana Hotel, where Federation was holding a fundraising

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dinner. This time Federation was prepared, having hired private security guards who barred JDL's entry. The JDLers were forced to remain outside the toom, where they "loudly and vociferously demanded" that Federation change its polices and priorities. (Federation against JDL, 1970)

Upset over the harassment, Federation executives instructed their attorneys to seek a restraining order in State Supreme Court barring JDL from interfering with Federation activities. Zweibon, serving as JDL's attorney, countered that Federation was coming to court with "unclean hands" because in Federation's incorporating papers, they stated their philanthropic work "primarily shall be for the benefit of, and shall minister of the Jews of the City of New York." Federation though, had continuously failed to carry out its mandate, having "deceived and defrauded" contributors into thinking money was going for the "benefit" of Jews.

The day the motions were to be taken up in court, Simon Rifkind, one of the senior partners of the law firm that Federation had hired, came down to argue the case. It was rather an unusual step for a senior partner to attend such a routine case, and his presence offers some indication of the 'behind the scenes' moves Federation executives undertook to have Rifkind represent them.

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Federation got what it wanted at the end of December 1970 when Justice Edward Greenfield signed a preliminary injunction barring the League from interfering with Federation's fundraising, "conduct which is not related to the proper exercise of free speech." Greenfield's order was amazingly evenhanded nonetheless. "This court cannot be drawn into the controversy as to what is a proper purpose for Jewish philanthropy." Many rabbis have taken differing views:

> and the Talmud tells us: "To promote peace, we support the poor of the non Jewish community, visit their sick and bury their dead, along with the poor, the sick and the dead of Israel," (Talmud Gittin 61a); and on the other hand it reminds us: "As between the poor of one's community and the poor of another community, the poor of one's community comes first," (Talmud, Baba Metzia 71a)

JDLers "have every right to disagree with Federation's policies, and in the attempt to force change, to try to persuade others of the correctness of their views. They have as much right to be irritating, abrasive, and exasperating as to be eloquent." But their privilege of free speech "does not encompass the right to impose one's will on others through illegal coercion or disruption." (Federation of Jewish Philanthropies of New York against JDL, 1970)

With Greenfield's order, almost all of JDL's Federation activity ceased. JDLers had boxed themselves into a corner

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by continuing to use tactics they had in the past used against blacks, Russians and Lindsay aides. With their boorish actions, they had completely antagonized Federation personnel, the people they were most interested in converting. Instead of using the threat of harassment as a bargaining weapon, alluding to its ever present possibility if Federation officials ignored their demands, JDLers immediately seized upon their ultimate weapon and used it. That only brought Greenfield's restraining order upon them, and with it they had no more room for maneuvering. A few years later for example, when JDLers repeated some of their harassment tactics, Federation's executive director wrote David Fisch warning him that he had instructed Federation's attorney "to proceed vigorously and speedily should there be any future infractions of Mr. Justice Greenfield's order." The warning was enough to stop JDL.

The League's impact on the other Jewish communal organizations was much more potent however. Kahane repeatedly emphasized gut level issues: neighborhood safety, black crime, the use of quotas enabling blacks to get ahead at the "expense of Jews," and finally the plight of Soviet Jewry. By contrast, other Jewish organizations had been doing very little in these areas. Leadership had lost touch with their membership and Kahane was very aware of this. It was the reason he started the League.

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Therefore, when Kahane began to attract thousands upon thousands of sympathizers from among the membership of these organizations, their leadership began to issue shrill and vociferous condemnations of the Jewish Defense League. Rabbi Maurice Eisendrath's denunciation of the League perhaps set the tone for the 'Establishment's' vitriolic attacks. After JDL 'guarded' Temple Emanu-El, Eisendrath, president of the Union of American Hebrew Congregations, "obscenely" (in the words of an official of the AJ Committee) charged that the League was no different than the Ku Klux Klan. JDL "in essence," Eisendrath said, was "no different from whites wearing robes and hoods, led by self styled ministers of the gospel, standing in front of burning crosses. . . . If these be our friends, then God preserve us from our enemies." (New York Times, 18 May 1969)

Despite the crudeness of Eisendrath's condemnation, the mood was such, that few people publicly took Eisendrath to task. One exception was the editor of the Intermountain Jewish News, who wrote:

> In essence no different from the Ku Klux Klan? Come now, Rabbi Eisendrath, let us stop making attackers out of victims. What would you have said, Rabbi, to the Negro who stood up to the Klan with tire chain and tree limb? You would have hailed him as a man of courage for defending his home and his rights. You would have rushed to his defense and praised his valor. Moreover, you would have lashed out against his attacker.
>
> What double standard then are you and your fellow pulpiteers of permissiveness applying to the activists of our day? (6 June 1969)

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But although Eisendrath's statement was excessively sharp, the tone he set was maintained throughout by many in the Jewish establishment. David Berger, chairman of the Anti-Defamation League (ADL) Philadelphia Advisory Board, wrote a local paper that "the hooligans(!) responsible for the attacks on the USSR Aeroflot offices in New York, for the disruption of performances of the Moiseyev Dance. . . . they should be seen as the enemies of the Jewish people." (Philadelphia Daily News, 5 February 1971) Officials at the ADL office were so proud of the published letter that they reproduced it and distributed it widely.

There is nothing inherently wrong in condemning actions of another organization, but there is something patently offensive in Berger's adopting Russia's anti-Semitic language of [Zionist] "hooligans" and using it. And branding JDLers as enemies of the Jewish people, terms reserved usually for the likes of Stalin and Hitler, is highly repugnant and morally offensive. Yet Jewish officials were not at all reluctant to make the comparison. Lloyd Schwenger, president of Cleveland's Jewish Community Federation, told reporters the League "is remindful of the German-American Bund of the late 1930's." (Cleveland Press, 26 September 1969) A cartoon in Philadelphia's Jewish Exponent (4 January 1971) showed a man distributing bombs to various groups: Weathermen, the Ku Klux Klan and

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JDL, while the Jewish War Veterans condemned Minutemen, American Nazis and the "self appointed 'Jewish' (!) Defense League" all in the same breath. (Sentinel, 10 July 1969) A statement by the Workmen's Circle was even more graphic: "Jews have no need for Storm Troopers or Weathermen or Black Panthers. The tactics of fascism have already done their monstrous damage on our people. To adopt them for our own is to shamefully betray the memory of those who died at Hitler's hands." (The Call, July 1971)

Leaders of Jewish communal groups often rushed to volunteer condemnations of the League especially after some harassment or bombing episode. It became almost rote; some action would take place and the major Jewish groups would come forth with blanket condemnations of the League. At the height of the anti-Soviet activity Max Fischer, president of the Council of Jewish Federations (and a close Nixon supporter), Dr. William Wexler, chairman of the Conference of Presidents of Major American Jewish Organizations (the Presidents Conference) and Rabbi Herschel Schacter, chairman of the American Jewish Conference on Soviet Jewry, telegramed Nixon expressing "the revulsion with which we and the overwhelming majority of American Jews view the recent attacks against Soviet

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offices in this country ostensibly in protest against Soviet anti-Semitism. . . . In the name of the Jewish community of America, we denounce this strategy of terror and the men who are guilty of it." (Jewish Week, 14 January 1971)

The telegram was sent after United States officials privately requested that the Jewish groups help curb JDL, (Jerusalem Post, 15 January 1971) but the vehemence of the language and the speed with which it was sent, clearly illustrated the great fear and insecurity Jewish leaders exhibited when the JDL issue became public.

Yet who said the Jewish community was responsible for JDL's behavior? "Just because a small group of vigilantes had acted unscrupulously, unlawfully, disgracefully," wrote the editor of the Detroit Jewish News, "doesn't justify an entire people's state of horror as if we had committed a wrong. Why didn't the Jewish groups act in consort with community-wide sentiment rather than enact self flagellation for an occurence that is not our collective responsibility?" (quoted in Jewish Post & Opinion, 29 January 1971) Other editors also condemned the "maladroit and shameful defensive attitudes of certain official Jewish leaders." (Jewish Post & Opinion, 29 January 1971). It was obvious that the publicity surrounding JDL greatly unnerved many Jews, insecure in their place in American society.

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Jewish groups repeatedly hastened to issue condemnations. A convention of the American Jewish Congress for example, issued a resolution calling on the FBI to give "highest priority to tracking down all those responsible for shooting into the Soviet Mission." (New York Times, 4 April 1976)

One communal leader, critical of the other organizations, had this to say: "If a Catholic ecologist freak, worrying about the micro-waves emitted by electrical power grids, goes and blows a transformer up, you won't have Cardinal Cushman coming and saying, 'Gevalt! Arrest those Catholics!" Anyone violating gun control laws should be arrested. I am all for that. But there are federal prosecutors who get paid for upholding the law. The Jews need not be more catholic than the Cardinal. But don't quote me by name," he hastened to add, "I have to work with these people."

These condemnations nevertheless became so automatic that JDLers often shared this bitterly ironic joke with one another: "Hey, did you hear the Jewish establishment met to discuss Russia's invasion of Czechoslavakia? No, what was the outcome? They condemned JDL."

On one level, Jews especially the more assimilated ones, opposed the League because it embarrassed them. "The Jew who desires to assimilate and become Americanized," one sociologist (Porter and Delbyck, 1972) wrote, "does not wish to be associated with a Jewishness that borders on chavinism

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The assimilated Jew wants to blend in, not stand out." The Jewish Defense League made them stand out.

Many of the more active JDLers were children of parents who arrived in America after World War II. Most had no intention of ever coming to America, a land they viewed with suspicion and apprehension, a traife (impure) land. But having survived the Nazi Holocaust in Europe, they came to the states for lack of any other alternative. Nevertheless, they came here on their own terms, refusing to abide by what Marshall Sklare (1971:25) termed the social contract. They did not conform, which constantly embarrassed the other Jews.

That a key motivating factor in the Jewish organizations' condemnations of JDL was embarrassment, is easily seen upon examining their press releases. ADL's "Research and Evaluation Report" states:

> The good image of the American Jewish community is also at stake, of course. Many Jewish leaders view the League as an embarrassment and a distinct liability from its very inception, aggravated now with the eyes of the world looking on in wonder and consternation at the amateur barbarisms through which JDL stands out in brazen contrast to the traditional moderating influence of American Jews. (June 1970)

A statement by the American Jewish Congress (AJ Congress) read: "The Jewish Defense League brings shame to every Jew by its idolatry of brute force, distorting all that is noble, just and kind in the Jewish spirit." (27 June 1969)

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On another level, some among the Jewish leadership feared a possible backlash among the gentile population. The fear was paradoxical, because in the same breath in which they insisted Jews did not need protection, they also expressed worry about "communal" reaction. Fearing this reaction Jewish leaders tried to disassociate themselves from the JDL. The American Jewish Congress, in one of their volunteered statements assured the public that JDL was only "a miniscule fraction of the American Jewish community." (New York Times, 25 May 1970) as if saying to the gentile, "You need not worry, we're not like them." But since we are obviously Jewish also, rest assured that our Judaism is different than JDL's because the "League violates every ethic and tradition of Judaism." (New York Times, 18 May 1969) We're not like them. "The Jewish people of Jefferson County [Alabama] would like to set the record straight," wrote the chairman of the Birmingham Jewish Federation in a letter to the local paper. "The Jewish Defense League has no representative and no support in Jefferson County, Alabama." (Birmingham Alabama News, 22 January 1971)

Why write that? If JDL's formation made Jews insecure, Kahane was correct in accusing them of having a "galut" (diaspora) mentality — of being meek, timid and obsequious. And if they didn't feel any disquiet, why the compulsion to disassociate themselves from JDL?

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"Does one really think that it is fear for Soviet Jews that leads the Bnai Brith to foam at the mouth?" Kahane wrote.

> Do we really think that what causes the American Jewish Congress to roll about in agony and urge the President of the United States to catch the bad Jews, is their deep love for the Jews of the Soviet Union? If tender love for the Jews of the USSR gripped these groups, they might have at least held one protest rally for Soviet Jews from 1917 to 1965. If sleepless nights over the fate of Soviet Jewry possess our leaders, they would have simply called the Jewish militants and asked for just one meeting with them to discuss the problem. It is not so much concern for Soviet Jewry that drives our Establishment up the wall. It is the old, pathetic insecurity born of the galut mentality. It is the whispered anguish: "What will 'they' say?" 'They,' are of course, the non Jews. (Jewish Press, 22 January 1971)

The antagonism of Jewish officials towards JDL, resulted not only from embarrassment and insecurity, but also from the very real fear that their organizations were losing many members to JDL. Among those attacking the League, for example, was the Jewish War Veterans (JWV) and the opening statement of their condemnation is noteworthy. "Some small percentage of our members have become intrigued with the Jewish Defense League. Some even feel that the Defense League has replaced JWV as the militant voice of American Jewry. Nothing could be further from the truth."

"But that is precisely the truth," Kahane wrote (in an article entitled, "Et Tu, JWV?") "The studied attempt to mention a 'small percentage' of JWV members is a crude and contemptuous effort to camouflage the fact that a significant

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number of JWV members are furious with the inactivity of their leadership and frustrated by its apathy and do-nothingness." (Jewish Press, 11 July 1969) Underscoring this was a letter to the Jewish Press sent in by some members of a Brooklyn JWV post.

> Not this post Rabbi, nor any post that I know of, was consulted by the Department leadership before a statement condemning JDL was issued. . . . At the last meeting of the Kings County Council (JWV), the subject of JDL was raised. The rank and file delegates were overwhelmingly sympathetic to JDL. . . . The JWV Department leadership . . . should look around to make sure that they are indeed leading someone. The leadership and the rank and file membership apparently dwell in separate worlds; the higher ranks are concerned with not making waves while the rank and file are trying to stay afloat. . . . In closing, let me assure you Rabbi, that the members of JWV, in my opinion, look with favor upon the activities of JDL and wish you well. Disregard the hysterics of the Brahmins in their ivory tower. . . . This post extends its hand in common cause . . . with JDL. (18 July 1969)

A debate at the Flushing Jewish Center between an official of AJ Congress and Kahane, in which the press reported that the "majority of those present appeared to side with Rabbi's Kahane's position," caused the AJ Congress to alter their policy towards JDL. As usual Kahane had attacked the Congress for its "warped sense of priorities"; while Jews were attacked in the streets daily, Congress officials were devoting their resources to opposing the issuance of Christmas stamps by the Postal authorities. "We can survive the Christmas stamp, but not the attacks," Kahane said. (Long Island Press, 24 November 1969)

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As a result of the debate, Eve Weiss, an official at the Congress, wrote the executive director, saying that the "event raised problems concerning our future response to JDL which warrant immediate staff discussion."

> When we agree to debate Kahane, not only do we provide him with a forum, but we provide the JDL with a physical opportunity to enlarge their membership. And, at the conclusion of that meeting there were long lines of people waiting to join, with dues in hand. . . .
>
> I spoke to many persons who attended the event and came away convinced that the image of Congress had indeed been tarnished (not so much because we were a "bad" organization, but because in effect, we had been painted as a do nothing, talk organization who had not kept its finger on the pulse of the people.)
>
> Kahane had really done his homework and in several instances showed himself to be very knowledgeable about the actions and affairs of AJC. He was quite familiar with our activities and particularly with our press releases. He made a most effective presentation. (Memorandum from Eve Weiss to Will Maslow, 25 November 1969)

Will Maslow, Congress's executive director replied to Eve Weiss that "we all should now reconsider whether further debates with Kahane are adviseable." (Memorandum, 1 December 1969) Accordingly, Maslow, after concluding that JDL's "ideology was undemocratic" directed that "[n]o division or chapter of AJ Congress may invite a JDL spokesman to address or participate in any AJ Congress meeting," and in addition, no unit could jointly sponsor a demonstration with JDL. (memorandum, 17 March 1971) So much for Congress's concept of democracy.

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Jewish organizations clearly feared the effect JDL would have on them. Right before Kahane was to speak in Houston, Dan Asher, assistant director of the Jewish Community Council in Houston, asked the National Jewish Community Relations Advisory Council (NCRAC) for material. Philip Jacobson, a NCRAC official wrote the Congress for assistance, as Asher "is expecting a visit from Rabbi Kahane fairly soon, and would like to have any help you can give him that might be useful in meeting the invasion. And as quickly as possible, please." (Letter from Philip Jacobson to Joseph Robison, 29 December 1970)

Other Jewish organizations, responding to the JDL threat, similarly decided upon denying JDL the right to speak. Philip Jacobson wrote the Jewish Welfare Board that "the thinking of virtually all of our member agencies [is] that it is unwise to provide JDL with a forum, or to give it the respectability that would attach to it if we were to engage it in debate. (letter, 10 February 1971) Albert Vorspan of the Union of American Hebrew Congregations, wrote that:

> We have been contacted by several congregations where Kahane has appeared. He has picked up some members and checks thanks to our generous auspices. He has left conflicts and antagonisms which tear congregations apart. He has overwhelmed some children into identifying the JDL with the Maccabees. He has vilified our institutions. It is not the right of dissent we give him with our platform; it is mischievous folly and masochism. It is time to say "no" to the Jewish Defense League.

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> We suggest that you reject appearances by JDL spokesmen in the congregation. . . . Oppose them publicly in every way possible and at every opportunity available to you. . . . Urge any Jewish organization to which you belong to publish a statement of repudiation of JDL. Remember -- Kahane charges money -- you will be spending your membership's money to support JDL in endangering the rest of American Jewry. (Commission on Interfaith Activities, memorandum, 13 January 1971)

The Workmen's Circle likewise "called upon our fellow Jews to condemn JDL, to deny it a platform, to reject its request for support and to fight it as a danger to our continued existence in a democratic society." (The Call, July 1971)

After learning that the program chairman of a Bnai Brith Lodge in Philadelphia had asked a JDLer to speak, the lodge's executive committee moved to rescind the invitation; the national board of governors had two years earlier adopted the policy of barring JDL speakers. (Evening Bulletin, 28 September 1972) "Can we in good conscience provide JDL with an open door to our membership by meeting them at our meetings, and thereafter enabling them to 'fund raise' our own?" rhetorically asks a Bnai Brith editorial. (District 3, Bnai Brith Times, Winter 1972)

The AJ Congress and the Zionist Congress both prevented Kahane from speaking at their conventions. Rabbis who invited Kahane to speak, suddenly found themselves under

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pressure to deny him a platform. Rabbi David Stavsky, of Columbus, Ohio received "six to eight days of continuous harassment with threats to both himself and the synagogue." "I wouldn't have believed it ten days ago that this would happen," Stavsky said. "And these threats come from the nicest guys and most terrific people you could meet." (Jewish Post & Opinion, 7 May 1971). Mitchell Wohlberg, a Washington, D.C. rabbi, told a Washington Post (29 April 1972) reporter that some major Jewish leaders, whom he declined to name, had asked him to deny his pulpit to Kahane. The city's Jewish Community Council also sent letters to its members announcing it would not cooperate in JDL's rallies. (Washington Post, 24 August 1970)

At the start of the 100 mile march in Philadelphia, the only established organization to send down a speaker was the Catholic Archdiocese. In Los Angeles, high school students were denied permission to publicize Kahane's talk (Bnai Brith Messenger, 9 April 1971) and in New York, JDLers were threatened with expulsion from their yeshiva high schools. Officials in New York even denied JDL the right to march in the annual Fifth Avenue Salute to Israel Parade. (They marched anyway.)

The Canadian Jewish Congress also adopted a similar policy of barring Kahane. Therefore, when the Hillel Foundation of the University of Toronto invited Kahane

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to speak, Rabbi Yehuda Eleizri, the Hillel director, found himself in the midst of great controversy. The head of the Hillel advisory board threateneed to resign if Kahane came, since Eleizri would be breaking national policy of the Canadian Jewish Congress. "I would meet someone in the halls of the Canadian Jewish Congress," Eleizri related, "and someone would tell me of a rumor that funds for next year's Hillel program might not be forthcoming. It came around sort of second hand but no one in an official position ever threatened me. Kahane had never been to Canada before and people feared the effect he would have on their relationship with the non Jews. I was getting comments that Kahane does more harm than the Nazis. All kinds of statements like that." At the end, a compromise was reached with Hillel withdrawing sponsorship, allowing private individuals instead to fund the Kahane visit.

Communal newspapers refused to publish JDL advertisements. In one noteworthy case, the Jewish Exponent, the voice of the Federation of Jewish Agencies in Philadelphia, balked at publishing an announcement that Kahane would be speaking at a local synagogue. "I rejected the ad," said Samuel Feldgoise, president of the Exponent, "because they are people you don't want to do business with." (Jewish Post & Opinion, 25 October 1974)

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The refusal to give Kahane a platform, extended into the secular world also. George Bush, the United States Ambassador to the United Nations, initially agreed to debate Kahane on the Dick Cavett Show. But officials at the American Jewish Committee, the Congress and Bnai Brith dissuaded him from appearing on the same show. (Jewish Post & Opinion, 16 June 1972) Bush confirmed this when he told reporters that after he "did an in depth check" with "certain responsible, highly respected leaders of national Jewish organizations," he became convinced that "any move by me that would have even the slightest appearance of giving recognition or credence to Kahane, would damage the serious productive and legal efforts that they and thousands of their fellow Jews have been making to alleviate the suffering of their brothers in the Soviet Union." (JTA, 26 May 1972)

Umbrella organizations, pressured by their constituent members, refused to allow JDL to join. Among those who rejected JDL's membership were: The Metropolitan New York Coordinating Council on Jewish Poverty, the Jewish Community Council of Greater Washington, NCRAC, and the Presidents Conference. When the Queens Jewish Community Relations Council (JCRC) accepted JDL as a member, the AJ Congress threatened to leave. Rather than cause dissension in the Queens JCRC, JDL withdrew their application. (Jewish Post & Opinion, 20 March 1970)

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Perhaps the nadir of contempt for JDL occurred during the 1971 Brussels Conference on Soviet Jewry. The Conference, composed of Jewish delegates from almost every country, was called to establish some kind of organized response to the Soviet Jewry problem. Although the delegations were supposedly limited to those from communal organizations, such honorary members as Paddy Chayefsky and Otto Preminger were included. Kahane of course was not invited and furthermore, the American delegation threatened to walk out if he was permitted to participate. (Jerusalem Post, 28 February 1971)

Kahane neverheless flew to Brussels, and after being detained a few minutes at customs, arrived unannounced at the Palais des Congres, where the conference was being held. The Israeli security guard recognized him and permitted him into the front hall to write a note to Rabbi Schacter requesting permission to address the conference. While waiting for a reply, members of the press began interviewing him but Kahane told them he'd hold a conference that afternoon. When the reply came back negative, Kahane, calm and smiling, left the hall saying he had not come "to destroy the conference." As he returned to the car, three plainclothes men from the Surete arrested him and ten hours later, forced him onto a plane to London.

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Dr. Morris Brafman, a member of the Zionist Federation and a Kahane sympathizer, was the first to learn of Kahane's arrest. Rushing to the platform, he screamed, "Meir Kahane was been arrested. I demand to know who ordered his arrest?"

News of his expulsion threw the conference into turmoil and created a rift that was never overcome. Richard Cohen, the Conference's spokesman and an official at the AJ Congress, issued a statement declaring "we utterly reject and repudiate the philosophy and practice of violence, as enumerated and carried out by the Jewish Defense League." (New York Times, 25 February 1971) Menachem Begin, a member of the Israeli delegation, incensed upon learning of the statement, appeared before the presidium. What right did they have condemning JDL to the world in the name of the conference and therefore in his name also? "Not in my name will Jews be condemned to the world and not in my name will Jews be turned over to the police." The presidium informed him they didn't authorize the statement; it was issued by the press officer on his own initiative. "Then publicly withdraw it," Begin demanded. They refused because it might indicate tacit approval for the League.

Demanding a right to address the delegates, Begin was given an opportunity to speak, at which time he

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virtually accused the leaders of denouncing Kahane to the police. The time for turning Jews over to the police must come to an end. On his behalf and on behalf of all those who would follow his lead, he publicly disassociated himself from the condemnation. William Wexler, shouting liar, ran over to the lecturn as Begin was calling for unity, and for a moment it looked as if Wexler was about to force Begin off the platform. Begin turned to face him and Wexler seemed to change his mind. Rose Halperin, chairman of the World Jewish Congress and long famous for the hats she wore, joined the donnybrook calling Begin a "fascist." "Madam," Begin said turning to her, "you have a hat on your head. I had a price on mine." (Jewish Press, 16 April 1971)

The decision to arrest and expel Kahane seems to have originated with the Belgian authorities themselves, since they were sensitive to Soviet criticism for allowing them to permit the conference in the first place. But it is also clear that the conference organizers informed Belgian authorities in the first place that they did not want Kahane to attend. For this they were roundly taken to task.

(Nevertheless, there were those who despite their support for Kahane, faulted him for showing up and diverting everyone's attention from the Soviet Jewry issue. Until the Brussels conference, the only organization dealing with

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Soviet Jewry was the American Conference for Soviet Jewry; formed in 1964, it had no permanent staff except for a director, who worked in the corner of borrowed office space. Rabbi Saul Berman and others went to the conference intent on forming a permanent activist agency specifically dealing with Soviet Jewry only. "The feeling was," Rabbi Berman said, "that we were making some headway among the grass roots people, not the leadership. In fact, we were making little progress with the leadership of the American delegation. We held a meeting with the American leadership where we presented a seven or ten point proposal for the establishment of this kind of agency, its programs, funding levels and all. After we finished, Faye Schenk, president of Hadassah said, and I'll never forget her words, "You mean you want us to create on behalf of Soviet Jewry an organization that took Hadassah fifty years to create? If you want that organization, you sweat over it and fifty years from now you'll have it." That was the sort of the response we were getting from the leadership. But the grass roots delegates had the potential of really forcing the issue and we felt we were making some headway. But Kahane came and deflected the discussion in two ways. First, the issue became should Kahane have been admitted or not, about which you could argue from today until tomorrow and <u>si geit nicht in leiben</u>. It's not an issue.

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The other element of deflection was that it served to devalue the notion of activism with regard to Soviet Jewry. If you considered yourself an activist, people then said, 'Oh, you mean you're like Kahane?' So I think Kahane's visit was detrimental. Fantastic publicity for him, but it deflected the issue.")

The second Brussels conference, held five years later, was almost an exact replay of the first. When Kahane showed up, police and security guards threw him on the floor and bodily dragged him away. "I have been to jail for Soviet Jewry," Kahane shouted as he was being carried out, "and these fat rich Jews prevent me from speaking." The manner of his eviction led many conferees again to complain, this time deploring the "vigorous manner" in which he was ousted. (JTA, 18 February 1976) And although by ejecting him, the leadership wanted to draw a distinction between themselves and Kahane, they didn't meet with total success. "Jewish Leader is Dragged From Meeting," was the headline in the Toronto Star. (18 February 1976) In the eyes of the press, Kahane was a leader in his own right.

"It's funny," Raphael Perl commented, "because the Jewish establishment is always for the right of everybody to speak. They'll fight for the right of Nazis to speak and of Arabs to speak; they're for hearing all the views

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on every issue except when it's a Jew who strongly disagrees with them. Then they go bananas. I remember one example: We were trying to establish better relations with the American Jewish Committee and we were sitting at the home of one of their big wigs. It was just after some girls had been arrested for demonstrating for Soviet Jews. They had spent the night in the Women's Detention Center and had been horribly molested there and the wife of this big wig went and said, 'You know, it serves them right. If they get arrested, that's what they have to expect.'"

Reactions to the League did not stop at only condemning and isolating the League. There were those who called for its persecution, and in case of the Anti-Defamation League, even helped with it. Philip Hoffman of the American Jewish Committee called on Congress to enact legislation making it a federal crime to carry out actions against foreign personnel, a fact that Tass picked up on, claiming that a number of Jewish organizations were "sharply condemning Zionist provocationists." Tass even mentioned Hoffman by name. (Pravda, 12 January 1971)

UPI reported that "Leaders of the United States Jewish community are making feverish backstage efforts to prevent" JDL from continuing its harassment campaign. "One of their prime objectives was achieved Tuesday," the report

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(13 January 1971) continued, "when New York City police arrested . . . Kahane," who was taken in on a bench warrant for failing to appear in court. (He was in Israel the day he was to appear for the disorderly conduct charge.) "The city's efforts picked up steam," the New York Post (10 January 1971) reported, "following a December 28 meeting at City Hall between Mayor Lindsay and moderate Jewish leaders."

Most alarming though was the willingness of the Anti-Defamation League to inform on fellow Jews, simply because they belonged to an organization the ADL disagreed with. This became apparent when hundreds of documents were stolen from the FBI's Media, Pennsylvania branch office; the documents were sent to reporters with a covering letter from the Citizens Commission to Investigate the FBI. Among the documents so released was an FBI report on JDL:

> On 10/21/70, SOI [Special Outside Informant?] Samuel Lewis Gaber, ADL (Protect), advised SA [Special Agent] Edward A. Smith that Russel Kelner, a teacher at Olney High School, who resides in Mt. Airy, has been active in JDL affairs. He further advised that Benjamin Pomerantz, also active in JDL is an attorney with office and residence in Center City. In addition he indicated that one Irving Sheinman has been active in JDL matters and resides in either Havertown or Broomall. In view of Bureau instructions, new cases are being opened in Kelner and Sheinman in order to obtain details of background and activities for evaluation as to need for interview and/or inclusion on SI [Security Index]. (Cowan, 1974: 184-185)

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Gaber, the regional director (Philadelphia) of ADL, whose identity the FBI agreed to protect, at first denied playing any role as an informant. Claiming that he had no recall of meeting with an FBI agent, he said, "If they list me as a source, somewhere along the line someone may have asked me a question. We should cooperate with any public agency in terms of trying to be of help." He also stressed ADL's efforts in "countering the JDL," since "we are opposed to the JDL as all Jewish organizations are." (Newsday, 10 May 1971)

For the first time, Jewish leaders were willing to condemn the actions of a communal organization towards JDL. Henry Schwartzschild, a member of the Commission on Social Justice of the Synagogue Council of America, was scathing in his comments. "We have here from the FBI's own words, proof that the Anti-Defamation League fingers to the Federal Bureau of Investigation fellow Jews of whose political activities they disapprove." He was particularly caustic since there was "not even an allegation of illegal conduct" on the part of the JDLers involved. "A Jewish 'inter-group' relations agency, funded by and acting within the American Jewish community, denounces other Jews to Mr. J. Edgar Hoover and his minions! There is a long Jewish tradition of abhorrence for the 'mosser,' the Jew who denounces fellow Jews to the state police."

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[JTA, 19 May 1971] Rabbi Eugene Borowitz, editor of Sh'ma said the action was an "intolerable development in the Jewish community." Professor Seymour Seigel of the Jewish Theological Seminary and Michael Wischograd, a professor of philosophy at Baruch College were also among those critical. Rabbi Arnold Wolf circulated a letter among his congregants in Chicago charging ADL with "supporting a discredited witch hunt in Washington." ADL was "giving information, secretly collected by Jewish groups, supported by Jewish funds, to the FBI to use that information against other Jews. . . . This kind of collaboration is not required by the laws of the United States and is in my opinion, forbidden by Jewish legal and moral tradition." (Jewish Week, 22 July 1971)

Days later, ADL's national chairman was forced to admit that Gaber had been in contact with the FBI, but he tried to defend this action by saying the information was public anyway. Furthermore, other organizations had also condemned JDL. "Is the organized Jewish community regarded as having betrayed Jewish principles by these public exposures of JDL?" And in an attempt to recoup their lost prestige, ADL was among those who condemned the Justice Department's illegal wiretapping of JDL's phones.

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Nevertheless, the damage had been done and as became obvious, ADL had long been working for Kahane's downfall. In 1969, an executive at ADL had drawn up a "confidential" memo examining "the various possibilities of action by law enforcement authorities against" JDL. "First I have examined the certificate of incorporation of the Jewish Defense League, Inc. and am struck by the fact that nothing gives it the power to run a camp. . . . Hence it would seem to me that the Attorney General might well be in a position to institute quo warrento proceedings against the JDL." The writer also suggests indicting JDL for tax fraud, since the League claimed that contributions to a camp fund-raising party were tax deductible. The three page memo also suggests that JDL and its leaders could be jailed for violating: §240 of the New York State Military Law, and §183 subdivision 4, of the same law; New York City local law No. 106; and §482 of the Social Welfare Law. The memo concludes: "The Attorney General's office should be requested to check to insure compliance with this provision of the law by the JDL and to take action if it is violating the law." This September 12, 1969 memo came to light when one of ADL's Boston workers secretly mailed Kahane a copy. Kahane published parts of it in the Jewish Press. (22 September 1972)

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In addition, a writer for New York magazine charged ADL with responsibility for supplying the information used in the New York Times' expose of Kahane. "When a Times reporter [Michael Kaufman] researching a lengthy article on JDL appeared at the ADL office," Mel Ziegler wrote, "an official casually presented him with a book entitled The Jewish Stake in Vietnam, which carried three names as authors, two of which were Meir Kahane and Michael King. Meir Kahane, the ADL told the reporter, was Michael King. The front page Times article which resulted after the reporter checked and expanded on the information, was a triumph for the ADL." They had succeeded in sidetracking Kaufman so that the Times reporter did not "attempt to assess the nature and degree of the threat JDL poses to established Jewish organizations. (Ziegler, 1971:33) ADL had tried to use him also, Ziegler claimed, in an attempt "to defame Meir Kahane with speculative irrelevant gossip about his past," but Ziegler was not to be distracted. Instead he wrote a sympathetic story about JDL, while sharply critical of the Anti-Defamation League. "To the extent that ADL was mentioned in the story," Ziegler wrote, "I meant to show only that the orginization, in dealing with the JDL, seems to have moved from defending Jews to defending itself. . . ." (New York, 17 May 1971)

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JDL initially reacted with public silence to the Jewish organizations' vitriolic attacks. "It has long been a cardinal rule of the Jewish Defense League," read a statement to the press, "never to engage in public disputes with other Jewish organizations."

> We have been subjected to a concerted campaign of libel, as false as it is malicious. Ironically, the anti-Semites in our city who are the real menace to us have never been the target of such a campaign. How truly tragic. Of course JDL is not racist and our detractors know it. Of course we are not fascists and they know this too. Our real sin is that we have moved firmly and actively to defend the little Jew when the old line groups have groped helplessly with press releases. Our sin is that we have begun to excite the imagination of the grass roots Jew --especially the youth. . . . We will not join in a battle of Jew against Jew. To our detractors we say: we are your brothers and though you deny us we do not deny you. Return to the Jewish mainstream and help us fight the real menance -- the anti-Semites. . . . One consolation remains. Those who attacked us do not speak for the grass roots Jew. They remain heart and sole with us. (undated release; 1969?)

Yet despite JDL's promise not to engage other Jewish organizations in public disputes, that is exactly what developed soon afterwards. And even more than that, Kahane's derision of other groups, although perhaps accurate, became filled with arrogance. Witness JDL's campaign against Federation. The sitdowns and harassment campaigns were done with such arrogance and boorishness, that rather than winning over hearts, Federation workers and policy planners became even more antagonistic towards the League. JDLers were crude, unnecessarily offensive and vulgar. Masked behind the

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JDLer's self-righteousness, was envy of the wealthy Jews; the economically marginal youths used the "cause" as a legitimizing mask to protest against the rich. In Philadelphia for example, when Federation held a dinner in honor of United States Chief Justice Earl Warren, JDLers outside ate a "poor people's dinner" of bread and water. Russel Kelner, accusing Federation of "a lack of dedication in moving elderly poor Jews out of crime ridden neighborhoods" told a reporter: "It's not a nice thing to do . . . picket another Jewish group. But these people inside are rich. They like to rub elbows with famous people like Earl Warren -- to entertain themselves -- while poor Jews can't even get through the hotel door. (Philadelphia Inquirer, 28 November 1972) "How can a rich Jew or a non Jew criticize an organization of lower and middle class Jews who daily live in terror?" Kahane once asked a reporter. (New York Times, 25 May 1970)

Kahane himself accused the "Federation Barons," "composed of assimilated individuals," of being "arrogant," "autocratic" and living "in affluent isolation." Claiming he wanted more money for gut Jewish causes, especially Jewish education, Kahane initiated the protests. Yet there is a damning charge against Kahane: once Federation obtained a court order barring harassment, JDL ceased their Federation campaign totally, despite the fact that

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the order did not in any way bar legal means of protest. Why did JDL stop? If they were serious about changing Federation's priorities, why didn't they continue picketing? And with Kahane's ingenuity, he certainly could have found other ways of publicizing his dispute with Federation. Yet JDL seemed only interested in goading the "rich barons," not in converting them to the cause.

The same can be said too with some of Kahane's other charges. In 1969, Kahane was still advocating street safety and so he asked eight national Jewish organizations to form a combined fund of $100,000 to sponsor "Operation Hagana," a project which would pay for car and foot patrols equipped with radios and walkie talkies. Kahane realized his demand would never be accepted and his request seemed geared more for publicity than for effective results.

After he made his public demand for money, the outcome was predictable. The New York State commander of JWV termed the request "a ridiculous shakedown." (Jewish Times, 27 November 1969) Arnold Foster, of the ADL called it an example of "chutspah," (Jewish Ledger, 28 November 1969) and Will Maslow at AJ Congress said that "We have not received any request from the JDL that we contribute $12,500 to help support its activities.

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Were we to receive such a request we would throw it into the wastepaper basket." (Jewish Post & Opinion, 28 November 1969)

The issue of neighborhood safety was extremely important to thousands of Jews, yet Kahane's attempt at gaining support for patrols from other organizations was nothing less than cavalier. When all the groups, as expected, rejected Kahane's demands, he placed an ad in the Times: "If you are a member of the eight organizations who refused to help the crime ridden neighborhoods," you should now only donate half of what you give to these groups. The other half should be sent to JDL for Operation Hagana. (New York Times, 2 December 1969)

Despite all of JDL's talk of defense and safe neighborhoods, very little was done in New York as far as an ongoing daily patrol. Efforts at patrolling streets were sporadic, with the longest continuous patrol lasting no more than two weeks. True, JDLers did come to patrol the voting places in Crown Heights, and they did come to other areas as well, but that was only on specified days. No ongoing effort was ever successfully developed in any neighborhood in New York City. In that respect Kahane was 'more talk than action,' talk that Kahane promised never to engage in, let alone advertise about in the

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New York Times.

The League's most infamous act against a Jewish organization was their vandalizing the offices of the New York Board of Rabbis. As a result, all of the members of NCRAC, with the exception of the UOJCA, quickly voted to condemn JDL by name. Even Kahane was hardpressed in trying to justify the damages and in the end, JDL agreed to pay the Board $1,500 in damages; in return the Board agreed to drop all criminal charges against the JDLers.

The only other time, JDLers damaged a Jewish organization's office was in San Francisco three years later, when JDLers forced their way into Federation's office and bodily threw out the workers inside. According to a Federation report the six after barricading themselves inside the office, broke into locked files and destroyed furniture. Federation workers called police and brought charges against the arrested youths.

All the other times however, JDL limited their activities to 'sit-ins' at the offices of Jewish groups. This type of protest became something of a common tactic in the mid-70's, a time when JDL's goal shifted from local poverty to that of Israeli politics. Kahane, and therefore JDL, tried to rally American Jewish organizational support for Israel not yielding "one inch" to the Arabs.

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Jewish leaders often accused Kahane of appealing to raw emotion yet when it came to JDL, they too reacted with the same mindless feelings. A notable exception to all this, however, was the American Jewish Committee. Although they joined NCRAC in protesting specific JDL activities, Committee officials never debased themselves by joining the mud slinging campaigns. "If I may say so," Milton Himmelfarb, director of information and research services commented, "there is a certain amount of good taste around here. It is one of the virtues of being a baal habatisha organization -- manners and good taste. In general we try to be nice; that's our style. We did not agree with Eisendrath that they were Ku Kluxers. I thought calling him that was revolting and many of my colleagues thought it was too. We did not agree that the greatest enemies of the Jews were these JDLers. We may have thought they were misguided, they were a nuisance, but nevertheless we have real enough enemies and real enough problems."

Kahane also respected if somewhat begrudgingly the Committee's behavior. "They're a more sophisticated body," he said, "aristocratic -- they don't like getting down to the dirt. I find them to be the best body -- which means nothing -- of the American Jewish scene.

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They're decent people. The reason they don't do things is because they don't know; they have no contact with people in Brooklyn."

Nonetheless, Kahane's begrudging respect for the Committee led him to try working out some sort of arrangement with them. Approaching a Committee official, he proposed telling him when a JDL 'action' would take place. "Call a news conference for the following day," Kahane said, "and attack us all you want, but speak out for Soviet Jewry at the same time. Because of our action, your news conference will get a thousandfold more coverage and that will be good for the Soviet Jews." The Committee official declined the suggestion.

Other organizations also refused to join the bandwagon of condemnors, and if they were to be grouped, almost all had deep roots in Jewish practice and tradition; the more traditional an organization, the less likely were they to publicly condemn the League. For example, when NCRAC attacked JDL's "paramilitary operations" eight of its nine affiliates signed the statement, but the ninth organization, the Union of Orthodox Jewish Congregations of America, balked at joining the others. (The UOJCA had, however, lent their name to a previous statement condemning "extremism and vigilantism by any group." At that time though, JDL was not specifically named.)

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Similarly orthodox groups such as Young Israel and the Rabbinical Council of America never spoke against JDL's "vigilantism." And when the Synagogue Council of America denounced calls to violence, they nevertheless refused to name JDL as the target of their statement. (New York Times, 18 July 1969) In the same way, the National Federation of Jewish Men's Clubs, an affiliation of Conservative congregations, refused even at the height of JDL's harassment campaign to condemn the League. (Jewish Week, 13 May 1971)

To be sure, there was also support for the League among some of the Jewish weeklies. Besides the help of the Jewish Press (which faltered though when Kahane came out with his "Every Jew a .22" gun campaign), the Intermountain Jewish News and Los Angeles' B'nai Brith Messenger (not affiliated with B'nai Brith) were very sympathetic. The editor of the Omaha Jewish Press cast the lone negative vote when ADL's Community Relations Committee in Nebraska decided to censure JDL. "There was much discussion about the illegal methods used by JDL," she wrote. "It is commendable for ADL to support the 'law of the land' but there would be no Jews alive today had we not broken the laws of Pharaoh, the Phillistines, Antiochus, Hitler, etc." (Jewish Post & Opinion, 6 August 1971)

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The National Council of Young Israel was the first group not to treat Kahane as a pariah, permitting him to speak at one of the Council's meetings. (Viewpoint, 23 March 1971) The Zionist Organization of America (ZOA) also gave him a platform, despite his arrival at their convention unannounced and uninvited. Although the day before Kahane's arrival, Herman Weisman, ZOA's president, attacked the League for its "violent tactics," when Kahane showed up he permitted him to speak saying that "its harder but essential for the democratic process to give a fair opportunity to be heard to those whom we do not agree." An overwhelming majority approved of Weisman's decision and when Kahane approached the platform, he received strong applause. (New York Times, 6 September 1971) Similarly, the Jewish Teachers Association invited Kahane to be the guest lecturer at their 45th annual luncheon. Just before he was to speak, Rabbi Harold Gordon, executive vice president of the New York Board of Rabbis left the dais in protest. The members of the audience, however, were widely enthusiastic, giving Kahane a rising ovation and frequently interrupting his speech with applause. (New York Times, 20 March 1972)

The Orthodox Jewish community was greatly sympathetic to JDL. "The religious discipline of the Torah Jew," said Rabbi Elkanah Schwartz, director of communal relations

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for the UOJCA, "makes him geared to respond sooner to a Jewish call for help." (Jewish Life, June 1972; also JTA 22 June 1972) Bearing this out was the fact that a great proportion of the active JDLers came from an orthodox background. Many of those at the demonstrations wore kipot, the traditional manner of headcovering. In addition, the nature of orthodox neighborhoods also had its effect. Rooted to their communal institutions -- synagogues had to be within walking distance so as not to violate the Sabbath -- these Jews were usually the last to leave a neighborhood undergoing ethnic change. They were, therefore, very receptive to Kahane's call for neighborhood stability and safety. First to be victimized by muggers, they were not about to charge the JDL with excessive vigilantism. If anything, they wanted more JDLers patrolling their streets.

One of the earliest and one of the most illustrious supporters of JDL was Rabbi Emanuel Rackman, Provost of Yeshiva University, former president of the Rabbinical Council of America and rabbi of the prestigious Fifth Avenue Synagogue, a jurist and a professor, Rackman intervened with the authorities of Yeshiva University who were about to ban a JDL meeting. Long an advocate of Jewish defense, Rackman broke with the League only after JDL began going into the Soviet bombing business.

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Speaking at the 72nd biennial national convention of the UOJCA, Rackman said that victims of violence in urban centers require protection and that "self defense is not illegal." "It is a matter of regret that the Jewish Defense League, which promised to achieve this result -- even in cooperation with the blacks -- did not concentrate on this function and fulfill it." Since police protection is "woefully inadequate," and would only get worse, "It is absolutely necessary for citizens to assist police by engaging in police work themselves." Rackman suggested forming "squads of volunteers" to help deter "muggings, unlawful entires and holdups." Black residents, the "most numerous victims" of urban crime, were talking about the need for such citizen squads. "It is not only proper for Jews to think likewise but imperative that they do something about it. They must protect the elderly in the inner city who cannot relocate and the merchants there who are in constant danger of losing their lives. In many instances" JDL exhibited "its ability to be the instrument presently required by the Jewish community." Jewish defense agencies, fearful of new approaches and unwilling to change programs to cope with new needs should not have been the ones to attack JDL. However, the League "has gone so far afield" from its original purpose, "that it has spent its energies on areas in which its tactics were often destructive

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rather than helpful." It was not for JDL to engage "in reprisals for the hijacking of Israel bound planes," nor was it within "the purview of a defense organization" to fight "for more appropriations" by Federation. "If the Jewish Defense League would only have limited its activities to defense, it might have helped save the cities in the United States." (JTA, 30 November 1970; New York Times, 26 November 1970)

* * * * *

Yet not everyone within the orthodox community supported the League. Most of the criticism levelled against JDL came from those least assimilated, or as Marshall Sklare calls them, the sectarians. Kahane thus found himself in the curious position of being condemned at the same time by both extremes of the Jewish community. Whereas the assimilated were (initially) offended by JDL's aura of vigilantism, the sectarians -- although approving of neighborhood patrols -- censured JDL for ignoring "daas toirah," the will of the rabbis, the Torah scholars. The Torah scholars almost without exception disapproved of any form of publicized activity on behalf of Soviet Jewry. To them, demonstrations of any sort could endanger Soviet Jewry and therefore were counterproductive. Instead they relied on quiet diplomacy and on 'behind the scenes'

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negotiations which resulted in the Soviet government allowing a trickle of Jews to leave Russia. In their opinion, street protests would harden the Soviets and the trickle of emigrants would dry up.

What is often not realized, is that JDL arose as much in reaction to this passivity of the sectarians as it was a reaction to the ultra-liberalism and the "do-nothingness" of the more secular organizations. Kahane rejected the rabbis' espousal of passivity and court Jew diplomacy.

As a result, JDL attracted those who were disenchanted with the ultra-orthodox rabbinic leadership and their advocacy of discreet diplomacy, prayer and the study of Talmud. Kahane mocked their fear that JDL would further endanger the lives of Russia's Jews and whenever the subject was brought up, he would respond with black humor: Anti-Semites were about to execute two Jews. As the Jews were walking to the gallows, one turned to the other, complaining of his tight bonds. "Quiet," his friend admonished, "you'll make things worse." When it comes to Soviet Jewry, Kahane asked, how much worse can it get?

Nevertheless, the sectarians scored a major victory when Rabbi Moshe Feinstein, a towering rabbinic scholar and head of Mesivta Tifereth Yerushalayim, released to the public a statement criticizing the League. His

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handwritten note was sent to the Yiddish newspaper Day Jewish Journal, which published it.

> I herewith advise my constituency, basing my observation on the laws of the Torah, that the activities of the Defense League in questions which impinge upon governments and states, are not in consonance with the way of the Torah, which forbids us to act against a people with force and altercations. It is also clear that our Jewish brothers in those lands in no way desire these activities. Jews who are faithful to the Torah and to the commandments, should not participate in these activities. (12 October 1970)

The newspaper wrote though, that Moscow's Chief Rabbi, Y. Levin, (himself not free from Soviet governmental pressure) had strongly requested representatives of the American Jewish community to curb JDL's activities. There is apparently some connection, the newspaper wrote, between Rabbi Feinstein's ruling and the requests of Moscow's Chief Rabbi.

Although Kahane was more than willing to attack leaders of secular organizations, he was interestingly enough, reluctant to reply to Rabbi Feinstein and left that chore for Zweibon to carry out. Writing in the Jewish Press, Zweibon pointed out that Rabbi Feinstein was critical of some of JDL's activities, not of JDL itself. (Jewish Press, 1 January 1971) Only years later, after Rabbi Feinstein had modified his statement, was Kahane willing to belittle the significance of it all. "It was the same approach he had taken for years," Kahane wrote, "ever since he was subject to frightful tales from the captive Chief

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Rabbi of Moscow through an influential New Jersey rabbi [Rabbi Teitz]." (Kahane, 1975:32)

It was easy to disregard Rabbi Feinstein's statement after the passage of time, but at the time it was given it lent credence to what many people were thinking. Kahane recorded an experience he had when he returned one Sabbath morning to pray at Mirrer Yeshiva, a place where he had studied for thirteen years and from where he received his ordination.

> Following the service, I went over to the dean and wished him a "Gut Shabbos" (Good Sabbath). He took my hand and held it saying in Yiddish, "You are murdering Russian Jews." I had no desire to argue with him and attempted to move away, but he held on tightly and repeated his words, "You are murdering Russian Jews." I looked at the dean of the yeshiva whom I had known for so many years, before he had reached his present position and said to him: "Let us say that you are right. Let us agree that protests, public demonstrations, are bad for Russian Jews. But I sat in this yeshiva for thirteen years and I cannot recall even one time when Psalms (the traditional supplication to G-d) were said for Russian Jews. I do not remember even one fast day called for Russian Jews. I do not remember the subject mentioned. Surely, those things do not harm Russian Jews." He dropped my hand and did not say a word. (Kahane, 1975:31-32)

The Jewish Press became a forum for the pros and cons of JDL's activities. The severest charge of those critical was that all the major rabbinic scholars opposed the League's Soviet Jewry activities. Eliahu Rominek, rabbi of the Young Israel of Larelton, the synagogue at which JDL was founded, wrote ("with a heavy heart") against

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the League.

> No attempt was made to secure the advice of our Torah leadership in this sensitive area. On the contrary, all gedolei yisroel [noted rabbinic scholars] have forbidden such activities as grossly harmful to Soviet Jewry. . . . The Lubavitcher Rebbe, who has thousands of contacts in the Soviet Union, states the following in an interview with a reporter of Panim el Panim (in the 21st of Kislev, 5731 edition) (16 December 1970): "I speak with personal authority and knowledge on this topic. Not one Jew has been saved or helped because of these demonstrations. On the contrary, they are harming very much. Hundreds and thousands in the Soviet Union have been jailed or exiled as a result of such activities." What clearer words could be written by Torah leaders on JDL activities! . . . We have before us a clear choice. Either we follow the demagogic, rabble rousing leadership of JDL, or we follow the great Torah leaders of our time. . . . I hereby appeal to the leaders of JDL to repent from their tragic path which will only bring harm to our people and return to the path of life as outlined by our Torah leaders. (Jewish Press, 8 January 1971)

A writer in another sectarian publication lashed out at the "audacity" the League exhibits when they "attack the core of Jewishness, our major link with our heritage: the Torah leaders and sages of our day." What upset him was "JDL's steady campaign to undermine the authority of senior Rabbinical figures, their implied boast that JDL has a monopoly on brotherly concern, while by contrast venerable men, steeped in Torah knowledge, are uninformed and indifferent." Continuing, he wrote, "this campaign to destroy Yeshivas and the authority of their leaders is the bitter fruit of the collective arrogance and glorification of muscle over soul

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that the JDL is trying to implant in our children." The advice the writer gives as an alternative to demonstrating is that "when the urge to shout rises involuntarily in one's throat, one is really not expected to bite one's lips in silence" but may release it in prayer. (Wolpin, 1971)

Notwithstanding these criticisms, JDL's existence exerted considerable pressure on the sectarian rabbis. Representatives of Agudath Israel, an organization closely sympathetic to the sectarians, asked their Moetzes Gedolei Hatorah -- Council of Torah Sages -- a formal "shealoh" (guidance) on what to do. "Others believe that it is beyond the scope of Torah authorities to delve into problems of political science," Agudath Israel said. "These questions, posed by a few individuals, are a break-down of "emunous chachomim" -- faith in our sages. . . . We should not let misguided violent extremists or the secular dominated Jewish Establishment make our policy for us and teach us how to act."

They planned to consult the Torah scholars, the sectarians explained, because man's destiny was "Divinely ordained and cannot be judged by normal political approaches. To learn G-d's will, one can only cling to those Torah giants who . . . [because of their "Torah experience" and piety] are capable of revealing Hashem's [God's] will

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to K'lal Yisrael [the people of Israel]." (Jewish Press, 22 January 1971)

The Moetzes Gedolei Hatorah (MGH) met on December 29, 1970, the height of the Leningrad trial demonstrations, and declared that "Every manifestation concerning Russia which is provocative and arrogant is a highly dangerous act which can harm many." [Wolpin, 1971:5] Rather than participating "in any of the general demonstrations which are taking place" the MGH asked their supporters to "gather in each community in great multitudes" on Sunday, January 10th "to plead to our Father in Heaven to have pity and compassion on . . . [the Jews of Russia] to bring them forth from anguish to liberation and from darkness to light."

As many as 15,000 people on the appointed day gathered at Manhattan Center for the reading of a proclamation and for "tearful" Mincha prayer services.

"In response to the tragic plight of our brothers and sisters, the Jews of Russia," the proclamation began, "we have gathered under the leadership of our Rabbinic sages, to raise our voices in Tefillah (prayer) to Him who has created heaven and earth, who revealed Himself in the history of man and particularly in the destiny of K'lal Yisroel -- the people of Israel."

> So that we may be worthy to plead in their behalf for Hashem's mercy, we have gathered to be Mekadesh Shem Shomayim Borabim -- to

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> sanctify G-d's name publicly -- through genuine teshuva (repentance) and renewed acceptance of the authority of the Torah.
>
> Since lev melochim vesorim beyad Hashem (the hearts of rulers are in the hand of G-d), we are mispallel (pray) that He may incline the minds of the rulers of Soviet Russia towards a policy of benevolence as they judge the situation of our brethren.
>
> Let heaven and earth testify that our brothers in Russia are motivated solely by the desire for freedom to live as Jews, and those of them who seek to emigrate do so not out of political considerations but only because of their desire either to be reunited with their families or to find fulfillment in the pursuit of their Jewish aspirations.
>
> In our millenial history, our people has been gratefully loyal to every land which has granted us hospitality, and we have repaid our adopted homelands a thousand-fold. But our supreme loyalty has been to our G-d and Torah, because our very life as a people is dependent upon that loyalty.
>
> From a policy of benevolence towards our brothers only good could result for the government and the people of Soviet Russia, and the conscience of mankind would surely respond to such a policy with gratitude and commendation of historic significance. (Wolpin, 1971:11)

The attitudes exhibited in this proclamation, its obsequiousness, fatalism and piety was exactly what JDL was trying to counter. In trying to legitimize his behavior, Kahane frequently invoked Biblical analogies. Often he compared the tactics used by the League, to those used by Moses against the Egyptians. "The leaders of the Jewish people in Egypt fell upon Moses when he appeared to demand that Pharoah free the Jews. Why, they cried in horror (as the Egyptian press, no doubt listened happily)

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have your ruined our name in the 'eyes of Pharoah and his servants to give a sword into their hands to slay us?' (Exodus, 5:21)." JDL's tactics, Kahane insisted, would "endure and overcome the timid pygmies who walk in the footsteps of those who attacked Moses and Samson for 'making things worse.'" (Jewish Press, 10 July 1970)

The sectarians' attack of JDL left the orthodox rightists in something of a quandry. Agreeing with JDL's advocacy of self defense, they were not at all embarrassed by Kahane's 'vigilante' methods. As committed unassimilated Jews, the League did not discomfit them as being too conspicuously Jewish; by their different clothes they themselves were that also. However, once they began attacking JDL's Soviet Jewry policy, they could no longer avail themselves of the League's neighborhood patrols. In Borough Park as a result, twenty eight Jews, including some hassidim, volunteered to become auxiliary policemen. "The Jewish Defense League is taking dangerous steps and possibly even endangering lives," said Rabbi Chaim Auerbach ("Call me Patrolman Auerbach"), chairman of the Borough Park Coordinating Council. "They have no group of elders to guide them and the orthodox part of Borough Park couldn't become part of the JDL." (New York Daily News, 9 November 1969)

Countering the opposition, Kahane pointed out that as a result of demonstrations, the Russian government had

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commuted the death sentence of the two Leningrad 'hijackers,' and subsequently had permitted thousands of Jews to leave. Kahane's incessant speech making and his defense of demonstrations finally bore fruit. The culmination to his efforts to reorient sectarian opposition came in June 1972 when at a mass rally for Soviet Jewry at Forest Hills stadium, Rabbi Feinstein, in a letter read by his son-in-law, gave his approval of demonstrations. He had never been opposed to them, per se, but wanted them pro-Jewish in theme, not anti-Soviet. "No matter," Kahane wrote, "we knew what had caused the change." (Kahane, 1975:32)

Even before the Forest Hills letter though, Rabbi Feinstein had shown some sympathy towards the League, agreeing to lend his name to advertisements on behalf of the "Jewish seven," those indicted for the Amtorg bombing. "They deserve mercy and whatever help one can provide," the rabbi wrote. Those who wrote the copy of the ad however were more specific: they wanted money. (Jewish Press,17 December 1971) Presumably it was for legal expenses, but the ad never made that clear.

Both JDL and its detractors tried to marshall support from the Soviet emigres themselves. Dov Sperling, a young Russian emigre told a Jerusalem Post reporter that he was absolutely convinced of the correctness of JDL's policy of shouting as loudly as possible. "It

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is very good that Jews in Russia will even hear that there is such a thing called a Jewish Defense League." (Jerusalem Post, 27 December 1970) Soon afterwards, Sperling and a few other Russians in Israel sent telegrams to William Wexler, chairman of the Presidents Conference; Herschel Schacter, chairman of the American Jewish Conference on Soviet Jewry and to Meir Kahane stating, "We are convinced the League's policy and activities are most effective. The Soviet government should be brought to understand that the liberation of Soviet Jews is preferable to endless international complications." (New York Times, 16 January 1971)

Kahane may have had something to do with the telegram since he was in Israel only a few days before and might have spoken with Sperling. In any event, four days after the telegram was sent, JDL brought Sperling over to America for a speaking tour. Kahane introduced Sperling to members of the press. "I am not a leader of Soviet Jews," Sperling told them, "I am just a simple Jew. The JDL had succeeded in emphasizing the situation of the Russian Jews. I would prefer -- not violence but speaking quietly and slowly to the United States government to put pressure on the Soviet. But if the world doesn't heed and understand quiet measures, then there is no other way but this way. And I prefer this way, to Jews being

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sentenced to death in the Soviet Union. And that is why I like and love the JDL." (New York Post, 21 January 1971)

Boris Kochubievsky (Jewish Post & Opinion, 28 April 1972) and Ruth Alexandrovich (Jewish Post & Opinion, 4 February 1972) also gave their support to JDL.

Others were critical of the League. Dr. Michael Zand, an Oriental language specialist, who the Russians harassed and imprisoned before letting him emigrate, told a ZOA convention that JDL's tactics were alienating Russian intellectuals, Jewry's "only ally" in the Soviet Union. "The Russian intellectual's national and cultural feelings -- sacred to him -- are offended when a bomb is exploded in a Soviet building in the United States." (New York Times, 4 September 1971)

A Washington Post reporter in Moscow, speaking informlly to Soviet Jews, found them divided over JDL. Those in disagreement had three basic objections to the League. One was that JDL's violence would enable Soviet authorities to continue their anti-Semitic activities. The press could link the bombings to those Jews wanting to emigrate -- already branded as traitors in Soviet newspapers. In addition, the anti-Soviet violence abroad aroused nationalistic fervor among the Russians, instigating further resentment against the "traiterous" Jews and the trouble they were causing.

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Second was that Kahane's tactics were stealing too much publicity, obscuring Russia's treatment of its Jews. "The Soviets should be shown as criminals who violate their own laws and the international conventions they have signed," a Moscow Jew told the reporter. "Doing criminal things in the United States only diverts attention from this fact."

The third reason for objection was that JDL's violence hardens Kremlin leaders against world pressure.

Notwithstanding these reasons, Moscow Jews admitted to the reporter that despite their intellectual disapproval of JDL, they felt great emotional support for it. "They're fighting for Soviet Jewry after all." (Washington Post, 15 January 1971)

* * * * *

In assessing the relationship between JDL and the other groups, fault can be found on either side. There was much truth to Kahane's criticisms, a fact 'establishment' leaders were too reluctant to admit. And it was established leaders who recoiling in horror, spewed forth vitriolic attacks against JDL, at a time when a great many in New York were apprehensive about walking down their streets at night.

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"I watched the David Susskind TV show," read one letter to the editor, "and saw so called establishment Jews condemn Rabbi Meir Kahane and his Jewish Defense League with so much force, vigor and aggression -- it was extremely difficult to tell which group was the militant one. If only the establishment Jews had been so vehemently outspoken against our common enemy -- the anti-Semites at home and abroad -- there never would have been a Jewish Defense League." (Long Island Press, 5 February 1971)

It was the established leaders who started the attacks. And once they did, it was easy for them to project all sorts of ills onto Kahane. For example, after Palestinian terrorists murdered the Israeli Olympic team in Munich, Kahane (along with many others) called upon Israel to pursue the terrorists wherever they were, even if Europe if need be. "Meir Kahane has set himself up as the contemporary Messiah," complained one rabbi in a letter to the Times. Denouncing Kahane's "polemics, name calling and hysteria" the rabbi wrote, "Let Rabbi Kahane and his followers, who believe 'It is up to the Israeli Government to mount a merciless cold blooded campaign. . . .' (New York Times, 29 November 1972) understand that, despite pedantic Talmudic quotes, they have removed themselves from the mainstream of Jewish responses to the murders of children. . . . Our own self-appointed Messiahs

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and zealots have always been our worst enemies." (New York Times, 6 December 1972) At that very moment, however, (unbeknownst to the rabbi) Israeli agents throughout Europe were on a deadly hunt of Arab terrorists. (New York Times, 12 April 1973; Tinnin & Christensen, 1977) Of course it wasn't only Kahane's statements that caused this to happen, but the JDLer's views were not as outlandish as others would make them out to be.

Perhaps the greatest mistake made by the establishment leaders was treating Kahane as an outcast. News reports often made Kahane into a raving lunatic, and few of the leaders ever bothered hearing Kahane or speaking to him in person. Barry Gottehrer, Mayor Lindsey's assistant had similar thoughts of the JDLer. "I had heard Kahane . . . speak once from a distance," Gottehrer wrote, "and tended to believe he was something of a charlatan."

> When the New York Times published a story intimating that Kahane had worked for the Central Intelligence Agency and might be something less than sincere in his efforts, I immediately believed it. I was in for a surprise. That winter, when the police were concerned about a massive Jewish Defense League demonstration against the President of France, I had my first meeting with the rabbi. . . . We talked for nearly an hour and it was soon apparent that Rabbi Kahane might be many things but he was definitely sincere. (Gottehrer, 1975:254-255)

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A reporter for the Daily News had the same reaction. "In person, Kahane looks far from a firebrand. His lean, neat appearance and placid features would seem more at home on the 5:02 to Larchmont than in a punchup in a Russian business office." (New York Daily News, 27 July 1970)

"Ah, that's what makes him such a dangerous demagogue," retorted one communal leader who had never spoken to Kahane. Yet had these leaders opened a dialogue with him, allowing JDL at the same time to join all the umbrella groups, they might have had a tempering effect on JDL. Kahane at first was very willing to join these groups. "This is one of the great myths, that we don't want to become part of the establishment," Kahane said in 1973. "There is nothing in this world that's all bad -- establishment has in it some good things, particularly money, power and influence."

By spurning Kahane's efforts to join those he criticized, the Jewish leaders lost the opportunity of trying to temper Kahane's activities. The establishment leaders could have exerted considerable influence on Kahane through cooptation. Ultimately, because of their rejection, they must bear some responsibility for the activities they deemed so abhorrant.

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CHAPTER XVIII

"SMELLING THE GAS AT AUSCHWITZ": JDL'S IDEOLOGY

People often talk about the ideology of the Jewish Defense League: truth is their ideology was whatever Meir Kahane wanted it to be. And as Kahane's ideas changed, so did its philosophy.

In their certificate of incorporation, the founding directors wrote that the League's purpose was to combat anti-Semitism, "to uphold and defend the Constitution of the United States," and "to support all agencies of government charged with the responsibility of maintaining law and order." Likewise, JDL's 1968 'Manifesto' stated: "JEDEL believes firmly in law and order and disassociates itself from the terrible mistake made by other groups who condone civil disorder and disobedience." Reacting to the riots of the 60's, to black anti-Semitism, and to leftist agitation on college campuses against Israel, Kahane saw the security of urban Jewry tied in with the strict maintenance of law and order (which was a welcome panacea against "the vermin of anarchy.")

The League, therefore, would educate the public on "the true extent of the extremist danger," using the

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courts to eliminate discrimination while at the same time planning "legislation to strengthen the law where it is insufficient to defend the rights of citizens." ("A Manifesto," 1968) In addition, Kahane planned to have "legal responsible neighborhood groups" patrol troubled areas. (Just what they should do always remained ambiguous though. "What is a patrol?" Kahane once flippantly asked in a lecture at Brooklyn College. "In a patrol you put four Jews in a car and you drive up and down. When you see a mugging, you stop the car, stop the mugging and teach the mugger a lesson: thou shalt not mug.")

Espousing their constitutional right of bearing arms, JDL at first was barely distinguished from a zealous bunch of National Rifle Association (NRA) members. JDLers adopted NRA's terminology, they began practicing at shooting ranges, and they constantly spoke of building their own rifle range. Guns and self defense became their over-riding concern. Suddenly, the late night westerns on television had taken on a new reality: the declining Brooklyn neighborhoods had become the new frontier to be defended at all costs. More important, this plan of action gave the neighborhood residents a feeling of potency, an ability to influence and perhaps even control events instead of always remaining passive victims.

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Kahane followed through on the initial course he had mapped out for JDL. He tried to use the courts to get the Board of Education to fire Leslie Campbell, he obtained a court order to reopen City College, closed after students rioted, and he used the electoral process to try to defeat those "politicians who bow to extremists." In addition, Kahane tried to ridicule the absurdity of proposals inimical to Jews. To Kahane, who a few years before had won the Grantland Rice Newspaper Sportswriting Award, baseball was a natural vehicle to ridicule the absurdity of quotas. Since he estimated Jews to be twenty six percent of New York City's population, Kahane wrote Johnny Murphy, the Mets' general manager:

> Jews for years have suffered the disability of Jewish mothers, who insisted that they get an education. Because of this, they have been disadvantaged, unable to compete with other groups in athletics. Under the merit system they are unfairly excluded from full participation in American life. We demand that the Mets immediately agree to a roster that will include 26.2 percent Jews. (Kahane, 1975:115)

When the major league baseball teams met in June 1969 to consider the hiring of talented new players, thirty JDL picketers marched in a circle outside the hotel. "Merit, shmerit, we want our quota," they chanted. Mocking the rhetoric of the political left, one picketer carried a sign reading "Racist, Colonialist, Imperialist, Fascist Mets." Most were dressed in civilian clothes,

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but two wore baseball uniforms. One of the uniformed boys walked with a sign: "I want to play second base. So what if I can't hit -- I'm motivated." Not to be outdone, the second escalated the demand: "The hell with second base, No more tokenism. I want to pitch." Bringing the ludicrous argument to its conclusion, a "Bulgarian" demanded his 0.03% quota also be included.

Some however, took Kahane seriously. The manager of the Mets called Kahane and told him he could not meet JDL's demands, but if Kahane knew of any good Jewish ball player, Murphy would consider him.

Using these methods, Kahane was certainly guiding JDL within the parameters of law and order, but the rhetoric of self defense was so overpowering that Kahane and the other JDLers eventually fell victim to it. "We've put out our hands in peace for millenia," Kahane said. "It's time to say, 'If you won't take the hand take the fist.'" (Philadelphia Evening Bulletin, 24 September 1969) And so anticipating the need for the fist, JDLers concentrated on weapons training, neither illegal nor reprehensible, despite the horror voiced by some Jewish liberals. But in attempting to use dubious means for justifiable ends, JDL crossed the border from law and order to criminality. They began amassing weapons illegally, buying guns under assumed names. Although

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illegal, JDLers rationalized this because they were unsure of the eventual use of the guns. Perhaps they'd have to shoot some dangerous anti-Semite. Would they want the weapon traced back to them? Of course not. This single justification eventually led to many more illegal gun purchases and once this path was charted, it was easiest to continue following it.

Why the fascination with firearms? Kahane was asked this question so often that he put his answer in writing.

> It is better to know how and not have to use a rifle than to have to use it and not know how. One thing should be made very clear. There is nothing illegal or immoral in knowing how to use a rifle. . . . We take the extremist threat very seriously and we train our people in weapons because we have learned through blood and tears that if we do not defend ourselves, in the end no one will. We pray that the day will never come. . . [but should it] we must be ready. To do anything less would be a crime. The knowledge that Jews are no longer patsies will go a long way to eliminate the readiness of certain groups to feast on the Jew. (The Jewish Defense League: Aims and Purposes, 1969?:4)

At what point should JDL stop its training program? Should it teach only about guns? Molotov cocktails? Bombs? That point was never made clear, and because it wasn't, perhaps this ambiguity best exemplifies militant rhetoric having a momentum all of its own. The incremental escalation of illegality was miniscule, but the inexorable momentum it created brought JDL deeper and deeper into criminality. And Iris Kones' murder was the ineluctable product of this rhetoric. Of course

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this trend was not limited to JDL, a trend which even allowed the New York Review of Books to print a cover showing how to make a bomb. Borrowing from the tactics of other extremist groups, JDL began experimenting with molotov cocktails. They even tried to use one against some blacks, in retaliation for the firebombing of a Jewish office in Crown Heights. When this failed, instead of trying again, they switched to making bombs.

JDL's first bombing didn't even occur over the issue of Soviet Jewry. After Palestinians hijacked four planes and diverted them to Jordan, Kahane tried to counter with his own hijacking. Foiled in their attempt, JDL bombed the PLO office instead. But once JDL began resorting to bombing, the youths found it hard to leave the excitment of guns and explosives for the humdrum existence of law and order politics. Most in the first place had been attracted by JDL's emphasis on karate, guns and the aura of brute strength. Using the political system to maintain law and order was for them terribly dull.

The bombing of Russian buildings therefore, wasn't the result of a deliberate well planned out strategy but was rather the haphazard result of previous experience. Anticipating the "worst case" outbreak of anti-Semitism, JDLers trained in weapons and explosives, preparing to repel any attack launched by Arabs, blacks, "right wing Neanderthals or left wing fascists."

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"But when no one showed up," in the words of one JDLer, "Kahane looked around and picked a fight with the Russians." Perhaps it is easiest to explain by examining (New York) JDL's reference group. JDL didn't look towards the diplomatic community for guidance but rather towards the ghetto residents. To play by these ghetto rules, you had to be 'street smart,' and know how to fight. Proving yourself meant physical prowess and JDL set out to prove that the Jew could be just as street smart as the black.

Guns and bombs were not the result of some sinister (or shrewd) planning on Kahane's part. They were used because these were the tactics JDL was used to. Somehow karate wouldn't work in this case, but bombs and sniping fit in well and could be adapted to the cause of Soviet Jewry.

It is easier to explain the progression from law and order to bombings than it is to explain JDL's shift from neighborhood problems to international affairs. The League's escalating use of violence was almost inevitable whereas their shifting priorities were not. To get publicity, they had to come up with different ways of capturing the attention of newspeople. In New York, with its emphasis on guns and explosives, this meant increasing, and at the very least, maintaining

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their previous level of lawlessness. For them coverage usually meant repeating the previous bombing. Anything less wouldn't interest the journalists.

Interestingly enough, it was not Russian Jewry that initially prompted JDL into the international arena, but rather it was the Arab-Israeli conflict. JDLers raided the New York PLO office; they demonstrated in front of Arab United Nations Missions to protest Arab terror, and they attempted to retaliate for the Arab plane hijackings. These actions could easily be justified because the Arabs had hijacked American Jews and JDL's actions were consistent with its "founding principle" which was "responsibility for all Jews. Their pain is our pain, and their suffering is our suffering." But these were haphazard attempts, the exceptional foray into foreign affairs, rather than the beginnings of a systematic effort. And soon afterwards, Kahane resumed his interest in local issues attempting to prevent Mayor Lindsay's reelection. When despite JDL, Lindsay won, even that issue fell apart. And so it was not until well over a year and a half after JDL's founding that the League started taking an interest in Soviet Jewry.

What prompted this? By all accounts it was a sudden transition. "Kahane walked into the office one day and announced the switch," Stuart Cohen recalls. The

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suddeness of the transition was so rapid that some of the board members weren't even prepared for the announcement. Despite the League's founding principle of responsibility for all Jews, there was little in JDL's writings to indicate this new cause.

In the fourteen page "Aims and Purposes" of JDL, written in 1969, there is no mention of Soviet Jewry, while JDL's twenty-nine page "Principles and Philosophies" written at the same time, devotes only a few sentences in two different places to Russian Jewry. Clearly then, Kahane did not have Soviet Jewry in mind when he started the League.

Once he had a viable cadre, however, he decided to take on the Russian cause. Although his decision was sudden, it does not mean that he had only recently discovered the problem. Yaakov Birnbaum, one of the founders in the early 1960's of the Student Struggle for Soviet Jewry (SSSJ), recalls that Kahane in 1964 "began to advocate 'real' action [regarding Soviet Jewry], the kind of stuff which they did in the good old Betar days." To prove his point, Kahane one day in 1964 began picketing in front of the United Nations. He also began devoting a lot more space in the Jewish Press to the Soviet Jewry issue. But when he formed JDL, Russian Jewry certainly was furthest from his mind

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as is evident by the absence of that issue in any of JDL's literature.

It was Kahane who bore most responsibility for authoring JDL's ideology. Borrowing liberally from Vladimir Jabotinsky's writings, he formalized them into JDL's "5 principles," a kind of unifying philosophy.

> a)Ahavat Yisroel ("love of Jewry")
> The pain of a Jew, wherever he may be, is our pain. We are committed to going to the aid of a Jew who is in need without distinction, without asking what kind of Jew he is. . . . We must be prepared to give our efforts; we must be prepared to give our moneys and -- if need be -- we must be prepared to give our lives for the Jewish people. In our own times, the failure on the part of our leaders and organizations to truly understand the pain of the Jew and to act on his behalf is best exemplified by the reaction, or better the lack of reaction, of our leadership during the Holocaust. While six million died and as news of the extermination camps emerged before a horrified Jewish world, our Jewish leadership who did indeed love Jews, did not love them enough or care for them enough to do everything and anything that had to be done to save them. . . . The lack of Ahavat Yisroel in its fullest terms also finds expression in the phenomenon of Jewish organizations and Federations devoting huge sums of money and generous amounts of their time and energy on behalf of non-Jewish causes. . . . We declare that a Jew is obligated firstly to work for Jewish problems and a Jewish organization comes into being primarily because of the fact that there are Jewish problems to be solved. . . . Finally, Ahavat Yisroel implies a deep respect for the traditions of Israel.

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b)Hadar ("dignity and pride")
The hatred and contempt of the anti-Semite is an attempt to degrade the Jew. It is an attempt to instill within him a feeling of inferiority. It is an attempt which all too often succeeds in promoting Jewish self hatred and shame in an attempt to escape one's Jewishness. Hadar is pride. Hadar is self-respect. Hadar is dignity in being a Jew. . . . The total absence of Hadar Yisroel finds its bleakest expression in the failure of the young Jew in the Galut, the diaspora, to have any self pride -- to have any pride in his people, in his heritage, in his history and in his future. . . . Thus we find the young Jew expressing his admiration for non-Jewish heroes, even those, and at times, especially those, who are both anti-Jewish and dedicated to destroying the State of Israel. . . . Nor is lack of Hadar confined to the young Jew. It finds expression, though more subtly, in his parents, that generation which . . . substituted for the difficult but glorious heritage, a culture which consisted mainly of Jewish food, lavish Bar Mitzvas, and resort hotels in the Catskills and Miami Beach.

c)Barzel ("iron")
The Galut image of the Jew as a weakling, as one who is easily stepped upon and who does not fight back is an image that must be changed. Not only does that image cause immediate harm to Jews but it is a self-perpetuating thing. Because a Jew runs away and because a Jew allows himself to be stepped upon, he guarantees that another Jew in the future will be attacked because of the image which he has perpetuated. Further, running away, the Jew comes to believe that he is indeed weak. . . . He himself begins to lose the last shred of his confidence and his self respect. . . . And so Barzel, Iron, is a principal ingredient of the Jewish Defense League's ideology, in creating a physically strong, a fearless and a courageous Jew who fights back. We are changing an image. . . .

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> d)Mishmaat Yisrael ("Jewish discipline and unity")
> It was the lack of discipline and Jewish unity which led continually to the destruction of the Jewish People. It is Jewish unity and their self discipline which will lead to the triumph of the Jewish people. . . . In these days of crises, it is only through discipline and the unity of Jewish individuals joining together which will assure us the success of our survival. And so every JDL member has mishmaat . . . at the meeting . . . at demonstrations . . . it means working together with all people, no matter how different, for the greatness of Jewish survival.
>
> e)Bitachon ("faith in the indestructability of the Jewish people.")
> We believe with perfect faith that the Jewish people [the frailest of peoples . . . marching past the graves of the mightiest empires] is indestructible. . . . And this survival is accomplished without allies. There are no allies for the Jew. At best, nations are motivated by self interest, and we, the smallest of peoples offer little to the practitioners of realpolitick. At worst, there is a deep and abiding antipathy to the Jew, his cause, his land. Whom can the Jew trust? None but himself . . . It is this faith in the permanence and survival of the Jewish people that, in turn, gives faith in the ultimate success of the Jewish Defense League . . . [whose] adherent . . . believes . . . his philosophy must emerge victorious.

To justify League actions Kahane repeatedly used Biblical analogies. One of his favorite and one told countless audiences, dealt with Moses spotting an Egyptian beating a Hebrew. "Moses didn't form a committee to study the root causes of Egyptian anti-Semitism," Kahane said. "The Bible tells us what he did: He slew the Egyptian." The Bible and Jewish history were frequently invoked as sources of legitimization for JDL activities.

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After the start of JDL's harassment campaign, with all the concomittant denunciations it evoked, one of the League's supporters wrote the New York Times:

> The Seder service held on the eve of Passover enjoins all Jews to regard themselves as having personally participated in the Exodus. Although it is a long time since I was a slave laborer making bricks. . . . I have a recollection that there were many of us who denounced that fellow Moses for talking so violently and pulling all those plagues. How history repeats itself." (19 January 1971)

So pervasive was the Bible as a source of legitimization, that Kahane's father wrote Judge Weinstein and while asking for clemency, compared his situation with that of his Biblical forefathers, with Judah pleading for Benjamin's freedom after Joseph had ordered him detained. Judah "entreated, beseeched and invoked for kindness, graciousness and generosity" for "the life of his old and aged father is knotted to his son's life. . . . Your Honor, this ancient chronicle is reiterated today, 3,000 years later. But in this case the father himself is pleading for the fate of his dear son."

Kahane also used Biblical and Talmudic quotations to justify JDL's use of violence. For example, the following quotations were used to illustrate JDL's principle of barzel: "Thou shalt not stand idly by your brother's blood," (Leviticus, 19:16), "If one comes to slay you, slay him first," (Talmud Brachot, 58), "He who has mercy on the cruel

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is destined to be cruel to the merciful." (Talmud).

"I abhor violence as much as you do," Kahane told students at the University of Illinois Circle Campus. "It is a bad thing. But sometimes it is a necessary thing and those who say turn the other cheek . . . have been reading the wrong Bible." (Chicago Sun Times, 7 May 1971)

Although Kahane used the Bible and Jewish history as sources of legitimization, invoking the Maccabees ("those famous apostles of nonviolence") as a role model for JDL, ancient history wasn't the only thing used.

The Holocaust was perhaps Kahane's most potent source of motivation. Where were our Jewish leaders during World War II? Why didn't they sit down in the streets and march on the White House to demand the bombing of the rail lines to Auschwitz?

> Why were the very same groups that condemn Jewish militants today, suddenly stricken with political laryngitis as three million died at Auschwitz? That which stained Jewish honor thirty years ago is being repeated today. The Jewish Establishment looks at its wealth and position and prestige -- and in immense insecurity -- wonders what will happen to all of it if we protest too vigorously on behalf of Soviet Jewry. (Jewish Press, 22 January 1971)

When Arab terrorists murdered twelve Israelis, including eight children and JDL retaliated by assaulting three PLO members in New York, Rabbi Arthur J. Lelyveld, the newly

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re-elected president of the American Jewish Congress obscenely compared JDL's attack "with a beating that he recalled suffering at the hands of 'red-neck bigots' in Mississippi, while serving as a counselor during a voter-registration drive in 1964." (New York Times, 25 May 1970) The analogy provided Kahane with excellent material and he was fond of telling audiences that "Rabbi Lelyveld always welcomes the opportunity to tell about how he had his arm broken in the South when he broke the law for civil rights for blacks. He should have his other arm broken for not having done at least the same for the Jews [during World War II]. Where was he when 24,000 Jews a day were being shipped to Auschwitz?"

"We knew of the gassing when two thirds of the six million were still alive," Kahane told a Brooklyn College audience. "Where in those days were the Congress, Committee and Bnai Brith? Where were the rabbis who broke the laws in Mississippi? Can you imagine if Stephen Wise and all his wise men of Chelm brought in 100,000 Jews in front of the White House and sang such Jewish songs as "We shall overcome" and "Hell no, we won't go?" Two things would have happened. They would have all been arrested and the next day the New York Times would have a front page article: 'Rabbis arrested for advocating

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bombing.' And the tracks would be bombed."

Condemning Jewish leadership for sitting "back on their apathy while 6,000,000 died," (National Observer, 18 January 1971) Kahane constantly urged his listeners not to repeat that mistake. "We've had half a century of bankrupt Jewish leadership, a half century of sha shtil, quiet diplomacy. It was so quiet it didn't exist. For fifty years nothing has been done for the Jews in Russia. The policy of cultural genocide being practiced today by the Soviet government will wipe out Russian Judaism in another twenty-five years. What will you tell your children when they ask you in years to come: 'What did you do while 3,000,000 died?'

"Jews will march for Che [Guvera] and Ho [Chi Minh], for blacks, Chicanos and Eskimos, for lettuce and for grapes. But when we stood at the Soviet consulate and waited for all those groups to come and demonstrate with us -- they never came. I say it's time for Jews to march for Jews." Referring to Auschwitz, Kahane at another time told a crowd at New York's Statler Hilton Hotel: "Well we are saying this time: No more Yiskor, nor more kaddish, no more graves. And if you don't like it -Up against the wall- world!" (Jewish Echo, April 1971)

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JDL's rallying cry "Never Again" was another way of legitimizing their actions, justifying their tactics and their militancy. "Never again" cut both ways, referring at one and the same time both to the Jew and to his enemies. Never again would Jews remain silent in the face of attack as they did in America during the Nazi Holocaust. And never again would Jews allow themselves to be led to gas chambers without resisting. Never again was the resultant rallying shriek, the battle cry.

Precisely because of its power "never again" proved difficult and problematic. It was all emotion, yet it was also reason. It could never be refuted with logic. If trouble developed, it only illustrated the correctness of JDL's predictions. If on the other hand, no disaster materialized, the League still could claim that the danger was not over; it could happen only a bit later. No one with absolute certainty could deny this possibility.

Furthermore, the slogan distorted situations, sometimes very badly. This may be seen in Zweibon's labelling the riots in Paterson, New Jersey as a revisitation of the "Kristallnacht." Any attack and any violence was met with an immediate comparison to the Holocaust. It frustrated a realistic evaluation of the situation and it limited options. Distinctions were difficult.

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Nevertheless, Kahane was haunted by the dark visions of the Holocaust and it took a central place in his thought. But the Irgun, LEHI, and the modern day soldiers of Israel provided him with a role model for Jewish Defense League action. JDLers were very familiar with all the major Irgun figures, many knowing its history intimately. JDLers likewise often viewed themselves as the inheritors of Irgun tradition: freedom fighters for world Jewry. Irgun names were even bantered around as a lark. When Stuart Cohen bought some rifles at a sporting goods store, JDL falsified the gun purchase forms, listing the buyers as David Raziel, an Irgun commander, and 'Manfred Begin.' 'Manfred' of course went on to become the prime minister of Israel.

As a result of all these factors Kahane was concerned enough to discuss a reorientation within communal Jewish organizations. "Our discussions [to start JDL]," Zweibon told a reporter, "had led us to the conclusion that there was a serious problem facing Jewry and that these organizations which had served the Jewish people very well in the past -- and were charged with the responsibility of serving the Jewish people in the present -- had drifted away from that purpose, perhaps in the belief that the millenium had come and the Jewish community was no longer in need of their assistance in fighting anti-Semites

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in the United States or anyplace else." (New York Sunday News, 7 March 1971)

JDL quickly filled the gap that the Jewish organizations had allowed to develop between themselves and their "grass roots" community. Likewise, Soviet Jewry was an issue that communal organizations had abdicated responsibility for and Kahane easily took their place. But once that issue was made public there was little room for JDL's former tactics. Instead of following the issue through, Kahane changed direction and began focusing on aliyah: the need for American Jews to emigrate to Israel.

"The United States is no longer the golden land that it has been," Kahane wrote in the Op-Ed page of the New York Times (26 May 1972) "Today, not tomorrow is the time to call for an emergency conference of American Jewish communities and organizations to plan a massive, organized propoganda campaign to explain the threat to the American Jewish future and to plan for a practical, mass aliyah to the land of Israel." The Jew is never safe, Kahane consistently argued, not even in America.

There was no dearth of people clamoring to respond to Kahane. Rabbi Irving Lehrman, president of the Synagogue Council of America, called JDL "irresponsible merchants of doom." (JTA, 26 April 1972) Morris Abram,

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honorary president of the American Jewish Committee, in "An Answer to Kahane" wrote in the New York Times (2 June 1972) Op-Ed page that "The facts simply do not bear" Kahane out "that the current ills of American society make it ready for genocidal acts against its Jewish citizens." One rabbi, in a letter to a Jewish weekly wrote at length why America was different from Germany.

Eliezer Berkovits, then a philosophy professor at Hebrew Theological College came to Kahane's defense.

> The truth of course, is that if during the Weimar Republic anyone would have warned German and European Jewry of what was awaiting them, he would have been sent to a lunatic asylum. Not only during the Weimar Republic! When I left Germany in 1939, in spite of concentration camps already flourishing and notwithstanding the "Kristal Nacht" of 1938, no one could have dreamt that the holocaust was within the realm of possibility. The very idea could not have been conceived; it was an impossibility. The truth is: even today, all the reasons on earth do not explain how what happened could have happened. And yet it did happen.
>
> To say that the situation in America is different means that for a holocaust to happen here is a greater impossibility than it was in Germany and in a Nazified Europe. But just as there are no half infinities, neither are there half or three-quarter impossibilities. Because of that, the argument that America is different is meaningless. Granted, a holocaust in this country is impossible. But the European holocaust means that the impossible did happen or -- in other words -- that as between Jews and Gentiles the impossible can happen and does happen.

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> There is of course this difference: the impossible that happened already once, may happen easier for the second time. After all, before 1940 no anti-Semite dared even think of gassing millions of Jews. At that time, not even the Nazi leadership dared speak about it openly. . . .
>
> One need not be a follower of the J.D.L. to agree with Rabbi Kahane on his call for mass emigration to Israel. The impossible did happen. The impossible can happen again. (Jewish Post & Opinion, 20 October 1972)

With the start of aliyah advocacy, Kahane nullified one of the main justifications for JDL's existence. The League came upon the scene to combat American anti-Semitism and to uphold and defend the Constitution. To do so, of course, one had to stay in America. But if aliyah now took precedence, what was left for JDL to do? And by taking this position on aliyah, Kahane created inherent contradictions within JDL that had until then remained dormant.

If that was not enough, Kahane in the mid 70's again shifted priorities, and returned to focus on American Jewish communal organizations. Desiring an alternative to their spokesmen, he proposed a rival organization to the Presidents' Conference: The Conference of Presidents of Major Jewish Activist Organizations.

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In a quarter page ad in the New York Times, (14 October 1975) he also proposed Democracy in Jewish Life (DIJEL) "direct open elections of Jewish leadership . . . on the basis of one Jew, one vote."

Kahane's kindest critics called the proposal unfair; others viewed it as no more than another publicity seeking gimmick. "It is sheer demagoguery to talk about 'one person one vote' for New York's Jewry," wrote Rabbi Emanuel Rackman. "A majority of the Jewish Defense League's constituency will not decide how to spend the money which those who do not share their point of view will be asked to give!" (Jewish Week, 14 December 1975)

In any event, with the advocacy of DIJEL and the Activist Conference, both of which never got off the ground, Kahane again fell victim to the criticisms he himself had previously voiced against the Jewish organizations. Claiming that those organizations had drifted away from the every day problems of inner city Jews, Kahane now too abandoned their cause, becoming embroiled in elitist issues. "I think the democracy issue is a gimmick and it's a poor gimmick," commented Rabbi Saul Berman. "I have a tremendous amount of respect for Meir. I think he represented -- I don't think he does anymore -- an almost totally disinfranchised segment of the Jewish population of New York: primarily lower middle

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class and lower class Jewry not represented in the Congress, Committee, Bnai Brith -- the Jews of the neighborhoods. Back in the 60's, Meir really had his finger on their pulse. He represented them and I think he represented them effectively. A lot of the things he was saying about community patrols and about the need to resist neighborhood decay were meaningful, valid and right. And the condemnation of him was for totally the wrong reasons. He was right on many issues. He's lost that now. He's not speaking any more for that same population and he's not addressing himself to their issues. He's addressing himself to a very different elitist issue. Everybody knows that the AJ Committee is not going to put up a slate to run against JDL and so what will happen will be that JDL will be the only one who will put up a slate. Therefore, they will receive overwhelming election and will proceed to claim that they represent the Jewish community. But who's supposed to believe that? The Presidents' Conference is certainly not going to believe it and political organizations and politicians are certainly not going to believe it.

"The truth of the matter is, if there were democratic elections of representatives, JDL, and the religious organizations for that matter, would be totally snowed in. It would be counterproductive. So you can't have it both

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ways. If you succeed then you lose, and if you lose, you don't win anyway. So what's the point? Presumably it is to embarrass the existing leadership of the organized Jewish community. But that's a game. That's a charade; it's a publicity device. Publicity devices have value as long as they don't distract people's real energies from things that are more important. It just seems to me, not to be worth the effort."

In typical fashion, Kahane soon afterwards abandoned these issues, again returning to the question of aliyah. By now he had given up the pretense of representing JDL, and publicly breaking with them, continued to lecture on his views. JDL floundered, and those within it couldn't find issues around which to rally.

Although all of JDL's early adherents in New York emphasized ideology and could recite the League's five principles with ease, most were unaware of what they were doing. Asked to explain the reason for any specific demonstration, none in New York (with the exception of Kahane) could recall what triggered them to march or to riot. "Something was happening in Russia," was the usual reply. A vague reason indeed for such insense. But none could get more specific than that. "Who remembers, so many things were going on at once," adds the JDLer by way of explanation. Even more paradoxical, for adherents so committed to a political cause, they were

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rather unfamiliar -- almost oblivious -- to political events around them. While all the participants recalled their confrontation in Harlem with the Black Panthers, none remembered the political climate it took place in. One JDL leader recalled getting poor news coverage, because JDL was preempted by "some kind of campus riots," which occurred that same day. Not to remember the United States bombing of Cambodia and the Kent State murders and vaguely calling it 'some kind of campus riots' belies any political awareness they claim to have had. While ostensibly familiar with JDL's five principles, few had any recollection of the events inside Russia which seemingly made them act. All could recall the 'war stories,' but hardly anyone was aware of the forces outside the combat zone.

It was such questionable awareness that allowed a number of JDLers to seek retribution for the existence of Nazi Germany by going around the breaking the head-lights and windshields of Volkswagons parked on Flatbush Avenue and Kings Highway.

On the other hand, Kahane must be credited with attracting many alienated Jewish youths, of teaching them and exposing them to their lost tradition. "From where should these young Jews gets their pride," Kahane

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once asked an audience, "when their typical education stops around the age of thirteen, in a mausoleum whose caterer is the senior rabbi?"

Rabbi Rackman makes a point of telling interviewers of his wife's experiences as a guidance counselor at Bronx Community College. "My wife would often come home and tell me of Kahane's influence on estranged youths, how he was helping them rediscover their Jewish heritage. In her experience, those most identified on campus as Jews, were JDL members." Both the anonymous and the famous sought out Kahane. Bob Dylan upon his return from Israel "became quite conscious of his Jewishness" and started talking with Rabbi Meir Kahane." (New York Times, 10 February 1974, section 2) and Abbie Hoffman and Kahane both appeared on the same radio program. Afterwards, Kahane jokingly reported that Hoffman had partially agreed with him. "Rabbi, I agree with your tactics," Hoffman had told Kahane, "but I don't like your aims."

"Well Abbie can be saved," Kahane told an audience," because he has gone the more difficult way; all we have to do now is tell him our aims are okay. . . . But to take a nice respectable Jew and convince him that our tactics are right, this is something that is very difficult. . . . Who is there to argue with our aims? We want to free Soviet Jews, we're for Israel, we're for motherhood, the flag. . . .

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That which makes us different from other groups are tactics."

With typical use of Biblical analogy, Kahane once summarized his tactics with the following rabbinic homily: The Talmud asks, why did God choose such a small mountain as Sinai on which to give the Torah? Weren't there so many other lofty peaks? The answer given is that God wanted to teach the Jew to be humble. "The Gerer Rebbe, a great Hasidic scholar and a very clever man, asked the very obvious question. If God wanted to teach the Jew to be humble, he could have done better. He should have given the Torah in a valley. But God wanted to teach the Jew a second lesson, just as important: that to be humble and to let yourself be stepped on like a valley, is also not the Jewish way. That is the philosophy of the Jewish Defense League." [Record of Meir Kahane speaking at the White Shul, Far Rockaway, 28 March 1971]

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CHAPTER XIX

CONCLUSION

I. Stages of Development: Law and Order.

The major purpose of this work was to record and document the evolution of the Jewish Defense League from its origin in the Spring of 1968 until its virtual decline eight years later.

In the course of its development, the League went through a number of stages which took it far from its original founding premise. JDL started in June 1968, when Kahane along with two others, feeling that some unified effort was necessary to protect the Jew in his own neighborhood, and aware that no Jewish organization was involved in this type of work, decided to form the Jewish Defense Corps. Their initial and only purpose was to maintain legality, the Jews' only real safeguard in America. ("Bitter experience has taught," JDL's "Manifesto" (1968) proclaimed, ". . . that a land of tyranny is a land of anti-Semitism, that the collapse of democracy brings the pogrom and the gas chamber.") Coming from a conservative political background, Kahane heavily stressed law and order politics and therefore,

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in fighting crime, he envisioned JDL to be legal, emphasizing due process of law. (They even changed the name 'Corps' to 'League' because the original name sounded too militaristic.) Their activity at first revolved around the legal process, fighting for Jewish interests through the court system. Occasionally they mounted patrols: guarding a cemetary at Halloween from black vandalism; standing vigil outside polling booths in Crown Heights during a community anti-poverty board election; and of course, guarding Temple Emanu-El against a black takeover.

II. From Adults to Youths.

As a way of attracting youth to JDL's ranks and as a means of facilitating its growth, Kahane established a summer camp, emulating the summer camps Betar, an activist Zionist youth movement, had during Kahane's childhood. Combating the image of the Jew as a 'patsy', the camp emphasized brute strength. The main attraction was karate and riflery, with an ex-Marine in charge of training. The camp, however, drew the League down a different path than that originally charted. With its emphasis now upon muscle and with the formation of a cadre of youthful supporters willing to stand up and fight, (at first JDLers called it the flying squad; it later became Oz-A, the chaya [animal] squad, and finally just the goon squad) JDL began taking a different aura.(see Dolgin, 1974: 101-115) The fresh recruits were not interested in law and order politics, but in creating the new Jew; Israeli brawn in an American setting.

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In reversing the image of the Jew as vulnerable and weak, they, like the Israelis, were trying to erase what they disparagingly derided as the galut [diaspora] mentality of American Jewry. Along with erasing this image, came their fascination with rifles, pistols, marksmanship, explosives and firebombs. "Now when a car is stopped and the riders are wearing yarmulkes, it is searched for guns," a JDL leader said in January 1972. "That is a nice thing." (Dolgin, 1974:115) Riflery provided JDL with an excuse to buy and store weapons. Their camp became the locale not only for riflery, but also as a place where they could experiment with molotov cocktails, attempt to manufacture napalm, and tinker with bombs. There was constant talk of acquiring land mines and mortars. And as justification, JDL maintained the rhetoric of fighting the anti-Semite in America, the sole purpose for which these armaments were for.

During the second summer camp, JDL planned retribution against a black organization which they believed had burned down the offices of a Jewish communal group in Crown Heights. JDLers experimented at first with firebombs, but towards the end of the camp season, after much tinkering, they constructed a crude pipe bomb which they planned to use against the Crown Heights blacks. The firebombing never took place and other events caught their attention. When the PLO hijacked four planes and held a large number of American Jews hostage, the JDLers attempted to hijack their own plane. Frustrated in their plans, they instead bombed the PLO office in New York.

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JDL's interest in the PLO was the first time that they had focused on some issue beyond the confines of neighborhood safety. The issue was somewhat blurred, however, since many of the hijacked victims were New Yorkers. Nonetheless, what caused this group to focus on international affairs? After all, people joined the League to have safer neighborhoods. How did they end up with the issue of the PLO and of Jewish emigration from Russia?

III. Jewish Universalism: The Emergence of Soviet Jewry.

In defending Jews, Kahane always insisted that JDL remain above parochial neighborhood interests. He did not want the League protecting only one specific neighborhood to the exclusion of all the others. And even more, he did not want the League protecting only Orthodox to the exclusion of all other types of Jews. The entire city and all its Jews were the mandate of JDL. Blacks forcing themselves into a Reform temple was just as much an affront to the League, as was an attack on Hasidic Jews. At least in this repsect, the League never differentiated between Jews. Jews were responsible for all Jews: "Their pain is our pain" was part of the League's ideology. This feeling of responsibility also led them to attack Leonard Bernstein for raising money for some Black Panthers rather than for Jewish poor.

This feeling of Jewish universalism, of aiding world Jewry, was of course not the reason for JDL's formation, but although it was not articulated, it was always present

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among the early activists. The changes in League policy were made single handedly by Kahane, but the changes were not a radical departure from JDL's guiding principle of feeling the "pain of other Jews." Under the rubric of Jewish universalism, the League had always emphasized the plight of the poorer Jews, no matter what New York City neighborhood they lived in. This was very different from a similar group, the Maccabees, which formed in 1964 and never went beyond their own community. The Maccabees were a volunteer group composed mostly of Hasidic Jews in Crown Heights who organized themselves with the sole purpose of patrolling that one neighborhood to the exclusion of all other Jewish groups. Unlike JDL, the Maccabees never went beyond neighborhood safety and lasted barely more than a year.

The League was never this parochial. JDLers worried about the entire city and whatever affected Jews was of concern to them, be it quotas, hiring policies, or street crime. It was this ideological axiom of concern for all Jews that motivated Kahane, and when he shifted from local black anti-Semitism to PLO terrorism, he merely increased the geographical area of his concern. After the PLO action, it was much easier to go to Soviet Jewry, for JDL had by now crossed the geographical barrier that had limited their concern to the environs of New York. What facilitated Kahane's guidance of JDL towards Soviet Jewry was the League's original philosophy: "The founding principle of JDL is that

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of responsibility for all Jews; their pain is our pain, and their suffering is our suffering." At the time it was written, JDL's reference group was American Jewry, but as news of dissident activity began coming out of Russia, it was but a shift of geography rather than a change in strategy, that allowed Kahane to act.

Although Kahane was among the first to react to the Jews in Russia, he did so only after the Russian Jews themselves had begun to mobilize. It was a case of reacting, rather than of initiating events. It was retaliation rather than instigation; retribution requires less innovation than in initiating and discovering a cause. In America, the true innovators of the Soviet Jewry movement were those who in the early sixties, founded the Student Struggle for Soviet Jewry (SSSJ). Thus, the issue of Soviet Jewry was already around when Kahane organized the League. Kahane took on their cause also, gaining far more newscoverage for Soviet Jewry than SSSJ ever had. Despite this all, Malcolm Hoenlein, at the time executive director of the Greater New York Conference on Soviet Jewry, has argued that it was the willingness of the Jews in Russia to protest, petition and demand their right to leave for Israel that gave momentum to the Soviet Jewry movement in America. "I always protest when anybody says 'We were responsible [for the Soviet Jewry movement], we did it.' I don't think they did it; I don't think we did it -- neither the establishement nor the activists.

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The credit for what happened here [in America] is due to Soviet Jews. They're the ones who spoke out. That's the change, from a people afraid to look, to that of sending petitions, staging sit-ins and doing all the other things that they did. They had to be the ones to come out first. When they did, then we followed them. The really critical watersheds were what Soviet Jews did, not what we did."

There were a number of changes that JDL had to confront once Kahane altered the focus of the League from local safety to international affairs. The most obvious difference of course, was JDL's loss in its ability to influence events. If Forman threatened to walk uninvited into Temple Emanu-El and demand reparations for blacks, Kahane could oppose him by guarding the building. And if they perceived a neighborhood as unsafe, JDLers could go and patrol the streets. Likewise, they could work to defeat Mayor Lindsay. All this was in the power of JDL, if they limited their actions to New York City. But once they decided to influence events outside of their immediate control, the League ran into a tactical problem. Kahane had no way of directly insuring the rights of a Soviet Jew. How could the League change events over which it had no control?

Until JDL's arrival, about the only method that had been tried was that of influencing public opinion through street rallies. Hoping that Russia might be sensitive to its international reputation, SSSJ held a number of large rallies to call attention to the Soviet problem. But even

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in those days, there was considerable debate over whether or not this publicity might backfire and make things worse for the Jews of Russia. In any event, about the only obvious result was a story in the back pages of the New York Times.

Fortunately for Kahane, the Soviet Union and the United States were then entering a period of detente, with each country seeking mutual accomodation with the other. Taking advantage of this fortuitous turn of events, Kahane seized upon a method of producing indirect pressure upon the Soviet Union. By threatening the diplomatic relationship between these two countries, Kahane forced the United States to take up the issue with Russia. JDL's tactics were at first very tentative. Painting the Aeroflot plane and taking over Soviet offices in New York, were done for publicity. Although Kahane was both innovative and brilliant in capturing the attention of news editors, his policy at first was no different than that of SSSJ's. Both were intent on publicizing the Soviet Jewry issue; Kahane's was just the more effective of the two groups.

JDL's point of departure from SSSJ's tactics was quick in coming however. When news media began publicizing Russian protests (often aided by the Soviet officials, who frequently gave the text of a protest note to Pravda at the same time that they handed it to the American ambassador), Kahane realized that JDL's actions were having an effect. This knowledge allowed him to redouble JDL's efforts. And it was the Soviet government's retaliations against Amer-

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icans in Moscow which gave Kahane his idea of initiating a harassment campaign. The obtuseness of the Kremlin leaders may have greatly helped JDL, for Soviet leaders were never able to distinguish between Kahane and other Jewish groups. "Nonetheless," wrote Pravda, "both the 'respectable' and the hooligan Zionist organizations are doing the same dirty work -- the difference between them in only one of tactics." Current Digest of the Soviet Press, vol. 23, no.7:5) By failing to distinguish between groups, Kremlin leaders gave much more importance to Kahane than might otherwise have been due.

Kahane, becoming aware that JDL's activities were intruding upon the diplomatic relationship between the United States and Russia, was resourceful enough to take advantage of this development: he sought to inject Soviet Jewry into detente. In this he was successful. For example, responding to a Soviet protest against JDL attacks on its New York installations, the State Department cabled the American ambassador in Moscow, instructing him to convey the following to the Russian Foreign Minister:

> We must note, however, that the root cause of tension of the past two weeks was the extremely strong reaction of Americans of all faiths to the closed trial held in Leningrad and the reports of continued trials in the USSR of predominantly Jewish defendants. The fundamental issue in this case, and the one which apparently drove the [JDL] defendants to the alleged crime, is the failure of the Soviet Union to grant to its citizens the basic right to emigrate, which is recognized in the United Nations Universal Declaration on Human Rights.
> (Zweibon v. Mitchell, 7 January 1971)

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Without JDL's protest this cable would never have been written.

IV. Creating Tactics.

At first, Kahane followed SSSJ's tactics, merely seeking publicity in a more original manner. However, once he saw the results of JDL's publicity, Kahane seized upon a method of influencing events in a country where initially he had no resource for bargaining. It is to Kahane's credit that JDL succeeded in maneuvering the League into a social movement organization seeking change, not in the host society but in a country abroad; from this position of total powerlessness, the League emerged as an effective media manipulator, forcing the United States to enter the diplomatic fray over Soviet Jews.

At the time of course, Kahane had no access to the State Department cablegrams and he had just vague proof that he was succeeding in raising the emigration question. News items from time to time reported on diplomatic protest notes and it was from these that Kahane got some idea of his effectiveness. His main thesis though, was that detente was more important to Russia than keeping Jews from emigrating. If he raised the issue enough times, he believed that Russia, rather than giving up on detente, would permit Jews to emigrate.

Solving one tactical problem only created others for the League. With a shift in ideology, there was a concomitant change in JDL's constituency. Although at first

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JDL attracted school teachers, home owners and others seeking to preserve their middle class existence, many of these people left when JDL took on the Soviet Jewry issue. Ideological shifts caused internal defections; changes in ideology attracted a new constituency. Likewise, changes in JDL's tactics caused the defection of many of the existing sympathizers, but at the same time attracted others to join. Specifically, while the safe streets stage of JDL attracted middle aged men, the emigration issue was a rallying point both for altruistic and rebelling youth.

The Soviet Jewry stage was also an attempt at creating a new method of protest: the bomb-newsconference. Before Soviet Jewry, JDL did not reap all the political benefits that they could have, when they set off a bomb. JDL's first bombing was the PLO office, but at the time, they did not follow up on it. With the emigration issue, however, Kahane used a bomb as a means of attracting or insuring a crowded newsconference. A bomb was set off, with a caller to UPI linking it to Soviet Jewry and signing off with 'never again.' A few hours later or the next day, Kahane would meet with reporters and make a statement about Soviet Jewry while at the same time applauding the motivation of those doing the bombing.

The bombings however, dissuaded many of the initial sympathizers from remaining with the League. They had joined with the League to have safe streets and to oppose black anti-Semitism, not to bomb Soviet installations.

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Thus, of equal if not more important concern, a shift in tactics not only caused a shift in membership, but it also led to the loss of previous sympathizers. When tactics changed, new sympathizers had to be recruited to replace those becoming disillusioned with JDL's revised direction.

These sympathizers played an important role in JDL because it was from these sympathizers that Kahane raised money for JDL. For example, while Rabbi Rackman and Joseph Gruss were supporters of JDL's quest for safe streets, they were in sharp opposition to the League's tactics on Soviet Jewry. And so a change in tactics also meant a change in those donating money to JDL's cause. The people who funded JDL during its first stage of law and order, were not those who supported JDL in its Soviet Jewry phase. So when the members of Rackman's synagogue stopped donating, others had to fill their place.

In attempting to compensate for lost money, Kahane at times diverted funds from projects to which people had donated; he accepted money for one cause, and used it for another. One contributor spoke of "donating over $10,000 [in cash -- he didn't want the money traced back to him] to a Kahane sponsored school for Hebrew education in Israel. 'When I got to Jerusalem last year, I found that the school was Kahane's campaign headquarters. Let's face it: the man is a fraud.'" (New York Post, 21 October 1974) [During his 1975 imprisonment, I asked Kahane about the missing funds and he gave me a different reason,

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explaining that the money was used for his legal expenses in Israel. In either case, the money was never used for its intended purpose.]

Prominent among the newer sympathizers was Bernard Deutsch, a prosperous Wall Street investment banker (and a past president of the Bensonhurst lodge of B'nai Brith, as well as a former chairman of the Brooklyn region of ADL), who helped finance some of JDL's activities. It was he who assumed responsibility for paying for Avraham Hershkovitz's $65,000 bail (Jewish Press, 30 April 1971), and for financing the American visit of two Russian emigres: Dov Sperling; and Yasha Kazakov, who held a hunger strike in front of the United Nations. (Jewish Post and Opinion, 11 June 1971) So enraged were the Russians with Deutsch that Pravda (18 February 1971) singled him out for special mention:

> In particular, there is the Brooklyn Zionist millionaire Bernard Deutsch. This is the same Deutsch who financially supports the fascist Zionist Herut Party and the Greater Israel Movement. This is the same Deutsch who pays by the job for the anti-Soviet provocations and terrorist acts of the Jewish Defense League. . . . He also generously finances the propaganda trips through the U.S.A. of renegades and traitors like D. Shperling and Ya. Kazakov. Deutsch is not merely a Zionist anti-Sovieteer playing the philanthropist. He is a confirmed fascist and a pathological 'ultra,' and 'respectable' Zionist organizations are not too inclined to advertise their connections with him. This is understandable: Deutsch, Kahane and other Zionist leaders of their kind reek of the C.I.A. and other intelligence and subversive agencies of imperialism.
> (Current Digest of the Soviet Press, vol. 23, no. 7:5)

But in 1975, despite his "reeking of the C.I.A.," Deutsch ran into trouble when he was indicted on eighteen counts of

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income tax evasion and the filing of false income tax returns. The government contended that Deutsch and two others, "engaged in a massive scheme to evade income taxes on over four million dollars in unreported income in the years 1968 through 1972 by means of falsifying their own tax returns, all of which concealed their receipt of income. The case is the largest evasion case in the Southern District of New York in over twenty years." (USA v. Bernard Deutsch, 75 CR 225) In an ironic twist of events, Deutsch in the long run benefited from JDL: jailed after Kahane, he was able to have kosher food during his period of incarceration.

V. JDL Chapters in Other Cities.

Shifts in tactics meant changes in JDL's membership with its concomitant disruption of money sources. But this shift in JDL's constituency was unique to the New York League and did not occur in the outlying chapters of JDL. While New York went from an adult membership to that of a youthful one, (Dolgin, 1974) the chapters in Washington, D.C. and in Boston, did not have similar shifts in membership; in those cities there was much greater stability in membership with most who joined, staying throughout the life of the chapter.

A major difference of course, was the tactics used. While New York shifted tactics, those in Washington and Boston did not, continuing in the same manner as they had

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started. Thus, those members who were around at the time of the chapter's disintegration, were of the same type -- if not the same people themselves -- as were those at the time of the chapter's formation.

As with New York, the most viable chapters formed in cities facilitating rapid mobilization. This mobilization arose through ongoing networks of affiliation and friendship, and was most successful in Washington and Boston. In Washington, the group evolved around the very influential Perl family, while in Boston, the League developed around the Bostoner Rebbe's circle. This rapid mobilization allowed for a number of developments. The first was that there was a rather remarkable consensus on JDL's priorities. As a result, these chapters did not experience the strain of shifting goals.

Street safety was never an issue in Washington and the League there revolved solely around Soviet Jewry. Boston however, had more than one goal. Initially formed to maintain the welfare of the Jews of Dorchester-Mattapan (see Ginsberg, 1973), it later also adopted the cause of Soviet Jewry. But unlike New York, it did not shift one priority at the expense of the other. Although they had rallies for Soviet Jewry, they continued their neighborhood patrols.

The League chapters in all three cities relied upon the mass media for publicizing their cause; publicity was their major resource. Yet the JDL chapters went about

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seeking this publicity in different ways. Much was shaped by their differing reference groups. Kahane formed JDL in New York to defend Jews against crime. In order to combat attacks against Jews, he and the others who joined, looked towards the black ghetto neighborhoods and tried to emulate the 'street smart' ways of those blacks. To combat their weakling image, JDLers were going to become fighters. If blacks were good street fighters, Jews would be good fighters too; if blacks knew about guns, so would Jews; if blacks stood up and fought, so would Jews. Accordingly, an ethos of street militance was always present in New York. Those with the greatest prestige were the ones most involved in street actions. The stronger you were, the more violent and the greater your involvemment in the bombings, the more you were admired by the other JDLers.

This was never true of Washington. Steet crime was not an issue. Most of the Jews lived in the outlying suburbs, while blacks mainly resided in the inner city. Neighborhood safety was never an issue and the Perls joined the League only after Kahane was involved in Soviet Jewry. The ghetto was never a reference group for Washington. If anything, the opposite was true. During his first demonstration, Rafael Perl wore a tie and had short cropped hair to distinguish himself from being mistakenly identified as a radical. The Washingtonians were interested in what newspapers wrote, not what the ghetto residents thought. Furthermore, Washington never had the numbers that New York

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had. To maximize their effectiveness, therefore, those in Washington had to rely on ingenuity, rather than on numbers, to attract press coverage.

The conditions that led to the formation of a JDL group in Boston, however, were much closer to those of New York. Fear of crime and declining neighborhoods were major concerns for the Bostonians. Yet it is important to note that Boston did not develop as did New York, and although patrols were instituted, the Bostonians were not enamored with physical prowess. Again reference groups were different. Boston had long had a pluralistic tradition which newly arriving ethnic groups adapted to. The Boston Jewish community was also very different from New York. The youths who joined were much more sophisticated. Most attended the area's universities, with students from Massachusetts Institute of Technology and Brandeis among the JDLers; a Harvard graduate student headed JDL for two years. The sophistication of Boston's JDLers led to their differing traditions. Yet those in Boston readily agree that they gained by sharing the same name as the "crazies" in New York. Without New York's reputation, Boston and Washington would never have gained the coverage they did.

Physical prowess and firearms were symbolic for New York JDL. The "JDL Movement Handbook" reads:

> . . . a new Jew arose from the mound of corpses at Auschwitz, Treblinka and Buchenwald. From the ashes and decay of the holocaust comes the philosophy of

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> the Jewish Defense League. An organization whose hallmark is action.

Jews were not going to take things "lying down" anymore. "I have often said that when I've had contact with anti-Semitic groups," Kahane told a radio audience, (Dolgin, 1974:95) "that it's got to be man to man. If it's not man to man, if you're not willing to have it on a man to man basis, then it again will be pig to pig, but never again will it be man to pig with us the pigs." With guns, never again would JDL be pigs. Or as Kahane put it, "[t]he Jewish Defense League was formed to change an image, and frankly we don't give a damn what you think of us." (Esquire, August 1972)

VI. Police Suppression.

Law enforcement authorities were not immune to such talk and growing concerned about JDL's flirtation with violent rhetoric, they began infiltrating the League. The New York City Police Department had at least three of its agents join the League, the Treasury Department sent down one of its own investigators, and after armed JDLers were caught boarding a plane at Kennedy Airport, the Treasury Department augmented the number of personnel tracing the illegally acquired guns.

This external social control culminated in numerous indictments at the zenith of JDL's 1971 harassment campaign. The FBI initiated a series of clumsy wiretaps, the Treasury Department determindely set out to apprehend

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JDL's gun smugglers and tried to entrap others by offering them cut rates on Browning submachine guns, the State Departmnent pressured Justice Department officials to prosecute JDL, and both departments repeatedly prodded Mayor Lindsay to crack down on the League.

To a certain extent this pressure was deserved; New York officials could not let the League continue their use of explosives. However, the pressure was applied rather indiscriminately against JDL members, with many in Boston complaining about the FBI's heavy handed manner. FBI agents began harassing Boston JDL members by visiting them at their places of work, and by bringing their activities to the attention of their employers, this despite the perfectly legal nature of Boston's chapter.

VII. The Decline of the League.

There are a number of different reasons for JDL's decline: most obvious was law enforcement suppression. Despite outward defiance, the hard core JDL members singled out for indictment were in no position to fight the government's efforts at control. The government's legal resources were virtually limitless, and the mere fact of indictment and arrest was enough to keep members off the streets. In Hershkovitz's case, unable to raise bail, it was effective in keeping him imprisoned for months.

The threat of arrest was very effective in depleting the League. There were those who fled to Israel; some

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defected and severed their ties with the League; others were too preoccupied with their own legal vulnerability to continue. Since there were at most only a few dozen people involved in JDL's hard core activities, removing these people or threatening their freedom with long court fights was enough to quash the League.

JDL's own mutually conflicting goals speeded up this process. JDLers were at the same time both members of a legal organization and an underground organization. As a legal group, they tried to gain attention by organizing rallies, newsconferences and picketing. But at the same time, these people were the ones involved with illegal firearms and with explosives. It was never possible to be a legal and an underground group all at the same time. Publicity in one area, merely brought unwanted police attention to the other.

With the adoption of the bomb-newsconference tactic, the League entered a stage of contradictory goals: if they were effective in drawing attention to their cause through a bombing, they inevitably invited a response from law enforcement authorities; success in one area invited destruction in the other. In this stage, JDL's goals were in conflict with each other.

Kahane was aware of this inherent contradiction and often toyed with the idea of having an illegal underground supported by an effective aboveground apparatus. He never

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did undertake this division of roles with JDL and the political machinery was never divorced from the illegal activities.

While Kahane was ultimately responsible for this never taking place, one can argue that this was more an error of omission rather than of commission. But Kahane was greatly responsible for some errors of commission, inappropriately divulging information that was damaging to the League. In August 1969, in retaliation for an Arab hijacking, JDL raided the PLO office in New York but thought it imprudent to claim responsibility. Four days later, at a time when only the police, the victims and the attackers knew of the raid, Kahane wrote an anonymous article in the Jewish Press proclaiming: "El Fatah Office in New York Raided." The article described the event and by the type of details given, it was obvious the piece could only have been written by someone well acquainted with the action.

> The . . . office . . . was . . . raided . . . by three men who rifled . . . and took away important documents. . . . Two employees were unharmed . . . . The Jewish Press learned of the New York raid on the Arab office through an anonymous phone call Monday and later received several documents that came from that office. (Jewish Press, 5 September 1969)

Mohammed Mehdi, secretary general of the Action Committee on Arab-American Relations, brought attention in his paper to the Jewish Press article.

> The Jewish Press of September 5, published an 'exclusive' report of the raid although at the time it was known only to law enforcement agencies, the PLO and the perpetrators. Later, Rabbi Kahane . . .

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> appearing on Channel 5 WNEW-TV, said that the JDL not only assumed responsibility for the raid but that it was direct retaliation for the commandeering of the TWA aircraft. (Action, 15 September 1969)

Although in this case no one was ever indicted or brought to trial as a result of Kahane's indiscretion, Kahane was just as communicative other times, to the consternation of those around him. In 1970, during the second summer camp, Kahane in the presence of Rosenthal, spoke about all the weapons JDL was planning to acquire, despite Cohen's attempts to silence the JDL leader. By then the JDLers strongly suspected Rosenthal, and Kahane was far from being discreet in so openly talking in front of the police agent.

JDLers, in their inconsistent behavior towards the undercover police, merely increased their chances of getting caught. Chaim Bieber, suspecting the office might be bugged, wrote down his request for guns and gave it to Mark Gold, the Treasury Department agent. When Bieber thought of forming an internal security group, it was Rosenthal to whom Bieber turned. JDLers suspected their phones were tapped and never discussed any of their illegal activities over it, yet Sheldon Davis telephoned Eli Schwartz for the combination to JDL's safe. The FBI duly recorded it. (log of 18 April 1971) JDLers often suspected Rosenthal to be an undercover agent, yet their behavior towards him was greatly inconsistent. Once, Rosenthal complained about a legal hitch he was having in getting a permit to carry a weapon. Not particularly

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impressed with Rosenthal's dilemma, Schwartz laughed and said, "As a cop you should have no problems registering handguns." But three days later, Schwartz showed the undercover agent a micro switch, explaining how it could be used to detonate a bomb.

"JDLers were suspicious of you at first," a researcher doing a study on JDL explained, "but after the first five minutes you were a trusted member. The women in the office were giving me a hard time, but Bennet Levine happened to walk in and he told them, 'Oh, she's alright. She was at a demonstration last week.'"

By the amount of energy devoted to the subject, one would think that the JDLers were more apprehensive about one of their number being a possible informer to the Anti-Defamation League, than by the threat of government agents in their midst. When it came to discretion and secrecy, League members were imprudent novices. "You could call us the 'gang who couldn't shoot straight,'" Ari Ilowitz once said. "Yet what was amazing was what we managed to accomplish despite it all."

VIII. The Hurok Fire and the Decline of the League.

Sheldon Seigel, a secret police informer, facilitated JDL's decline, because with an informer in their midst, there existed no possibility of mutual trust. No organization could function with everyone under suspicion. This stage of external social control received its greatest impetus from the defection of Seigel. Until that point,

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despite all the governmental efforts to thwart JDL, law enforcement authorities were unable to apprehend and convict League members. The police had no evidence to indict the bombers although they had an accurate idea of who they were. With Seigel's cooperation, officials were able to finally penetrate the League.

Seigel, however, only reluctantly cooperated with federal officials. It was only after the Hurok tragedy that Seigel turned less reluctant. As the bomb's architect, he had great motivation to extract himself from the legal morass he found himself in. However, the more he confessed, the worse his plight became and in a never ending attempt to remove himself, he divulged more and more.

The Hurok firebombing led to the ineluctable demoralization of the League and to its inevitable decline. Fearing grand jury investigations, a handful of key JDLers fled to Israel, constantly maneuvering to avoid American efforts to extradict them. Those who remained in the States, were more inclined to save themselves, than to continue their League activity. And there were those, who disillusioned over the death of Iris Kones, lost interest in the League's actions, abandoning JDL in pursuit of other activities.

IX. Kahane's Abdication.

At this most crucial time, Kahane abdicated his leadership, moving to Israel instead of overseeing the League. He began losing interest in JDL (it's interesting

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to note that the Hurok firebombing took place while Kahane was away in Israel, leaving the JDLers pretty much unsupervised) and finally deciding to run for the Knesset, he found his JDL connection embarassing. So while JDL was floundering in New York, Kahane in Israel, was severing his connections, using JDL only as a vehicle for funding his campaign.

Kahane lost the elections, and not winning a Knesset seat, he resigned from the League.

> In the face of too few people, too little talent and too few funds, JDL cannot do what must be done. . . . I cannot spend precious hours, days and months of time and energy on fund raising, and petty organizational matters. . . . Freed from the burdens of organizational work, fundraising and petty problems, I will be able to devote all my time to speaking, writing and reaching all Jews. I will be able to speak the total Jewish truth with no limitations.
> (Hatikvah, May 1974)

Five months later, Kahane returned to the "petty problems" of JDL. With renewed interest he returned to New York taking over a greatly demoralized League. He never explained his reasons for returning, but one may speculate that failing in other endeavors, JDL provided him with his only vehicle for expression.

Many of the veteran youths resented Kahane for abandoning them, and were less than enthusiastic about his return; they also disapproved of the adults who funded Kahane's campaign. The adults on the other hand, distrusted the youths, fearing they were responsible for misappropriating JDL funds. More than ever before, Kahane found himself immersed "in petty organizational matters."

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The two factions were irreconcilable and at the end Nat Rosenwasser, chairman of JDL's board of directors, obtained a court order -- with Kahane's permission -- enjoining Zweibon, Cohen, Joffe, Garfinkle, Davis, Ilowitz, and three others, "from holding themselves out as the Jewish Defense League . . . and collecting funds on behalf of the Jewish Defense League." (Rosenwasser against Cohen, 27 September 1974) The division within JDL was now complete.

"A general housecleaning has taken place and the brief era of mindlessness is over," Kahane announced in the Jewish Press. (27 September 1974) "We return to the mature days of strength with sanity and militancy with normalcy."

Kahane never explained what normalcy was, but he quickly began using the few remaining personnel to staff one man organizations. "Whereas in the past, Kahane would have many people around an organization," Sheldon Davis later commented, "now he has many organizations around one person." Within a few months, Kahane had created no less than eleven new 'organizations.'

Kahane was no stranger to forming single issue groups. Since JDL's founding a number of organizations had been formed: Jewish Political Action Committe, to defeat Mayor Lindsay; Free the Prisoners Committee, to raise bail for Hershkovitz; Fourteen-Twenty-One Coordinating Committee, to organize the 21 March 1971 rally in Washington;

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Student Activists for Soviet Jewry; Yeshivat Torah V'oz, an Israeli rabbinical military school, whose funds Kahane diverted to other causes; NAKAM, a group formed to counter Arab terror in Europe and America; Council of Oppressed Jewish Neighborhoods. (Jewish Press, 18 June 1971)

With the exception of the Fourteen-Twenty-One Committee and the Student Activists, which were mere fronts for JDL actions, these organizations never were more than just proposals in the Jewish Press. But all these groups had revolved around the activities of the Jewish Defense League.

With Kahane's return in 1975, the League, however, became nothing more than a conduit for his single issue organizations. In quick succession, Kahane formed the following: Shuva [return], advocating immigration to Israel; Democracy in Jewish Life [DIJEL], "direct open elections of Jewish leadership." (New York Times, 14 October 1975); Conference of Presidents of Major Activist Jewish Organizations, a paper group formed to taunt those members of the Conference of Presidents of Major Jewish Organizations; Jews Against Detente; American Jews Against Ford -- "I hereby pledge to vote against President Ford in 1976 unless he fires Kissinger and stops pressure on Israel to surrender its [administered] territory." (Newsday, 21 May 1975); Committee Against Israeli Retreat [CAIR]; Save Our Israel [SOIL]; Jewish Defense Corps, announced in 1975, it "would serve as a swift and expert defense group capable of immediately responding to attacks upon Jews." (Jewish Week,

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30 May 1975); Kach, the name under which Kahane ran for the Knesset, and an organization he revived from time to time; Union of Jewish Prisoners, obviously formed when Kahane was in Allenwood; the Jewish Identity Center, for educating youth, variously housed in Jerusalem or in Borough Park.

X. The Loss of JDL's Raison D'etre.

After nurturing the League and building it into an effective organization, Kahane changed his own priorities, and in the process, altered the League's goals. The League, originally designed to protect American Jews in their own neighborhood, was now being used to urge Jews to leave because they had no future in America. In 1968, Kahane wrote that "[t]he Jewish Defense League was created because we think that the American dream is worth saving and can be saved." ("A Manifesto") Four years later, Kahane had given up on America. "The United States is no longer the golden land," he wrote in an Op-Ed article in the New York Times (26 May 1972) ". . .and tomorrow looms as even less golden than today. . . [After the Holocaust w]hy should Jews gamble once again [and stay in America]?"

The original purpose of the League was no longer of concern to Kahane. Soviet Jewry too was no longer an issue. With B'nai Brith, ADL, the Congress and the Committee involved, one did not have to join JDL in order to work for the emigration of Jews from Russia. Therefore, the two most important issues raised by the League, street

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safety and Soviet Jewry, were now unavailable as rallying causes.

The adoption --one might even say cooptation -- of the Soviet Jewry cause by other organizations, illustrates Issac's (1971) finding that a social movement organization "without the support of any mass constituency, can indeed exert power, even if the power does not pass directly into their hands, through defining alternatives for action which are then adopted, not by the revolutionary party, but by the established order."

The transformation of values, therefore, occurred not by transferring power to the revolutionary group -- JDL, the carriers of alternative solutions, but by the piecemeal and unwilling adoption by Jewish leaders, of JDL's values, the very same values the leaders had previously rejected as invalid. JDL facilitated a revolution of values even though its members never held power. In this way, JDL represented an organization of Jewish public opinion, in a society which because of its structure, had little room for such movements. JDL's existence challenged the priorities of Jewish organizations, and although at the end the League succumed to all the surrounding pressures, established leaders had in the process, become more consistent with JDL's goals.

I stopped my research for this work in 1976, at a time when JDL's decline had become obvious. The League had turned from an organization bustling with teeming

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and unruly youths, into a group staffed by a frightened secretary hiding behind a locked office door. For a number of weeks in 1976, five people tried to emulate JDL's past 'glories.' In January, three bombs were put near the United Nations; three months later, another bomb was placed outside Amtorg, and one exploded outside Aeroflot. In April, four shots were fired into a Soviet residential complex. Although the Jewish Armed Resistance claimed responsibility for these actions, JDL received only but a fraction of the publicity it had received in the preceding years. Kahane was in prison for part of the time, and in Israel for the other. The little spurt of activity ended when in June, the FBI arrested Russel Kelner, twenty year old Steven Ehrlich, twenty one year old Jeffrey Weingarten, and seventeen year old Stephen Rombom. Their arrests signaled the concluding stage of JDL's disintegration.

Yet JDL has left a mark on the American Jewish community. First and foremost, JDL brought the problem of Soviet Jewry to the front pages of the daily papers. Although they were not the first organization to focus upon the issue, they were the first to gain widespread publicity for it. They created public recognition of the problem, and to use Kahane's words, JDL made "even the potatoe farmer in Idaho" aware of Soviet Jewry. With Soviet Jewry on the front pages of the Times, it became a national issue and not a local problem for the New York Jews.

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There have been those who have sought a conspiratorial nature to Kahane, and to his success with Soviet Jewish emigration. The [Beirut] Daily Star (23 February 1975), "the leading English language newspaper in the Middle East," writing about Meir Kahane and the "CIA connection," indicated that Kahane was "on the payroll of either U.S. or Israeli intelligence or both."

Is there evidence to bolster this sinister speculation? Initially there appears to be. Kahane's brother was a high official in the Israeli government; Joseph Churba, a former business partner of Kahane's went on to become the United States Air Force's top Middle East intelligence expert (New York Times, 20 October 1976); and there have been persistent rumors that Kahane worked for the FBI.

Yet there is no basis for assuming Kahane an intelligence agent. His brother was an official in the Ministry of Religion, one of the least influential ministries in Israel, and certainly not one involved in intelligence. And although Churba worked in civilian intelligence, he had nothing to do with JDL, and was never involved in it. Likewise, Kahane had never been an FBI agent and had little to do with them. Intriguing as it may appear, there is no basis for this conspiracy theory and all the facts point against it.

In a way though, it is too early to judge the impact of the Jewish Defense League. We are still too caught up in the events of the day. Kahane himself has been harsh

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in evaluating his own contributions. "I'm a spectacular failure," he once told me in 1973. "In every sense. Nothing that we wanted to do went over because the American Jewish leaders didn't have the brains, the vision, the courage. We said the right things. We said the truth and we had the vision, but we couldn't pull it off: not in poverty, not in education, not in anything. It is not enough to say that we moved the establishement to start [adopting Jewish issues like Soviet Jewry]. It's too little, too late."

Perhaps later generations will be kinder in judging Kahane.

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STUDYING JDL IN RETROSPECT

It was close to midnight one evening, when a JDLer whom I shall call Steve, called and asked if he could come over. Steve was one of the most active members of JDL and was extremely important for my study. He had been helping me reconstruct JDL's history, telling me about the 'behind the scenes politics' that had taken place. More important perhaps, was the fact that he was talking to me. Others were more willing to speak to me knowing that Steve was also cooperating. And so I was glad that despite the late hour, Steve was coming by.

What he did not tell me was that he was bringing two other JDLers with him, and that none had any intention of being interviewed. When I opened the door, I suddenly found myself face to face with two other uninvited men. I suppressed my initial inclination to slam the door shut in their faces. Doing so would have destroyed the rapport that had developed between us, and would have ruined the weeks it had taken us to become comfortable with each other.

All three had been repeatedly indicted by federal

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grand juries and had faced numerous prosecutions. By any standard, let alone by JDL's standard, these three were 'real heavy-weights.'

That afternoon, I had casually mentioned to Steve over the phone, that I had learned that before one of JDL's bombings, the activists had concealed the bomb under a blanket and were taking it over by car. The woman sitting above the blanket was in constant terror that the bomb would go off while they were still in the car.

I had mentioned this to Steve because I wanted to let him know what I had learned. My fear with all the JDLers was that they would grow suspicious of my research and would cease cooperating with me. To alleviate that fear, perhaps to overcome it, I tried to share with my JDL contacts what I had learned. A more subtle reason of telling them what I had found out, was my hope that this would elicit some comments from them; perhaps they would correct me or add to what I knew. Moreover, I had found that the more I knew, the greater was their ease in talking to me. First of all, I then had the ability of asking the right questions, and even more so, JDLers at times incorrectly assumed that I knew more than I really did, and consequently, were much more talkative. It never hurt to make believe that I knew everything.

This technique often helped me, but not with Steve that afternoon. What I forgot was the intense fear they had, that the government was still interested in prose-

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cuting them, despite their having left JDL three years prior to my contacting them. By force of habit, Steve always checked the bus stop and fire plug outside his parents' apartment to see if there were any men in unmarked cars, the telltale sign of police waiting to follow him. He always monitored his car's rear-view mirror for the same reason.

Joseph, the second man at my doorstep, had until then refused to speak to me. Notorious for avoiding police tails by driving down streets the wrong way, federal authorities routinely followed him each time an important Russian diplomat came to New York. Whenever he was being followed, he knew a Russian was in town.

The third man had been among the earliest founders of JDL. JDLers held him in awe for the elegant way he behaved during steet fights: he would simply pick up his rival and toss him a few feet.

When I opened the door that midnight, I knew the three hadn't come to help me with my fieldwork. Slamming the door or refusing them entry, would mean a major set-back for my research. Of course, there was the dubious question whether or not I could even succeed in preventing their entry. I was hardly a match for one, let alone three of them. And so, I let them in.

There were two things I feared. While I wasn't apprehensive about my personal safety, I was afraid they might take my notes and various other research materials

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that I had collected. My worst fear was that they had decided to thwart my research. One negative word from them, and many 'JDL doors' would be shut to me.

While they didn't say so, I realized my casual comment about the bomb in the car, had gotten them greatly apprehensive. My research was going into areas that were threatening to them, for I had stumbled onto things that even the police didn't know about, and for which, no one had been arrested. "A lot of people can go to jail for that," Steve said. "Why do you have to go into those things? When we started out, I had no idea you'd end up with this. This is dangerous stuff." Steve thought I should leave these areas and stick to the politics of the League.

Joseph's solution was simpler. "You'd better pick a new topic," he said. "And don't you dare speak to Sheldon Seigel." I saw that Steve didn't really concur with this and it seemed that they hadn't coordinated their strategy. The third man kept out of the conversation, glancing at the books lining my walls. Later, I found out that he had come along just to make sure they didn't try any "ruff stuff" on me.

The meeting ended after half an hour, and was something of a draw. Nonetheless, I was fairly agitated. When I later spoke to Bertram Zweibon, he said that he heard that I had some midnight guests. Steve must have told him about it and in an attempt to safeguard my records, I incorrectly told Zweibon that I now kept everything in

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a bank vault. In truth my records were too voluminous for anything but the largest safety deposit boxes, and their cost was too prohibitive for me. But I wanted to thwart any idea they might have had about censuring or confiscating my research, and I figured I could only gain by spreading the rumor about my safety deposit boxes.

How did I initially gain Steve's confidence? To a certain extent I was fortunate in having the right connections. After Kahane, (who remained accessible to almost anyone) I wrote Zweibon telling him of my research and asking him if I could speak to him. By coincidence, Zweibon's law clerk was an alumnus of Queens College, and knew me because I had taught there. My identity as a legitimate researcher was thus verified right from the begining.

Perhaps just as important, JDL's Queens College coordinator knew me because, again by coincidence, I had dated one of her friends. These personal contacts helped to establish me as a bona fide researcher, and removed some fears that I might be an undercover agent. "It's the easiest thing in the world to pretend you're a student," one JDLer told me, "and go snoop around a place by pretending you're writing a report for school." The JDLers had often used such a ploy themselves, sizing up Russian offices by walking in and pretending they needed information for a report they were writing. These same JDLers feared they might be a victim of the same ploy, and these

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personal contacts were useful in establishing my legitimacy. I believe I could have gained their confidence even without these contacts, but knowing about me beforehand helped a lot.

My usual method of introducing myself, was to write to the person I was interested in seeing, telling him I was doing my doctoral dissertation on JDL and was interested in speaking to him in the hope that he could contribute to my research. When I started working on my dissertation, it was by then too late for any participant-observation. JDL was floundering as a movement and there were few people around. Many were no longer involved in JDL and the only way to speak to them, was by deliberately seeking them out.

Most everyone was enthusiastic about my research. They wanted JDL's history to be known to all, and welcomed the project as a way of recording for posterity, the actions they had taken. One or two were suspicious, and called up the Graduate Center to make sure I was a student there. They seemed reassured finding out that I was enrolled. That always left me bemused for I'm not sure what good their telephoning did; had I really been an undercover agent, I still could have registered for some course. After all, Richard Rosenthal joined JDL having first enrolled at Brookly College.

I almost always needed more than one meeting. By its nature, the first contact was more for mutual acquaintance,

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although that was never stated. But as I learned more, I was better able to probe and verify unclear areas. And this inevitably took a great deal of time, leading to further meetings.

My own biases should be noted. I was never a member of the Jewish Defense League, nor was I even an admirer of them. I had read about Meir Kahane and my impression from all the newspaper accounts -- before hearing him speak -- was that he was something of a crackpot. There were those whom I vaguely knew, who had joined the League, and they certainly bore out my impressions of JDL. They weren't very impressive: school dropouts, boorish, wild, uncouth, and goalless drifters who had joined the League, I assumed, for kicks and for lack of anything better to do.

Three years after JDL's formation, and before I ever thought of writing my dissertation on JDL, I went to a Soviet Jewry rally at Hunter College. The official sponsors of the rally did not list JDL, but once in the auditorium, Kahane was one of the featured speakers. He was persuasive, articulate, and made sense. He didn't advocate anything violent or dangerous, and he was very effective in reversing any biases I might have previously held against him.

The Jewish Defense League seemed relevant and controversial, and I decided to write about it for a graduate seminar paper. Although the League was topical, and articles about its activities appeared almost daily in the newspapers, very little had been written about its

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origin and its progression from street safety to international politics. There were also a number of specific questions that I had about the League. Upon purchasing the New York Times one Monday morning, I was very surprised to read that over 800 people had been arrested in Washington, D.C. There had hardly been any publicity in advance of the trip, and I was amazed that JDL could have managed such a feat without having any pre-event notification. How did they manage to get so many people to Washington?

As a Jew with strong communal ties, I had not been aware of JDL's Washington plans. Usually, demonstrations, sit-ins, lectures -- almost anything of note -- are publicized in advance, either during Saturday's synagogue announcements, or else conveyed through bulletin board notices, lamppost advertising or word of mouth. Since I had not heard of JDL's plans for the Washington rally, their success intrigued me.

Not all the news about the Jewish Defense League was as positive as their Washington rally. Kahane and some other followers were arrested on gun smuggling charges. His alliance with Joseph Colombo, a Mafia chieftan, was given extensive coverage, and I couldn't fathom what was going on. What was JDL doing with the Mafia? The Hurok firebombing and the death it caused, raised further doubts for me.

My first source of information was the Anti-Defamation League of B'nai Brith. Their Department of

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Research and Evaluation kept extensive newspaper clippings on JDL and with their cooperation, I systematically went about xeroxing their files. Before long, I had hundreds of clippings. Concomitant with my burgeoning files, was the realization that I was embarking on something much more extensive and lengthy than a graduate paper.

Once the newsclippings were put in chronological order, I had a fairly complete outline of JDL's history. Fleshing it out required that I interview a number of JDLers. Meir Kahane was first on my list, but he was in Israel. Israeli authorities had confiscated his passport and had barred him from leaving. The only way to speak to Kahane was to visit Israel, which I did. During one summer afternoon in 1973, we met at his Jerusalem headquarters, and in one sitting, I asked him all the questions that I had listed. I thought my work with him done.

Back in New York, I approached Bertram Zweibon, the other original founder and met with him. He recommended that I speak to a few of the former active members, which I did, and they in turn referred me to others. Wanting their history complete, they urged me to speak to their friends. "If you really want to know what happened," they'd tell me, "then you must speak to so and so. He was really important." In this way, my list of contacts expanded and snowballed. Through these referrals, I spoke to all the major activists living in New York, with the sole exception of only three: Josh Joffe, Neil Rothenberg,

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and Sheldon Seigel. I also spoke to the major activists in Boston and Washington.

When people didn't come up with any new names to contact, I realized that my list of JDL activists was complete. There was another way of verifying that I had spoken to all the important JDLers and that was by checking the list of those indicted on federal charges. There was almost a perfect correlation between those who were on my referral list, and those who were arrested on federal warrants. By this snowballing method, I ended up speaking to all those put on federal trial, with the exception of the three mentioned. The federal indictments, therefore, served as an independent means of verifying that I had spoken to all the major activists.

As I learned more about the League from these people, I was able to go back and double check on events. With few exceptions, I spoke to these contacts a number of times. Thus, I was able to go from my first contact, and using his information, go and speak to a second. Combining information from both, I'd make a list of questions for my third contact. In this manner, I could go and check on all my sources, clarifying ambiguous or discrepant information. The more I knew, the greater was the comfort of my sources in talking to me. At times, my sources assumed incorrectly that I knew about certain events, or that I knew the role specific activists played in that event, and based upon these false assumptions, my

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sources would talk openly about these people. Thus, I became the beneficiary of unintended confidences.

By using these personal histories, oral histories if you will, I was able to weave a more accurate account of events and situations. I had the luxury of time, and the confidence of my sources. One result was my ability to check details: dates, participants, motivations. It also enabled me to resolve discrepancies.

The Jewish Defense League was fortunate in its ability to attract extremely talented and eminently qualified legal representation, and to these lawyers I owe much thanks for providing me with massive amounts of documentation. The federal trials of JDLers produced thousands of pages of transcripts, and contained the sworn testimony of law enforcement officials such as New York City Police, Treasury and FBI agents. I had found out why the JDLers did what they did. From these trial transcripts I found out how the JDLers did it, and how they got caught.

The federal trials were rich in information. Apart from the trial transcript -- gripping courtroom drama in itself -- the government produced supporting evidence which was extremely useful: surreptitious tape recordings of JDLers made by undercover agents; recordings of telephone conversations; wiretap summaries of phone conversations made both on the JDL telephones, and on their home phones. During the entire month of October 1970, and

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between January 7 and July 1, 1971, nine agents of the Federal Bureau of Investigation monitored six telephone lines belonging to the New York City offices of the League. The FBI agents intercepted hundreds of telephone conversations during these seven months. Rather than transcribing them, the agents followed standard procedures and summarized the contents of the conversations. These wiretap summaries, logs as they were called by the FBI, are a rich source of information documenting not so much JDL's criminal endeavors, as their daily activities. It is almost a daily chronicle of JDL action: who would go to Queens to put up posters about a future demonstration; what's the combination to the office safe; where was Meir Kahane going to speak, and how was he going to get there?

The daily wiretap log provided insights into routine operations of the League, a focus that was lost in the riveting attention that the bombings drew. The individual wiretaps and the recorded conversations also provided me with direct quotes of conversations and I was able to incorporate some of it into this study.

The wiretaps proved invaluable to me in anther way. The existence of the wiretaps was first disclosed -- while still in operation -- during the pretrial hearings of a criminal action brought against some members of JDL in New York. Eventually, those JDL members whose conversations were recorded sued the government for illegally monitering

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their telephones. The government had never obtained any court warrant authorizing the wiretap, nor had any judicial authorization been sought. The Omnibus Crime Control and Safe Street Act of 1968 authorized those whose conversations were unlawfully intercepted to recover "actual damages" of one hundred dollars for each wire-tapped day, in addition to punitive damages, attorneys fees and litigation costs. Accordingly, JDL sued John Mitchell, the Attorney General, and the nine FBI agents for $732,800.

The merits of the case aside, the suit was beneficial in getting the government to also reveal other classified documents. In his defense, Mitchell released "confidential" State Department cablegrams between Foggy Bottom and the American Embassy in Moscow. This cable traffic clearly demonstrated how effective JDL was in converting petty mischief into international and diplomatic incidents. An ink bottle thrown at the Soviet U.N. Mission in New York, or a collect telephone call to the Soviety Embassy in London, became the grist for Russian diplomatic protests at the highest levels. Mitchell had these cablegrams released to demonstrate the validity of using the President's national security powers to wiretap JDL. In any event, the cablegrams helped broaden the picture of JDL activities, and after some League action, not only could I describe what happened, but I could also provide the diplomatic repercussions of that incident.

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JDL's attorneys who worked on the federal trials were generous with their time and greatly helped me in my understanding of the issues involved. I also made use of their extensive files, xeroxing briefs, trial transcripts and other government records that they had in their possession.

Using these records, I approached law enforcement officials and spoke to the assistant United States Attorneys who had served as prosecutors in the JDL trials. I also approached the undercover police who had infiltrated the League, and although one refused to speak to me -- he planned to write his own book, another not only spent hours talking to me, but also gave me all the police records that he had written while undercover. His reports, paralleling the wiretap logs, provide a daily account of JDL interests and served as an excellent documentary source.

My initial hunch that law enforcement officials would be extremely reticent in talking to me proved incorrect. I had feared that they would refuse my request to see them on the grounds that the government was still continuing its investigation of JDL. Surprisingly though, I got to speak to many of the assistant United States Attorneys; they were perfectly willing to talk. I wasn't sure how I could go about locating the undercover agents, but that was even simpler than I had thought. They had joined JDL using their real names in order to maintain as legitimate a front as possible, and I had

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only to call up the main headquarters of the police department and ask for the precincts they now worked at. I then wrote them at their precincts and introduced myself.

In reconstructing JDL's history, therefore, I had the newspaper accounts of various incidents. I also spoke to the key JDLers involved, their attorneys and the government personnel. Adding to this was all the extensive documentary material I had collected: trial transcripts, State Department cablegrams, wiretap logs, undercover New York City Police Department reports, and Federal Bureau of Investigation reports released under the Freedom of Information Act.

The American Association for the Advancement of Slavic Studies publishes a weekly translation of the Soviet press, The Current Digest of the Soviet Press, which provided me with access to the many articles on JDL in Tass, Pravda, and various other Russian newspapers. Besides giving me the Soviet viewpoint, it often served as confirmation for some of JDL's activities. One JDLer told me how he stood in Brooklyn at the corner of Kings Highway and Coney Island Avenue, and from a public phone booth, had placed a collect call to the Soviet Embassy in London. He told the operator he was Senator Birch, a non-existent Senator, and wanted to speak to the Soviet Ambassador in London. When some Embassy official answered the phone, the JDLer screamed in Russian, "Free Soviet Jews," and hung up the phone.

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JDLers in Washington told me of similar stories, but I didn't find any outside sources reporting on these events. I was very excited therefore, to see Izvestia mention the telephone calls in one of its articles.

Of course, JDL itself had produced a large amount of literature, and this proved very useful. More difficult was collecting this literature: the files of the League were nonexistent. Individual JDL members, however, had saved material and the librarians at the Zionist Archives in New York, had the foresight to collect and save much of what was published that had come into their hands. At the Zionist Archives, I uncovered JDL's newsletters, and a year's worth of press releases which illuminated the reasons for the League's activities. Almost all those I interviewed remembered what they had done while active in the League, though hardly anyone remembered the reasons for their actions. The press releases put their activities into some kind of political context.

Jewish communal organizations such as the Anti-Defamation League of B'nai Brith, the American Jewish Congress, and the New York Federation of Jewish Philanthropies allowed me access to their files, although on a more selective basis. From these organizations, from Jewish periodicals, and from Kahane's writings, I was able to gain enough material to focus on the relationship between these organizations and the Jewish Defense League.

By this time I realized that my one meeting with

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Meir Kahane was entirely inadequate. I had discovered much new material and my list of questions for Kahane had expanded with each new discovery. Fortunately for me, he was at this time confined to a half-way house on the West Side of Manhattan. Knowing where he was -- a captive audience one might say -- I began visiting him at the Federal facility and spoke with him at length. When he was transferred to Allenwood Federal Penitentiary, I went twice to visit him there also.

Helping me also were the letters Kahane had sent to various JDL members. There were those with some historical perspective who had saved the letters and allowed me to read them. Between Kahane's words, letters, and newspaper writings, my dilemma became reversed. Rather than facing a dearth of information, my job became deciding what to eliminate and what to include in this work.

All this information, of course, helped me in my personal interviews with other JDLers. My newspaper clippings did give me a basic structure on which to build, and if I was ever stuck on what questions to ask, I could always ask my informant -- a word every JDLer hates being described as -- his version of what happened. Eventually, after I became familiar with all the new names thrown at me, I began making up in advance of our meetings, lists of questions to ask. A few JDLers were excellent story tellers, and needed little prompting from me to logically construct their oral histories. I felt fortunate each

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time I met one. Eli Schwartz and Alex Sternberg both had a very good eye for narrative detail, and their oral histories considerably fleshed out my work. The same can be said of the Perls.

Occasionally, I found myself in contact with those who refused to talk with me, and trying to work around them proved challenging. I never did try to pose as a salesman, or take on another's identity just to get information, but other ways remained. Some JDLers, for example, told me of a raid they had made at the (now defunct) New York Cultural Center. There was no reference in the newspapers to this raid, which seemed odd since the JDLers believed they had heavily damaged the exhibition. I wanted to confirm this raid and approached officials at the Cultural Center. The executive director of the Center refused to talk to me when I called him about it, and referred me to the State Department. He didn't even want to confirm that such an incident had taken place. Taking an alternate route, I contacted the head of maintenance who vividly remembered the incident because he had to remove the defaced canvas walls on all four floors of the exhibition.

There were similar alternatives when a JDLer refused to talk to me. I was able to work around them by asking others about their contribution to JDL. Federal trial transcripts also helped document some of the activities that they had participated in.

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My great disappointment, however, was my failure to get Santo Parola and Sheldon Seigel to talk to me. Seigel lived in Brooklyn, had an unlisted telephone number, and of course, had no contact with the other JDLers. I tried contacting him through his father-in-law, but his father-in-law didn't want to cooperate. I asked Seigel's former attorney, Alan Dershowitz, to forward a letter I had written, but I never heard from Seigel.

Santo Parola worked at Police Headquarters and I contacted him there. First he said I would have to obtain permission from the Police Department before he would talk to me. Once that obstacle was removed he managed to find others. He sounded cooperative, but somehow he never had the time to see me. First on vacation, then out on the job, he always got out of our scheduled meetings. One time he said I could come down to speak to him, but when I got to Headquarters, I was told he was "out." Confronting him later on the phone, he said he stepped out for coffee and told those in the office he'd be back. "Somehow the message got garbled," Parola said. After fifteen attempts, I gave up and relied only on his trial testimony.

A constant dilemma in my interiews, though, was how to preserve the information being given to me. If I didn't write things down, I feared I would forget important details. But writing had its own problems. It restricted eye contact, and limited my ability to respond and question.

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Rather than eliciting new information or probing discrepancies, I feared I would devote too much energy to getting everything down of paper.

Tape recording my interviews, solved these problems but created others. People stiffened, became conscious of their words and spoke less. Tapes also preserved the hours of small talk and irrelevant asides that I had little use for, and going over them afterwards took days. Shutting the tape on and off depending upon the context, proved disruptive, and occasionally when I did it, I even forgot to turn on the tape when I should have.

This was true even of those most used to having their words recorded. Inevitably, after I turned off the tape recorder, the attorneys to whom I was speaking, started talking freely and comfortably. Yet just minutes before, these same attorneys were giving me terse replies.

I never solved the tape recorder problem. I always brought it with me, trying to size up my informant during our first meeting. At times, I took notes, soon graduating to the tape recorder. At other times, I did nothing but listen and once out of their sight, I'd sit down and desperately try to write down all the details that I'd learned.

At the end, though, I had pages of notes and hundreds of pages of tape transcripts, and I began the lengthy process of weaving all this information together with all the other data I had collected. This work is a result of that process.

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APPENDIX

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A CHRONOLOGY

1968

24 May
First ad for the Jewish Defense Corps is placed in the Jewish Press.

18 June
Founding meeting at West Side Jewish Center.

30 June
Meeting at Congregation Adas Yeshurun in the Bronx.

5 August
First protest demonstration at New York University against Hatchett.

31 October
JDLers guard Montefiore Cemetary to prevent Halloween vandalism.

1969

11 January
Picketing of JHS 271, Campbell's school.

16 January
Fighting erupts while Campbell speaks at PS 50.

19 January
Picketing of "Harlem on My Mind," an exhibit at the Metropolitan Museum of Art.

22 January
JDL files a Show Cause Order to fire Campbell and Vann.

26 January
Protest outside radio station WBAI, after the reading of an anti-Semitic poem.

30 January
Second demonstration outside WBAI; eleven attempt to disrupt station's broadcasting.

Metropolitan Museum withdraws "Harlem on My Mind."

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Counter-picketing a Manhattan Center rally advocating local "community control" of school boards.

18 February
Guarding of polling places, during elections of Crown Heights Community Corporation.

24 February
Fighting erupts at PS 261 in Brooklyn, after JDL is called to oppose local militant parent group. Black woman strikes Calderone's head with water pitcher.

25 February
JDL takes over a ½Board of Education meeting.

7 March
JDL protests outside Thomas Jefferson High School, denouncing an anti-white assembly, and the stabbing of a white sytudent on March 1.

Students riot at Eastern District High School.

10 March
JDLers escort Rideon Goldberg, dean of students of Eastern District High School, into his own school.

16 March
JDL pickets Board of Education headquarters and loudly booes arriving Mayor Lindsay.

1 May
JDL obtains a court order to open City College, closed after black rioting.

6 May
JDLers rally at City College.

10 May
JDLers guard Temple Emanu-El from takeover by black militant demanding 'reparations.'

1 June
JDLers, after marching in Israel Day parade, beat up picketing Nazis.

5 June
JDL pickets baseball talent draft at Americana Hotel, ridiculing the concept of quotas by demanding, tongue in cheek, that baseball teams be 26.2% Jewish.

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24 June
"Is This Any Way For A Nice Jewish Boy to Behave?" ad placed in the New York Times.

7 August
JDL guards stores in Passaic, N.J. after black rioting.

13-15? August
Guarding of Selsky's Bungalow Colony.

22? August
Liberty bowling alley brawl.

29 August
Retaliatory attack on PLO office.

4 September
Solidarity With Israel Rally denouncing Arab terror.

20 September
March to Arab UN missions, protesting Arab terror. JDLers beat up Nazis picketing rally.

1 October
A JDL delegation petitions Justice Department to deport Arab students violating their terms of entry.

6 October
JDLers disrupt Mayor Lindsay's speech at PS 100. Anti-Lindsay ad -- "We Remember, Do You" -- placed in New York Times.

7 October
Lindsay poorly received by some at Sheepshead Bay synagogue.

Lindsay meets with editor of Jewish Press. Kahane leaves his job at the paper.

20 October
Kahane's second anti-Lindsay ad in the Times.

6 November
New York City Police Department begins infiltrating the League. Rosenthal applies for membership.

9 Novemeber
Philadelphia JDLers picket speech, given at Main Line Reformed Temple, of Muhammed Kenyatta, regional director of Black Economic Development Conference.

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19 December
Five arrested trying to picket in front of Soviet Mission.

25 December
Successful picket in front of the Russian Mission.

27 December
Start of the One Hundred Hour Vigil.

28 December
Children's Brigade attempts to picket Russian Mission.

29 December
Coordinated raid on Aeroflot, Tass and Intourist. Russian airplane at Kennedy Airport is spray-painted.

30 December
Riot outside Soviet Mission after police refuse to allow agreed upon picketing in front of Mission.

1970

14 January
JDL assists in burying deceased during grave diggers strike.

15 January
Thirty JDLers picket Chase Manhattan Bank on Seventh Avenue and 36th St. protesting the bank's anti-Israel stand. Kahane shouts at depositors to withdraw their money from the bank.

20 January
Times refuses to publish JDL's ad condemning Leonard Bernstein's fund raising party for Black Panthers.

21 January
Newsconference condemning Leonard Bernstein's fundraising party.

Sit-in at Hurok's office protesting importation of Soviet artists while Russian Jews are deprived of their religious rights. One protestor drops match onto Hurok's floor and burns hole in rug.

24 January
Demonstration outside Moscow Philharmonic performance at Brooklyn College.

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26 January
JDLers picket Bernstein's Lincoln Center concert.

Meeting with Hurok. Telegrams sent to State Department and Soviet Ambassador advising of cultural disruptions.

31 January
Performance by Valery Kiimov disrupted at Garden City High School.

4 February
Sit-in at Hurok. Twelve arrested for trespassing.

12 February
Kahane has meeting with Hurok.

23 February
Fifty JDLers demonstrate outside Federation offices.

24 February
JDLers go to Washington to protest visit of French President George Pompidou. Twenty arrested.

2 March
Picketing in front of Waldorf Astoria, during dinner honoring Pompidou.

12 March
Demonstration at New York Cultural Center over "USSR Photo ,0".

23 March
Ten JDLers picket in front of New York's Federation of Jewish Philanthropies, while 25 more occupy the executive offices.

24 March
JDL goes to Crown Heights Community Corporation to confront Sonny Carson.

26 March
Yasha Kazakov stages hunger strike opposite United Nations to generate publicity. He wants Russia to permit his family to emigrate to Israel. JDL guards him through the night with "Betsy," their shotgun.

29 March
Demonstration near Soviet UN Mission.

30 March
Vigil with Kazakov continues.

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1 April
Sit-in at US Mission to UN; Kahane speaks to Ambassador Yost.

5 April
Demonstration at Egyptian UN Mission; later, a counter-demonstration outside Judson Memorial Church at Washington Square which was taken over by Arab group.

19 April
Passover eve, Kahane conducts a seder in front of Soviet Mission; he and 25 others chain themselves to Mission's fence.

29 April
Kahane demands two minutes to address panel at Convocation on the Challenge of Building Peace.

3 May
JDLers attack Nazis.

6 May
JDLers guard five whites at school meeting in Crown Heights. Other seventy people are black.

7 May
Demonstration at Black Panther headquarters in Harlem.

11 May
Laurie purchases guns in Virginia; he and Joffe return with them to New York.

17 May
Demonstration at French Mission against heroin smuggled in from France. "That French wine you drink probably hid heroin."

20 May
JDLers harangue Soviet Mission from Park East Synagogue. Alex Sternberg challenges Police Inspector David Fallek to a fight.

22 May
JDL attacks PLO office in New York in revenge for murder of 12 on Israeli school bus.

25 May
JDL forges American Communist Party paper purporting to denounce Soviet persecution of Jews.

26 May
Demonstration in front of Soviet Mission and Lebanese Mission.

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31 May
Nazis attacked.

11 June
Kahane gives Laurie $2,200 to purchase guns in Virginia.

13 June
Steve Lang disrupts National Renaissance Party meeting and is arrested for a previous assault.

22 June
Demonstration outside Soviet Mission after eleven Jews arrested for hijacking in Leningrad.

23 June
Amtorg takeover. Twenty seven arrested.

28 June
JDL national convention.

Kahane and Calderone arrested in Williamsburg.

24 July
First attempt to firebomb black community center in Crown Heights in revenge for burning of the Jewish Community Council.

29 July
Attempt to 'purchase' Soviet estate in Glen Cove.

16 August
Start of One Hundred Mile March for Soviet Jewry; rally at Liberty Bell; four JDLers arrested for weapons violations.

18 August
Attempt to bomb black community center in Crown Heights.

25 August
Cohen manufactures JDL's first successful bomb.

16 September
Demonstration against Arab hijackings of 6 Sept.

21 September
Second rally at Dag Hammerskjold Plaza against Arab hijackings.

27 September
Avraham and Nancy Hershkovitz arrested, thwarting JDL's plans to hijack an Arab plane.

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28 September
Philadelphia JDLers picket Moisiyev Dance Company performance.

1 October
FBI begins national security wiretap on JDL office.

6 October
Demonstration outside of Madison Square Garden protesting Moisiyev Ballet.

Bomb blast heavily damages PLO office.

Bureau of Alcohol, Tobacco and Firearms (Treasury Department) begins investigation of Gilbert Laurie.

7 October
Harry Pearl arrested for giving incorrect statements to help Hershkovitz obtain false passport.

Counter-demonstration of rally held by Students for a Democratic Society at Columbia University. Scuffle between opposing sides.

Disruption at 11 P.M. of reception held in honor of Moiseyev Ballet.

11 October
Laurie flees to Israel to avoid arrest for purchasing guns used in attempted hijacking.

12 October
Patrol of Borough Park after 50 Puerto Ricans attack synagogue on Yom Kippur.

16 October
Disruption of Palestine Solidarity Meeting sponsored by Columbia University's Youth Against War and Fascism.

17 October
Police discover Borough Park arms cache.

18 October
A JDLer disrupts a Federation fund raising committee meeting in Seagate, Brooklyn.

20 October
JDL patrols Borough Park after Jew is stabbed.

25 October
Nine attempt to disrupt a Federation fund raising breakfast in Seagate, Brooklyn.

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28 October
JDL demonstrates against Bella Abzug at her campaign headquarters.

30 October
FBI ends national security wiretap.

2 November
Twelve occupy Federation's seventh floor executive offices, and disrupt the business offices of the Federation's president.

5 November
Fifteen JDLers are prevented from entering Federation's fund raising dinner at the Americana Hotel.

16 November
Drop in on Heyman Day; protestors call Abraham & Company where Heyman, president of Federation, works.

18 November
JDL files suit to prevent Black Panthers from meeting at Thomas Jefferson High School.

JDLers attend PTA election at George Washington High School. Election is postponed when blacks disrupt meeting.

19 November
Sit-in at Albert Einstein College of Medicine, protesting the transfer of a Jewish doctor from Lincoln Hospital and replacing him with a Puerto Rican.

23 November
Over 100 JDLers protest start of Leningrad hijacking trial. Prayer service at the Park East Synagogue. Marilyn Betman and Gary Shlian drive rented car through police barriers.

25 November
Bomb explodes in front of offices of Aeroflot and Intourist.

5 December
Philadelphia JDLers toss marbles onto floor where Moscow Circus is performing.

11 December
Soviet Union cancels forthcoming American tour of the Bolshoi Ballet and Opera Company.

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16 December
Justice Edward Greenfield signs restraining order barring JDL from disrupting Federation's activities.

27 December
Start of the second One Hundred Hour Vigil. Over 2,000 rally at the intersection of Third Avenue and East 67th Street, protesting the start of the Leningrad hijacking trial. Kahane, Sternberg, and nine others are arrested.

1971

3 January
Demonstration at Soviet residence in Glen Cove.

4 January
Soviet Ambassador Dobrynin accuses American authorities of "connivance" in JDL's "criminal activities."

6 January
Soviets physically threaten US diplomat in Moscow.

Assistant Secretary of State Hillenbrand and Ambassador Dobrynin meet to discuss JDL.

7 January
FBI resumes national security wiretap.

Soviet delegations 'visit' American embassy to protest "Zionist hooligans."

8 January
Bomb explodes outside Soviet cultural building in Washington.

Kahane returns from ten day trip to Israel.

9 January
Russians begin harassing Americans in Moscow and vandalizing their cars.

10 January
Soviet Ambassador Dobrynin is recalled to Moscow.

Start of JDL's harassment campaign.

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12 January
Kahane arrested for failing to appear on a court bench warrant.

14 January
JDLers break Aeroflot's office window.

15 January
Sternberg arrested for weapons violations.

Start of FBI's wiretap on Seigel's house.

18 January
Start of grand jury investigation of JDL. Kahane called to testify.

Kahane, Sternberg, Joffee, Benett Levine and four others are indicted for assault and inciting to riot.

19 January
Kahane announces moratorium of JDL's harassment.

20 January
Fifteen JDLers sit-in at Columbia Artists.

24 January
'Expose' of Kahane published in New York Times.

28 January
Bomb scare interrupts opening night performance at Carnegie Hall of the Siberian Dancers and Singers of Omsk.

3 February
JDL ordered to turn over their files to federal grand jury.

10 February
Demonstration outside of Syrian Mission to UN.

Search warrant for Laurie's mother-in-law in Philadelphia.

11 February
Laurie's mother-in-law informs on him.

14 February
Resumption of JDL's Soviet harassment campaign.

15 February
Kahane and seven others arrested for harassment.

16 February
Laurie arrested as he tries to board an EL AL flight to Israel.

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18 February
Officials at Internal Security Division of Justice Department meet with Laurie's brother-in-law.

19 February
ATF obtains second search warrant for Laurie's home in Old Bridge, N.J.

Three Russian cars vandalized in Washington.

23 February
Kahane convicted (his first) for obstructing governmental administration at first 100 Hour Vigil.

24 February
Kahane arrested in Brussels and deported.

2 March
Eighty JDLers patrol elections to Crown Heights povery council.

Firebomb thrown at Iraqi Mission.

5 March
Laurie attends conference of Justice Department officials; begins to cooperate.

8 March
Demonstration at the Board of Education. Larry Fine tells Rosenthal that IACRL was to demonstrate with JDL but due to arrest of Colombo, they didn't.

9 March
Sternberg and Levine acquited for violating Philadelphia's Uniform Firearms Code. (They were arrested in Philadelphia during the 100 Mile March.)

During Purim party, neighboring Italian assaults JDLers after he was insulted by one of them.

14 March
Rallies at a few state capitols, including Albany and Providence, to generate publicity for forthcoming March 21 rally.

19 March
Demonstrations outside homes of Soviet diplomats in Washington.

21 March
One thousand four hundred and thirty seven people arrested in Washington sit-in.

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22 March
Schneider, Danziger and Gewirtz arrested in Washington.

30 March
Bomb explodes outside New York Communist headquarters. Later that day, a front group for JDL, (Student Activists for Soviet Jewry) demonstrates in front of building.

31 March
Undercover police agent Richard Eisner, is discovered wearing transmitting device.

JDL patrol in Borough Park fails to apprehend two youths responsible for assaulting elderly Jews.

Kahane, Levine and Muallem's trial for December 1969 takeover of Tass, ends in hung jury.

1 April
Hershkovitz is released on bail, pending his sentencing for passport falsification.

4 April
Rally in Highstown, N.J. opposing Ku Klux Klan cross burnings.

5 April
Kahane leads all night vigil at President Nixon's San Clemente White House.

12 April
Rally in Borough Park for greater police protection. Kahane announces formation of patrols.

13 April
Youths release frogs and mice in Russian offices at the start of their "ten plagues."

Kahane sentenced to pay $500 fine for his February 23 conviction.

15 April
Hershkovitz rearrested for making, seven months before, false passport statements in anticipation of hijacking a plane.

20 April
Protest outside Iraqi Mission to the UN; JDL warns Iraq not to hang any Jews. Kahane and eight others arrested.

22 April
Bomb explodes outside Amtorg's office.

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Kahane, at his arraignment for disorderly conduct at Iragi Mission, says to Criminal Court Judge Marvin Berger that "in Brooklyn last year, you were outrageous." Berger, threatening contempt of court, forces Kahane to apologize.

23 April
Hershkovitz given maximun five year sentence for using a false passport.

25 April
Israel Day parade. Afterwards, JDLers beat up Nazis?

28 April
JDL takes over Board of Rabbis and vandalizes their offices. Twenty three arrested.

2 May
Seventy seven arrested after sitting down on Third Avenue near Soviet Mission.
Prayer vigil at Russian Glen Cove estate.

4 May
Soviet Jewry day at Brooklyn College; mellee with blacks over broken Israeli record.

7 May
Nineteen year old Nancy Hershkovitz (who jumped bail and fled to Israel) was to be sentenced on this day.

11 May
Start of Second Leningrad trial.

12 May
ATF agents arrest JDLers on charges of weapons violations.

13 May
Protest at Soviet Mission over Leningrad trial.

JDL announces its cooperation with Colombo.

18 May
"Peace conference" with Mathew, head of NEGRO.

25 May
Toronto JDL projects slides of Holocaust onto side of Russian ship.

26 May
JDL pickets Leonard Bernstein's Park Avenue home, after his recent fundraising effort for Rev. Philip Berrigan. One carried sign "...remember your (sic) a Jew."

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31 May
Second trial of Kahane, Levine and Muallem for December 1969 Tass takeover, ends in hung jury.

3 June
Manager of Borough Park Radio Shack Store calls Parola telling him person who bought timers before Amtorg bombing, has returned for additional purchases.

4 June
Judge Weinstein starts pretrial hearings on JDL Thirteen.

Seigel and Danziger arrested for possesion of bombs.

6 June
Second Annual JDL convention.

10 June
One hundred thirty arrested sitting down on Third Avenue. IACRL president speaks at Hunter College rally pledging his support for Soviet Jewry.

11 June
Lawyers for JDL Thirteen file motion to discover wiretap information.

12 June
Jacob Weisel plants a bomb at Glen Cove.

16 June
Maria Santos, the newly appointed principal of PS 64 in the Bronx, starts her acceptance speech in Spanish and is interrupted by seventy five JDLers screaming "speak in English."

18 June
Government concedes they had a warantless wiretap of JDL. Judge Weinstein orders government to hand over wiretap logs to the defense.

22 June
Seigel tells assistant District Attorney Glass that an explosive device containing 15 sticks of dynamite was planted at Soviet Union's Glen Cove estate.

23 June
Kahane and ten others arrested for harassing a Soviet diplomat.

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29 June
Seigel indicted on state charges for possession of explosives.

1 July
Government complies with Weinstein's order and gives defense wiretap logs.

FBI ceases its wiretaps on JDL.

6 July
Hearings commence before Weinstein about lawfulness of the government's evidence against JDL.

8 July
Disposition is reached in JDL Thirteen case.

9 July
Kahane, Bieber and Cohen plead guilty.

11 July
One hundred ninety six sticks of dynamite are left on the Palisades Parkway.

13 July
Explosives left at the East Side Airlines Terminal.

23 July
Kahane given 5 year imprisonment but Weinstein suspends sentence.

29 July
Seymour Laker, 23, and Robert Fine, 25, are sentenced in Israel to six months in jail for extorting money from students at Bar Ilan University.

3 August
Fifteen youths take over Manhattan Pan Am offices because airline maintains flights to Russia.

5 August
Kahane is present at a Williamsburg synagogue while Eli Schwartz talks about JDL's "every Jew a .22" gun campaign.

7 August
Twenty five JDLers counter-demonstrate when anti Israel pickets appear outside Waldorf Astoria where Nixon is speaking.

9 August
Seigel confesses to Amtorg bombing.

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20 August
Beno Spiewak is murdered.

24 August
After the murder of a Jewish candy store owner, Kahane tells newsmen that JDL will press its gun campaign at a meeting at Tilden High School.

Thirty five JDLers protest the City's Human Resources Administration "indifference to Jewish poverty." JDL claims that Jews represent 12% of New York's poor, but receive less than 2% of anti-poverty funds, and that although 15 of the 26 poverty areas have sizeable Jewish populations, only 2 have adequate Jewish representation on the local community corporation boards.

25 August
Kahane promises to organize self defense measures for East Flatbush residents.

30 August
Rally at Tilden High School to organize self defense measures for East Flatbush.

Kahane pleads guilty at Manhattan Supreme Court to charge of unlawful assembly, during the second 100 Hour Vigil.

31 August
Bennet Levine coordinates the signing up of volunteers for East Flatbush patrols.

7 September
Seigel testifies about Amtorg before federal grand jury.

Start of JDL patrols in East Flatbush.

8 September
Seven arrested for Amtorg.

9 September
Thirty four arrested after they sit down on Third Avenue.

Kahane meets with Jules Sugarman, head of Human Resources Administration, to press for anti-poverty assistance for Jews.

27 September
Kahane declares "2 Russians for every Jew" if Sylva Zalmanson dies in a Soviet prison.

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7 October
Nathan Lewin files suit for minimum of $732,000 damages for illegal wiretapping of JDL offices.

20 October
Four shots fired into Soviet Mission.

21 October
Israel Jaroslawicz arrested for buying gun used to shoot into mission.

7 November
Seventy five arrested as they sit down on Third Avenue; demonstration was on behalf of Sylva Zalmanson.

22 November
Garfinkle, Seigel and Weisel plead guilty to Amtorg.

30 November
Meeting at Ambassador Bush's Waldorf Astoria headquarters over ways to stop JDL's future bombing plans.

5 December
A crude bomb made by taping 3 or 4 aerosal cans together, and ignited by a lighted Sterno can, explodes outside a Fifth Avenue gift shop specializing in Russian goods. The 'Jewish Armed Resistance' takes credit.

23 December
After Philadelhia synagogue was vandalized for third time in less than a month, Philadelphia JDLers walk through neighborhood warning residents, through a bullhorn, that JDL would not tolerate vandalism. Some carry bricks and wear helmets. They attach warning posters to utility poles and "anyplace that would take a staple." Seventeen arrested.

27 December
JDLers appear at the Manhattan residence of Federation's president.

1972

4 January
Demonstration outside the Spectrum in Philadelphia prior to an ice hockey match between US and Russian olympic teams. One JDL placard reads: "Russian 'games' can kill you -- Hungary '56, Czechoslovakia '68, Israel ?"

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9 January
JDLers appear at the country residence of Federation's president and leave only after the arrival of the police.

12 January
Nazis attend Bay Shore Public Library meeting demanding the library stock two racist books. Meeting attended also by JDL and plainclothes detectives.

26 January
Iris Kones is killed in firebombing of Hurok. Columbia Artists also is damaged.

Ammonia released during Osipov Balalaika Orchestra performance in Connecticut. Seven arrested.

27 January
Mellee at PS 19 in lower East Side between Puerto Ricans and JDL. Community school board is split along racial lines over future school appointments.

29 January
Gary Shlian arrested for attempting to 'jump bail.'

2 February
Shlian arrested for buying gun used to shoot into Russian mission.

13 February
JDLers in Israel protest missionary activity in Zichron Yaakov.

28 February
During Kahane's address at City College, a clash develops in Finley Hall between JDLers and members of SDS, Young Socialists and Young Workers Liberation League.

Unsuccessful attempt to bomb homes of two Nazis.

29 February
End of national security wiretap on Sheldon Seigel's home.

6 March
Kahane pleads guilty to criminal mischief -Abe Muallem and David Levine plead guilty to criminal trespass- for December 1969 Tass

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takeover. In return, government agrees to drop charges of conspiracy and criminal trespass. All three are fined. (Their previous two trials ended in hung juries.)

11 March
The 'Jewish Armed Resistance,' instead of bombing home of Hermine Ryan, a former guard at a Nazi concentration camp, bombs the wrong house six blocks away.

15 March
JDL Israel starts harassing owner of Hebrew Christian bookstore in Jaffa demanding she cease her missionary activities.

22 March
When Liobin N. Korliakov, Russian chief commercial attache, spoke at a luncheon of the Long Island Association of Commerce and Industry, he was interrupted by David Levine and 14 others.

26 March
Protest banners in Russian (No Token Immigration) greet Soviet ship docking in Miami.

2 May
At Kahane's first violation of probation hearing (stemming from his gun campaign in Williamsburg and East Flatbush), he is warned to avoid even talking about guns.

Two youths, Zalman Ilovitz, 19, and Jeffrey Glassburg, 21, are arrested for harassing Russians.

Yosef Schneider, League's Israel secretary, warns that if Knesset doesn't enact a law forbidding Christian missionary work among Israeli Jews, JDL would harass missionaries "until either League members -or they- remain in this country."

7 May
Emergency Aliyah Conference at the McAlpin Hotel, to persuade Jews they face "violent holocaust" in the States.

Seigel reveals to Parola the names of the Hurok bombers.

9 May
JDLers sit-in at offices of Federation's Director of Religious Affairs and police arrest them when they refuse to leave.

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15? May
Avraham Hershkovitz is released from prison and is deported to Israel.

20 May
Dud bomb thrown through window of Long Island Association of Conference and Industry. Association was promoting American trade with Russia.

23 May
Four arrested for making bombs in a Lido Beach synagogue.

24 May
Philadelphia League holds rally against American Nazi Party.

5 June
Soviet Union in document circulated at UN Committee on Host Country Relations, asks US to ban JDL and implement in New York, 500 foot rule against picketing at UN Missions.

12 June
Seigel, after being wired by the government, records his conversation with Sheldon Davis.

14 June
After French president pardoned Nazi criminal, Philadelphia JDLers protest in front of French consulate.

16 June
Stuart Cohen, Sheldon Davis, Sheldon Seigel, and Jeffrey Smilow arrested for Hurok and Columbia Artists firebombing.

26 June
Smilow, citing First Amendment rights, refuses to testify about Hurok before grand jury.

30 June
Smilow imprisoned for refusing to answer grand jury questions.

13 July
Oral arguments before Court of Appeals regarding Smilow's order of contempt for not answering questions before the grand jury.

20 July
Court of Appeals affirms Smilow's order of contempt.

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25 July
JDL patrols Crown Heights where elections to the Community Corporation take place.

Alan Dershowitz retained to represent Seigel.

2 August
After Japanese terrorists kill 26 people in Lod airport, thirty JDLers picket Alexander's Valley Stream Store for selling Lebanese pocketbooks.

4 August
Fine and Levine plead guilty to conspiracy to bomb Soviet estate in Glen Cove.

7 August
Fifty people picket two Long Island stores of Alexander's for continuing to sell Lebanese handbags.

9 August
In Tel Aviv, fifteen sit down in Finnish embassy which represents Russian interests in Israel, to protest Soviet persecution of Jews.

21 August
Kahane threatens to kidnap Soviet diplomat in US if Moscow doesn't rescind special exit taxes on emigrating Jews.

27 August
Kahane and eight followers circumvent an Israeli army roadblock and arrive in Hebron to dramatize Jewish rights to resettle there. Roadblock was set up after Kahane telegramed Mayor of Hebron, Sheik Ali Jaabari, that he was coming to interrogate him about his personal role in the 1929 Hebron massacre of Jews.

29 August
In Israel, Kahane announces a man claiming to represent NAKAM, a network of agents in Europe and the United States, told him the organization would kidnap a Soviet official in the U.S. I "would be derelict in my duty if I did not relate" this warning, Kahane tells press. A similar announcement is made in New York by a JDL spokesman.

5 September
After Arab terrorists murder eleven Israeli athletes taking part in Olympic Games in Munich, JDLers in New York crowd around the Lebanese and Egyptian Missions.

8 September
Start of pre-trial hearings in Hurok murder case.

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19 September
Israeli secretary of JDL announces League's responsibility for attempted gun smuggling to Europe and States to counter Arab terrorism.

28 September
Kahane announces he will run for the Knesset.

1 October
Kahane arrested in Jerusalem for gun smuggling.

Dershowitz learns that Seigel is a government informer.

18 October
To protest the Nixon administration's sale of wheat to Russia, a number of teenagers dump boxes of Wheaties on the floor of a Nixon re-election campaign office in Manhattan.

30 October
Kahane arrested in Jerusalem for trying to affix a mezuzah on the Damascus Gate.

3 November
David Levine sentenced to a year and a day, and Robert Fine to three years, for plotting to bomb Soviet Glen Cove Mission.

27 November
Smilow pleads guilty at New York State Supreme Court to an E Felony for the arson at Columbia Artists.

12 December
Stink bombs are released at Madison Square Garden during a performance of the Moscow Circus.

1973

29 January
Five disrupt Federation's offices during a fund raising activity (Dial-A-Thon). After the five were evicted, Federation received a false bomb threat.

3 February
Kahane, as a result of his campaign to get Arabs to emigrate, is arrested and charged with inciting Arabs.

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5 February
Start of the Hurok hearings before Judge Bauman.

7 February
Four JDLers arrested in Jerusalem as suspects in arson of missionary center on Mount of Olives. In August, Yosef Schneider and Yoel Lerner are sentenced for their role in the arson.

22 February
JDLers seize offices of World Council of Churches.

25 February
Closing of the Hurok hearings.

15 March
Two JDLers throw a can of blood on Russian UN diplomat. Mitchell Rein, 18, and Zelig Spurn are sentenced on 27 July 1974 to pay fifty dollars in repair bills.

19 March
Six arrested after occupying for six hours, the office of the president of Columbia University. Group was protesting affirmative action.

23 March
Hearing in Hurok case opened for Geha's testimony.

27 March
Stuart Cohen found guilty of illegally purchasing guns.

9 April
Twenty five disrupt and bring to a premature end a lecture on the Middle East sponsored by the Arab Club of Columbia University.

16 April
Bauman reopens hearing a third time for Detective McKeegan's testimony.

25 April
Bauman denies Seigel's motion to prevent the government from calling him as a witness.

26 April
Attack on a West Side missionary center damages the display window of the Beth Sar Shalom Hebrew Christian Center on 72 Street.

28 April
In Washington, JDLers clash with American Nazi Party members. Nazis were commemorating Hitler's birthday by marching through Lafayette Park.

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23 May
FBI search JDL's offices for bombs.

29 May
Hearing at Hurok trial to probe FBI search.

30 May
Start of Hurok murder trial.

Three arrested outside Soviet UN Mission for harassing Russians.

31 May
Seigel, called as a government witness, refuses to testify.

1 June
Mrs. Pat Nixon signs an award for Boston JDL for their work in Project Find.

7 June
Kahane arrested in Israel for conspiring to commit acts of violence in a foreign country. Kahane planned to mar Brezhnev's trip to US.

8 June
Seigel recalled as witness after government reveals there were no CIA wiretaps; again he refuses to testify. Huss and Smilow also refuse to testify and they are held in civil contempt of court.

13 June
Dershowitz and Putzel appear before the Court of Appeals.

20 June
Car belonging to Soviet diplomat firebombed in Queens. In Manhattan, five are arrested for splattering red paint on Soviet UN Mission.

26 June
Appeals Court upholds Seigel's right not to testify; affirms Huss and Smilow's orders of civil contempt.

27 June
Huss and Smilow again refuse to testify; Bauman is forced to dismiss the indictment and the trial ends.

29 June
Kahane indicted for conspiracy to commit acts of violence, and for harming Israel's relations with a foreign country. (attempting to mar Brezhnev's planned trip to the United States)

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20 July
Start of Kahane's trial in Israel for "attempting to harm Israel's relations with a foreign country." Trial resulted from Kahane's letters to Josh Joffe asking him to sabotage Brezhnev's trip to US.

8 August
Fundraising dinner for Kahane's Knesset campaign.

2 October
Fifteen force their way into Austrian UN Mission to protest intended closing of Austrian transit camp for Soviet Jews.

4 October
Group of about 75 throw debris at Austrian UN Mission.

7 October
On second day of Yom Kippur War, JDLers attempt to attack Arabs picketing Israeli Mission. Seven arrested.

31 October
JDL guards Jewish cemetary (Washington Cemetary) in Brooklyn to prevent Halloween vandalism.

21 November
JDLers try to gain access to Federation's offices, and failing that, "caused a disturbance" at the residence of Federation's executive vice president.

20 December
Russel Kelner and Dov Hikind demonstrate inside Egyptian UN Mission. Fight develops.

22 December
JDLers again seek to gain entrance to the residence of Federation's executive vice president.

1974

3 February
JDLers are thwarted from attending a meeting of the board of directors of the Jewish Association for College Youth, an affiliate of New York Federation.

10 March
Kahane's trial resumes in Jerusalem for conspiring to mar Israel's relations with US.

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3 April
Two American students at Hebrew University, Faige Teumina and Pepi Traub, both 19, are sentenced in Jerusalem to 18 months imprisonment for setting fire to a Baptist community center.

16 April
Kahane resigns as head of JDL.

16 May
Mohammed Mehdi, head of the Committee on American-Arab relations, is assaulted and hospitalized, suffering from three fractured vertebrae.

11 June
Firebombs explode at 2:15 A.M. in Riverdale, at building under construction for Soviet Mission.

28 June
In Israel, Kahane receives a two year suspended sentence in conspiracy trial for attempting to mar Brezhnev's US trip.

16 July
Huss and Smilow are found guilty of criminal contempt of court.

31 July
Huss and Smilow are sentenced to a year in jail.

14 August
Kahane returns to New York, having been detained in Israel for more than two years.

28 October
Kahane returns from New York to Israel.

30 October
Three break into PLO office, club the assistant director, rip out telephones, overturn furniture scatter paper around, and shoot bullets into the walls. Josh Joffe arrested but released. Telephone call credits "Jewish Armed Resistance Strike Unit" for the raid.

12 November
Russel Kelner is arrested for asserting on television "we plan to assasinate" Yasir Arafat, during his UN visit.

1 December
Window is broken at New Jersey travel agency sponsoring trips to Russia.

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1975

19 January
Kahane returns to New York from Israel.

Two shots are fired into Soviet UN Mission; Kahane and 47 others protest outside mission and are arrested.

23 January
Kahane and ten others demonstrate outside Temple Emanu-El "to protest the silence of American Jewish establishment while the American government is choking the Israeli government."

Philadelphia JDLers steal the presses of the city's only Arabic newspaper to "stop" their "propoganda."

2 February
Twelve picket outside home of ADL general counsel, Arnold Foster, because "Israel is being strangled and you and your organization must wake up and get moving."

7 February
Kahane accused of violating his probation terms.

9 February
Kahane and six others sit-in at offices of American Jewish Committee and then at Temple Emanu-El, protesting failure of Jewish groups to "mobilize. . . in massive protests against the Ford-Kissinger strangulation of Israel." Group is arrested when they refuse to leave Temple Emanu-El at closing time.

16 February
A dozen youths set up tents outside home of Rabbi Joachim Prinz in Orange, N.J. protesting his statements about the need for Israeli territorial concessions. Prinz was former chairman of Conference of Presidents of Major Jewish Organizations. On February 4, portion of his lawn was dug up and removed by youths wearing Arab headdress.

21 February
Judge Weinstein, after finding Kahane guilty of violating his terms of probation, sentences him to prison for the remainder of his probation.

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23 February
Kahane announces plans to recruit a 150,000 member volunteer army for Israel.

31 March
Demonstration in front of Israeli Consulate in support of Israel's plans to settle the West Bank of Jordan River. JDLers charge that one policewoman, Maureen Houlihan, attacked them, shouting "God damned Jews, not enough of you were put in the ovens."

? April
Six JDLers in San Francisco disrupt Federation's offices, forcibly removing four staff members and ransacking some files. Federation employees press charges against the JDLers, and the six are arrested.

1 April
Judge Griesa starts hearings over kosher food for Huss and Smilow.

4 April
Judge Weinstein signs an order for Kahane to receive kosher food at a halfway house.

24 April
Judge Weinstein begins hearing on kosher food for Kahane.

5 May
Judge Griesa rules Bureau of Prisons does not have to provide Huss and Smilow with kosher food.

7 May
Judge Weinstein orders Bureau of Prisons to provide Kahane with kosher food.

11 June
Start of Kelner's trial for threatening the life of Yasir Arafat. At the end, he is fined $1,000 and put on four years probation.

30 June
Judge Platt rules that Gary Shlian is not entitled to kosher food.

3 July
Judge Thomas Platt denies Gary Shlian's request for kosher food.

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? August
JDLers cut nine gas pumps of the Gulf Oil Co. to protest Gulf's contributions to Arab states.

28 August
Eleven sit-in at Jewish Agency building to see Conference President, Israel Miller. Told Miller is in Rumania, delegation met with Yehuda Hellman, executive director, urging Conference adopt view of not yielding "a single inch of territory" to Arabs.

9 November
Kahane leads 300 people through Spanish speaking areas of Borough Park, in a "march for a safe neighborhood." Russel Kelner uses a loudspeaker to warn residents that every time a Jew is hurt, retaliation would be taken against "two Hispanics."

11 November
Hispanics firebomb three buildings housing synagogues and a religious school in Borough Park.

? November
Judge Weinstein orders a US Marshall to accompany Kahane each time he leaves the halfway house. Order came after New York City's Human Rights Commissioner complains about Kahane's actions in Borough Park.

26 November
After Court of Appeals rules on kosher food, Kahane is taken to Allenwood Federal Prison.

11 December
David Fish announces renewal of harassment against diplomats of countries who voted for anti-Zionist resolution in UN General Assembly.

16 December
During a performance of the Moscow Circus, JDLers throw eggs and paint onto the stage of the Felt Forum of Madison Square Garden.

21 December
Three seized after bricks are hurled at windows of Cuban and Egyptian missions to UN.

30 December
Fifteen seize the office of the Vatican observor to the UN and hold it for nearly an hour, demanding Papal recognition of Jewish rights to all Israeli territory and condemnation of Syria and Iraq for their treatment of Jews.

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Four JDLers spray "Viva Israel" inside Mexican consulate in Philadelphia. Mexico had voted for UN resolution condemning Zionism as a form of racism.

1976

7 January
Seven arrested after occupying offices of National Conference on Soviet Jewry, demanding that Kahane be allowed to speak at forthcoming Brussel's conference.

12 January
After the "Jewish Armed Resistance Strike Movement telephones CBS, two bombs are found outside the Iraqi UN Mission. Three more bombs are found in an underground passageway next to the United Nations.

16 January
Bomb explodes at 4:30 A.M. outside Polish UN Mission, because country voted for UN's anti-Zionist resolution. Jewish Armed Resistance takes credit.

12 February
Two people arrested for harassing four Soviet diplomats in New York.

Paul Epstein coordinates meeting between Jewish organizations and Bureau of Prisons to discuss kosher food.

27 February
Four shots are fired into Soviet residential complex in Riverdale section of Bronx.
USSR protests the shooting.

3 March
Demonstration outside Soviet UN Mission.

8 March
Bomb explosion damages Aeroflot offices.

25 March
Explosive device found at Amtorg office.

State Department complains of Soviet harassment after US diplomats in Moscow are threatened.

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(In Moscow, during a period of two nights and a day, 23 American diplomats received about seventy phone calls from "citizens" warning them that they were vulnerable to same treatment Russians were receiving in New York.)

In Moscow, a bomb threat to American chancery forces partial evacuation of US embassy.

30 March
US Embassy in Moscow gets second bomb scare of week.

2 April
Shots are fired into Soviet UN Mission.

6 April
Senior American diplomat in Moscow threatened by six men who surround him and threaten him with retaliation for harassment of Russians in New York.

12 April
Seven arrested after climbing onto balcony of Park East Synagogue (opposite Soviet UN Mission) and unfurling banner reading: "Two Russians in rabnsom for Marina Tiemkin."

10 May
At news conference in Tel Aviv, Kahane again threatens to kidnap Soviet diplomats.

16 May
Two banks in Queens, Citibank and Bankers Trust, are firebombed because of their alleged cooperation with the Arab boycott of Israel. Communist Party headquarters and a Russian bookstore are also firebombed.

25 May
Bureau of Prisons formally revises policy and grants inmates right of kosher food.

8 June
FBI arrests Steven Ehrlich, 20, and Stephen Rombom, 17, for transporting explosives across state lines. Head of New York FBI office, indicates they are linked to recent bomb explosions. Thomas MacIntosh Jr., 36, also is arrested but begins cooperating with police.

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13 June
About fifty sit-down in front of reviewing stand at Salute to Israel parade in support of Gush Emunim squatters in Kadum, on West Bank of Jordan. Twelve are arrested.

19 August
Russel Kelner, Jeffrey Weingarten, 21, Steven Ehrlich and Thomas MacIntosh are indicted for conspiracy to shoot into Soviet Mission in Manhattan and the Bronx and for bombing the Iraqi Mission.

21 October
Kahane announces that new "strategy" of JDL will be to infiltrate major Jewish establishment groups and "then take these groups over ideologically."

17 November
Thomas MacIntosh, Steven Ehrlich, Russel Kelner, Jeffrey Weingarten and Steven Rombom all plead guilty in conspiracy trial.

16 December
Jeffrey Weingarten, Steven Ehrlich and Steven Rombom receive an indeterminate jail sentence of up to six years; Kelner, a three year jail sentence and MacIntosh, a suspended sentence.

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JDL Washington
1969

23 March
The Washington Committee for the Prevention of Genocide, distributes cards ("Symphony is harmony, but what culture is Russia exporting to the Arabs? Bombs, rockets, machine guns and incitement to genocide") at the first perfomance at Constitution Hall of the Moscow State Symphony Orchestra.

1 December
A press release promising "an action packed news event . . . which has never before occurred in the Washington area," lurs newsmen to the Mayflower Hotel where, at noon, they meet a representative of "the New Washington Committee for Human Rights Now." Representative tells newsmen to go to the Soviet embassy where nineteen students, 14 men and 5 women, are handcuffed to the embassy fence. The police are so taken by surprise that it takes them more than an hour to get a bolt cutter and remove the nineteen.

JDL Washington
1970

17 January
The New Washington Committee for the Prevention of Genocide distributes genuine looking "programs" at a Washington performance of the Moscow Philharmonic; when opened the programs summarize Russia's treatment of its Jews.

19 January
Just as the Moscow Philharmonic is completing the Soviet national anthem, seven students get up and disrupt the performance with a shofar.

23 January
Two eighteen year old American University students, Robert Robbins and Cheryl Wald, are arrested when they try, on Tu B'shvat, to nail a plaque on a tree in front of the Russian Embassy. The plaque reads: "This tree has been planted in honor of 3.5 million oppressed Soviet Jews. It stands alone as you do. Join the fight for freeedom and it will grow. Stand silent and it will soon perish. Happy Arbor Day."

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24 February
After picketing the Washington visit of French President Georges Pompidou, Eve Berger, an eighteen year old student at American University, manages to get into the National Press Club and during Pompidou's luncheon speech gets up and screams "French Hitler." She was protesting Frances's refusal to sell weapons to Israel. The Israeli paper Yediot Achronot promptly invited Berger to visit Israel at their expense but rescinded their offer under pressure from official Israeli circles who feared the visit would be interpreted as a reward for illegal behavior.

Rafael Perl helps arrange a funeral to "bury French honor." Coffin is flown to Paris where a student group plans to deliver it to Elysee Palace.

21 April
Five students, including Solomon Perl, from the Washington Committee for Human Rights, chain themselves (on Lenin's birthday) to the Soviet Embassy fence.

23 September
During the playing of the Soviet national anthem at a performance of the Moiseyev Dance Company, two students blow shofars while three others blast the audience with horns.

26 September
About one hundred students disrupt a Baltimore performance of the Moiseyev Dance Company. Anticipating trouble, management decided to eliminate the Soviet national anthem, but the students waited until intermission before sounding the fog horns and singing Hatikvah.

19 November
"Quick, open up. I'm from the Pentagon," the girl said as she knocked on Tass's door. Once inside, seven others joined her and chained themselves to the telex machines. One student recorded "Stop the Kangaroo Court," a reference to the start of the Leningrad hijacking trial. "The Washington Committee for the Release of Captive Jewry" takes credit.

28 November
Members of the Washington League for Jewish Defense go to homes of Soviet diplomats and bang loudly on their doors ("Gestapo style").

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They distribute letter urging diplomats to "help bring about a more humanitarian approach in your government's way of handling the Jewish problem."

? December
Invitations are sent to all the embassies inviting them to a "Kangaroo Ball" to be held at the Soviet Embassy in honor of the Leningrad judges.

25 December
After the Leningrad Court sentenced two Jews to death, Solomon Perl, in Washington burns a replica of the Soviet flag. Washington Post, on its front page, devotes a six column picture to the burning.

JDL Washington
1971

13 February
Student Activists for Soviet Jewry disrupt a performance of the Siberian Dancers and Singers of Omsk.

19 February
The cars of three Russians, including that of Vladislav Shimanovsky, are set on fire.

? March
JDL's campaign to harass Soviet switchboard operators reaches a peak.

21 March
The Perls officially join JDL.

Over 1,000 arrested for sitting down in street.

13 April
Nine meet with Secretary of Commerce Stans, requesting elimination of trade with Russia.

14 April
Youthful JDLers taunt Soviets leaving embassy with "Russian murderer, let the Jews out."

2 May
A smoke bomb is thrown into Tass's office.

18 May
Coat is chained to Tass's office. Sign on its back reads "I'm a Jewish scapegoat. Please save me!"

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19 June
JDLers tangle with Nazi speaker at a rally.

23 June
Start of "Jewish Identity Week." To drum up publicity, at 2:15 A.M., Ralph Bieber, 15, and Michael Lebovic, 18, throw brick through Vladislav Shimanovsky's window. A routine police patrol spots the youths running and picks them up for questioning. The two, in addition to the car driver, Yossi Templeman, are arrested when police discover the broken window.

24 June
JDL pickets homes of Russian diplomats. Perl and Kahane fabricate story about Kahane meeting, for the first time, with a Soviet diplomat, Vladislav Shimanovsky, and having a twenty minute conversation with him.

25 June
About twenty JDLers try to take the regularly scheduled 9:30 A.M. public tour of the Soviet Embassy but are barred by Russian officials. Later, fifteen JDLers are arrested for demonstrating in front of the Embassy.

Forty people demonstrate in front of Julius Garfinckel & Co. for selling Russian furs.

27 June
Five persons are arrested as they climb over the Soviet Embassy fence. Police arrest additional thirty three of the 500 people demonstrating. Vladislav Shimanovky's window is broken a second time within a week.

5 August
Kahane and twenty others sit-down in Senator Edward Kennedy's office. The Senator meets with Kahane and promises he will write Soviet leaders asking them to show clemency for five Jews on trial in Sverdlovsk. The JDLers want the Senator to oppose trade with the Soviet Union just as he has done with South Africa.

15 September
Barbara Strong starts selling Focus On Soviet Jewry in front of the Soviet Embassy. The five policemen unsure of what to do and call for advice.

17 September
Barbara Strong is arrested for selling "newspapers" outside embassy, but a week later charges are dropped.

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20 September
Ben Weintraub and Richard Sitomer are arrested on Rosh Hashanah for blowing shofars on Soviet embassy grounds. Charges are later dropped.

5 October
The doors on the homes of more than 50 Russian diplomats are plastered with "Never Again" stickers. Diplomats also receive late evening phone calls asking about Sylva Zalmanson's welfare.

27 October
At a meeting sponsored by the Georgetown Foreign Service School, twenty JDLers prevent a Soviet delegation from talking.

5 November
Terri Green and Gordon Rayfield disrupt the Soviet Embassy's gala reception held to celebrate the 1917 October revolution.

29 November
Dr. Perl and three others meet Senate Minority Leader Hugh Scott to have him pressure Nixon to send jets to Israel and to change "Arabists" State Department policy.

JDL Washington
1972

3 January
Car of Soviet Embassy attache firebombed. Three hundred JDLers rally in front of Washington Monument to protest treatment of Jews in Soviet Union.

27 January
Protest in front of Iraq Interests Center to free Arab Jews. Date marked the third anniversary of the hanging in Baghdad of nine Jews.

30 January
"Soviet Union Arts and Crafts" exhibit at the Corcoran Gallery of Art has 2,000 visitors evacuated after caller warns "trouble will begin in about half an hour."

? February
JDL bombards Nazi speaker with eggs and smokebombs.

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15 February
Thirty four JDLers sit-in at the offices of seven presidential candidates (Muskie, Humphrey, Kennedy, McGovern, Hartke, Jackson, Chisolm), demanding support for exchanging Attica prisoners for Jewish political prisoners in Russia.

6 March
Kahane, in front of Soviet Mission, stages attempt to obtain visa to lead fact finding mission in Russia.

16 March
Judith Sothoro douses Soviet diplomat with blood as he attends American University reception.

18 March
Washington Post devotes editorial to dousing, calling it an "unpardonable offense."

2 May
Smoke bomb is thrown into Tass's office.

8 May
Ten JDLers scuffle with the Austrian ambassador when he tried to remove a Nazi swastika the JDLers had hung outside a second story embassy window. JDLers were protesting the acquital in Austria, of Johann Gogel, a former SS officer accused of murdering Jews.

19 May
Five JDLers sit-down in the Blue Room of the White House, demanding President Nixon, in his forthcoming trip to Moscow take up the question of Soviet Jewry.

5 September
Five members of JDL occupy a vacant office in the West German Embassy for five hours, protesting the seizure of Israeli athletes by Arab terrorists at the Munich Olympics. The protestors leave after erroneously being informed that Israelis were safe.

6 September
Dr. Perl and ten others -- one for each of the Israeli athletes murdered -- spend an all night vigil in the lobby of the West German Embassy.

11 September
About fifty members hold a prayer service in the middle of the street in front of the Russian Embassy. No one was arrested although traffic was blocked for ten minutes.

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29 October
Fourteen JDLers protest outside West German Embassy because Germany yielded to the demand of Arab terrorists who hijacked a Lufthansa plane. The hijackers demanded the release of the terrorists who took part in the Munich massacre, and Germany yielded and released the two terrorists.

14 November
JDLers pin banner on Lincoln Memorial reading: "If only I could have freed the Russian Jews too."

21 December
Five JDLers mar the Soviet Embassy's Fiftieth Anniversay celebration by disrupting the festivities.

JDL Washington
1973

21 March
JDL distributes leaflets at a Russian gymnastic performance. "They practiced gymnastics in Auschwitz too. We have no quarrel wth the splendid Soviet gymnasts, but we want them to know that any applause is for them as individuals and not for their blood thirsty dictators who have sent them here."

26 April
Jewish Community Council of Greater Washington by a vote of 49 to 31 rejects JDL's bid to join.

30 April
Two arrested outside Russian Embassy protesting Soviet's refusal to permit Maria Tiemkin to emigrate.

9 May
Disruption of Soviet national anthem at Russian-American basketball game in Baltimore.

15 June
Five (New York) JDLers arrested for sitting-in at the White House.

18 June
JDLers protest Soviet Party leader Brezhnev's Washington visit by unfurling banner from roof of office building across from Embassy. Banner demands freedom for Soviet Jews. Three arrested.

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Later, 23 others are unlawfully arrested for picketing although they clearly are standing behind police barricades. Government drops charges a month later.

17 September.
Dr. Perl becomes National Chairman of JDL.

JDL Washington
1975

27 May
Five are arrested after using fog horns to disrupt opening of the Bolshoi Ballet at the Kennedy Center Opera House.

17 November
A cup of baby oil is tossed onto the University of Maryland's basketball court during a game between the school's basketball team and a Russian one.

1976

13 May
Shots are fired into the residences of Soviet Embassy officials in Hyattsville, Maryland.

29 June
Dr. William Perl is arrested for conspiring to shoot into the apartment of a Soviet official.

1977

13 February
Dr. William Perl receives a two year suspended prison sentence, and a $12,000 fine.

15 February
Italian police arrest Solomon Perl, studying veterinary medicine at University of Perugia, and hold him for extradition on US charges that he shot into apartments of Soviet diplomats.

16 February
US Government drops charges against Solomon Perl after evidence at his father's trial nullifies the charges against him.

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FEDERAL PRISON SYSTEM WASHINGTON, D.C. 20534

Policy Statement

NUMBER 22001.2

DATE 5-25-76

SUBJECT: KOSHER FOOD

1. POLICY. It is the policy of the Bureau of Prisons to provide Jewish committed offenders who wish to observe the Orthodox Jewish dietary laws ("dietary laws") with a diet sufficient to sustain them in good health without violating those dietary laws. Consistent with this policy, each committed offender observing the dietary laws shall be provided with a menu which provides as great a variety of foods as possible, to the extent permitted by budgetary limitations or other custodial considerations.

2. ELIGIBILITY. Any Jewish committed offender who wishes to observe the dietary laws shall so state in a statement signed by the inmate. The statement should be presented to and discussed with the chaplain (if available, the Jewish chaplain). Upon delivery of the statement, the offender shall be entitled as soon as practicable to receive Kosher food in accordance with the procedures outlined in paragraphs 3 and 4 of this policy statement. That entitlement continues so long as there is observance of the dietary laws. Non-observance will be reported to the chaplain, who may remove the inmate from the group to be entitled to the Kosher diet. The Bureau of Prisons recognizes that there occasionally will be some previously non-observant Jewish inmates who, through self-reflection, serious discussions with their institution's chaplain or with fellow offenders, will reach a sincere commitment to observe the dietary laws thenceforth. In his statement and in his discussions with the chaplain, in addition to requesting a Kosher diet the offender should state that he fully realizes that a) his entitlement is contingent on his not violating the dietary laws, and b) that if at some date, he eats non-Kosher food in violation of the dietary laws, he may lose his special diet. Any complaint about removal from the Kosher diet may be made by the inmate through the Administrative Remedy procedure.

3. BASIC KOSHER MENU. Adherence to the food groups and quantities listed below will provide offenders observing the dietary laws with a healthy and nutritionally balanced diet. Maximum, though not necessarily exclusive, utilization should be made of food items regularly stocked for institutional use which also meet dietary laws. This may at times require purchase of individual or small size cans or containers of such items as tinned fish or cottage cheese rather than the large, institutional-sized cans or containers

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ordinarily purchased. All food, except for raw fruits, raw vegetables and raw eggs to be provided to offenders observing the dietary laws, shall be properly certified or deemed acceptable by the Kashruth Division of the Union of Orthodox Jewish Congregations of America, symbolized by (U) on the container or packaging, or by any other Orthodox agency deemed acceptable by the inmate.

FOOD GROUPS

(Daily Allowance Per Offender)

Milk — Two 8 oz. servings

- Part of this allowance may be supplied by ice cream (4 oz. ice cream = 2 oz. milk)

Fish (tinned or cooked)	3 oz.
Eggs	2 eggs
Cheese	2 oz.
Meat or Poultry (Cooked, Edible Weight)	2 1/2 - 3 oz.
Cottage Cheese	4 oz.
Cooked Beans	8 oz.
Peanut Butter	4 Tablespoons

- Use any two servings of the above

Vegetables and Fruits

- Provide 4 to 5 servings (3 - 4 oz. of each) of raw, unprocessed fruits and vegetables, with as much variety as possible.

Breads and Cereals

- Provide 4 to 5 servings. A serving is one slice of bread, one individual carton of dry cereal, or 4 oz. of cooked cereal. Other food items that may be included are enriched crackers, macaroni, spaghetti, noodles, rice and baked goods.

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There may well be other items available in institution food stores which may be Kosher (U), and which may be substituted for these items, to provide a greater variety.

To facilitate the recognition and acquisition of such foods, a copy of the handbook of the Kashruth division of the Union of Orthodox Jewish Congregations of America is provided to each institution. It should be noted that this handbook is amended from time to time and revised versions will be provided as they become available.

4. FOOD PREPARATION. It is recognized by the Bureau of Prisons that Kosher food can become unfit for Jewish dietary consumption if brought into contact with non-Kosher food or into contact with utensils used to prepare non-Kosher food. Inmates entitled to Kosher food pursuant to paragraph 2 shall be provided with access to a hot plate, or some other means to heat their food, at least two pots or pans (one for the preparation of meat dishes and one for the preparation of dairy dishes), at least two dishes, bowls, and cups (one each for meat meals and one each for dairy meals), and two sets of eating and serving utensils (knives, forks, spoons, soup ladles, etc.). With the exception of the hot plate, these items should be in a new or unused condition. Inmates observing the Kosher diet should be provided a special storage area in which to place their eating utensils and cooking equipment, to preclude their accidental use in connection with non-Kosher food. It is suggested that an offender, entitled to Kosher food pursuant to paragraph 2, may be assigned to the Food Service Department to facilitate the requirements of this policy statement.

5. Problems of a technical nature concerning food procurement and preparation should be referred by the institution Food Service Administrator to the Bureau Administrator of Food Service.

Norman A. Carlson

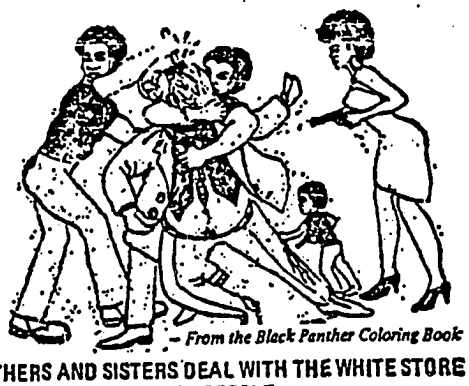
NORMAN A. CARLSON
Director
Bureau of Prisons

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RACK 104 2-3 COL. BANK 8

Jan. 20—Tues., 3 PM—C4523—Bitowf Publication—TIMES—8 Proofs

WHAT DO YOU DIG, LENNY?



— From the Black Panther Coloring Book

BROTHERS AND SISTERS DEAL WITH THE WHITE STORE OWNER THAT ROBS BLACK PEOPLE



— From the Black Panther Coloring Book

THE PIG IS AFRAID OF BLACK CHILDREN BECAUSE THEY ARE BRAVE WARRIORS

That was a beautiful party the other night, Lenny. Sorry we weren't invited along with all of the other beautiful people. The papers gave it a great play though and w thought you might like to read a sample:

A Party of the Beautiful People Raises 10G for Panther 21

by DOUG IRELAND

"If business won't give us full employment," explained the tall, bearded Black Panther, in the turtle-necked sweater, then we must take the means of production and put them in the hands of the people." "I dig absolutely," said Leonard Bernstein.

The scene was the Park Avenue duplex of the New York Philharmonic's conductor laureate, where Panther field marshal Donald Cox was attempting to convince 90 of New York's beautiful and bejeweled capitalistic elite to break out their checkbooks and come to the aid of the party that is dedicated to the elimination of the very system that provided the cocktails and canapes last night.

The guest lits included stalwarts of past liberal fund-raising efforts like art dealer Richard Feigen, composer Burton Lane, and the Harry Belafontes. There were socialites and society leaders like Mrs. Vincent Astor, Mrs. Arthur Krim (whose husband was President Johnson's chief fund-raiser), and Mrs. August Heckscher, wife of the Parks Commissioner.

For over an hour they heard Cox outline the Panther program.

"This was not a frivolous party," said Mrs. Bernstein, "but a chance for all of us to hear what's been happening to the Panthers. They've really been treated very inhumanely."

Beautiful, Lenny, just beautiful. It's right in line with the latest intellectual game, "Love the Panthers". We especially loved your line: "I DIG ABSOLUTELY."

Text of advertisement the New York Times refused to to publish. (see page 270)

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You sur do, Lenny baby, you sure do. In fact you probably have no idea just how much you dig so let us help to enlighten you:

> The Panthers "totally support the armed struggle of the Palestine people against the watchdogs of imperialism . . . Zionists, wherever they may be, are our enemies . . . The U.S. uses Zionists "to torpedo the struggle of our people for liberation." Eldridge Cleaver, Black Panther leader had earlier met with Al Fatah leader Yasser Arafat and pledged Panther cooperation against all "pro-Israel Jews."

And you raised money for them, Lenny, because you dig—ISRAEL'S GRAVE!

> "The battleground is Nostrand Avenue and the casualties litter the landscape . . . The owner has a cabinet filled with mace-like repellents and his hands tremble when a customer enters. I have to get out. I have to sell. My father started here in 1928. But now I have to go.
>
> "Nearby the Black Panther Party has rented a storefront . . . 'They have to go,' said Captain Joudon Ford, head of the Black Panther headquarters. 'We are going to get control of our neighborhood.'
>
> "On one street near the Panther headquarters there were twelve empty stores. 'Look,' said one white merchant, 'You can't know the pressure we're under.'" (New York Post. August 15, 1968)

And you raised money for them, beautiful Lenny, because you dig it—AND THE LITTLE MERCHANT'S GRAVE!

> "Our collective struggle can only be victorious and the defeat of the murderers of mankind will come as soon as we create a few more Vietnams, Cubas and Detroits." (Panther Minister of Education, George Murray, quoted in an interview with the Castro official organ, Gramma, August 25, 1969).

And you threw them a party Lenny because you dig it—AND DEMOCRACY'S GRAVE!

Lenny, we'd love for you to hold another party. This time invite us. So we can tell you about things like Panther extortion of merchants, threats to teachers, the poisoning of childrens' minds, the plans for murderous revolution. And Lenny baby, we'd even explain that you and the beautiful people can't really buy security for yourselves.

We might even have a load of other suggestions for fun parties that you and the other beautiful people could consider. Like raising money for the poverty-stricken Hassidim of New York or like helping the poor and elderly trapped in nightmare neighborhoods to escape. Oh, we have some wild ideas, Lenny . . . In any event, regards to the wife. We hope she doesn't feel we've treated you too inhumanely. Sincere regards from an organization that knows the Panthers as the Fascist, Maoist hoodlums they are.

GENTLEMEN:

I am not one of the beautiful people. I simply have common sense. Enclosed is $———, my donation to an organization that tells it like it is.

Enclosed, too, is $10 for a membership application———($5 for students.)

NAME .....

ADDRESS .....

CITY ..... STATE ..... ZIP .....

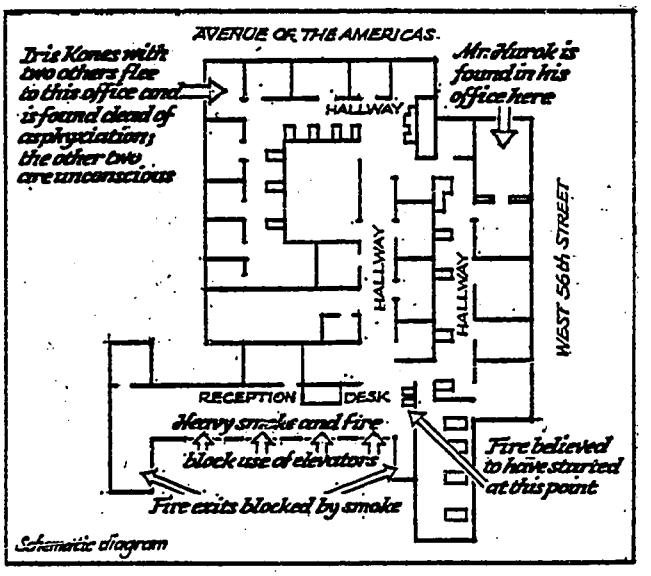
The JEWISH DEFENSE LEAGUE

156 Fifth Ave., New York, N.Y. 10010 * Tel. 989-6460

MEIR KAHANE, National Chairman — BERTRAM ZWEIBON, General Counsel

"NEVER AGAIN"

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A diagram of the Hurok office at the time of the 1972 firebombing. (see Chapter X)

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Krasnaya zvezda, Jan. 15, p. 3.
[The flag reads "Jewish Defense League"; the caption is "Wait a minute, boys, they'll be finished soon, and then we can begin tracking down the culprits."]

The Current Digest of the Soviet Press, vol. 22, no. 2, 1971, p.7

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An unidentified Jewish Defense League member tapes his group's banner to t'.e statue of Lincoln at the Lincoln Memorial in Washington D.C. The commando-like raid took place last Tuesday night. No arrests were made.

JDL's 'addition' to the Lincoln Memorial.
(see page 862)

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BIBLIOGRAPHY

Asch, Solomon
1951 "Effects of group pressure upon the modification and distortment of judgement." Pp. 177-190 in H. Guetzkow (ed.), Groups, Leadership and Men. Pittsburgh: Carnegie Press.

Bernstein, Carl and B. Woodward
1975 All the President's Men. New York: Warner.

Blos, P.
1979 The Adolescent Passage. New York: International Universities Press.

Blumer, Herbert
1951 "Collective Behavior." Pp. 167-222 in A. M. Lee (ed.), New Outline of the Principles of Sociology. New York: Barnes and Noble.

Brinton, Crane
1965 The Anatomy of Revolution. New York: Vintage.

Brown, Roger
1965 Social Psychology. New York: Free Press.

Clausewitz, Karl von
1968 On War. London: Routledge and K. Paul.

Cowan, Paul
1974 State Secrets: Police Surveillance in America. New York: Holt, Rinehart and Winston.

Curtis, Charlotte
1976 The Rich and Other Atrocities. New York. Harper and Row.

Dershowitz, Alan, Harvey Silvergate and Jeanne Baker
1976 "The jdl murder case: the informer was our own client." ACLU Journal 2:64-71.

Dolgin, Janet
1974 Motionless Dance. Ph.D. Dissertation. Princeton University. Ann Arbor, Michigan: University Microfilms. 74-17,444.

Dollard, J. et al.
1939 Frustration and Aggression. New Haven, Conn.: Yale University Press.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Federation of Jewish Philanthropies of New York
against the Jewish Defense League et al.
1970 Supreme Court of the State of New York,
New York County, 18933-70.

Flacks, Richard
1971 Youth and Social Change. Chicago: Markham.

Freeman, Jo
1975 The Politics of Women's Liberation. A Case
Study of an Emerging Social Movement and its
Relation to Policy Process. New York: Longman.

Gans, Herbert
1979 Deciding What's News. A Study of CBS Evening
News, NBC Nightly News, Newsweek, and Time.
New York: Pantheon.

Ginsberg, Yona
1975 Jews in a Changing Neighborhood: The Study
of Mattapan. New York: Free Press.

Gottehrer, Barry
1975 The Mayor's Man. New York: Doubleday.

Gross, Feliks
1948 European Ideologies. New York: Philosophical
Library.

Gusfield, Joseph
1968 "Types and functions of social movements."
Pp. 438-444 in David Sills (ed.), International
Encyclopedia of the Social Sciences. Vol. 14.
New York: Macmillan.

Heberle, Rudolf
1951 Social Movements. New York: Appleton-
Century-Crofts.

Heberle, Rudolf
1968 "Types and functions of social movements."
Pp. 438-44 in David Sills (ed.), International
Encyclopedia of the Social Sciences, Vol. 14.
New York: Macmillan

Himmelfarb, Milton
1971 "Never again." Commentary 52 (August).

Homans, George
1974 Social Behavior: Its Elementary Forms.
New York: Harcourt Brace Jovanovich.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Horn, John and Paul D. Knott
1971 "Activist youth of the 1960's: summary and prognosis." Science 171:977-85.

Isaac, Rael
1971 The Land of Israel Movement. Ph.D. Dissertation. City University of New York.

Issacs, Stephen
1974 Jews and American Politics. Garden City, New York: Doubleday.

Jewish Defense League, Inc. against The New York Times Company, Inc.
71 CIV 2510 USDC. Southern District of New York.

Kahane, Meir
1971 Never Again. Los Angeles: Nash.

Kahane, Meir
1975 The Story of the Jewish Defense League. Radnor, Pa.: Chilton.

Khaled, Leila
1973 My People Shall Live: The Autobiography of a Revolutionary. London: Hodder and Stroughton.

Kornhauser, William
1959 The Politics of Mass Society. New York: Free Press.

Kornhauser, William
1968 "Mass society." Pp 58-64 in David Sills (ed.), International Encyclopedia of the Social Sciences. Vol. 10. New York: Macmillan.

Lazere, Haskell
1971 "Haganah U.S.A.?" Dimensions of American Judaism 4 (Spring):7-12.

LeBon, Gustave
1897 The Crowd. London: Unwin.

Lewin, Kurt
1947 "Group decision and social change." Pp. 330-344 in E. Hartley (ed.), Readings in Social Psychology. New York: Holt.

Elma Lewis v. Marvin Antelman
1971 Boston Municipal Court. T-27755.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Liebman, Charles
1965 "Orthodoxy in american jewish life." American Jewish Year Book 66:67-89.

Liebman, Charles
1973 The Ambivalent American Jew. Philadelphia: Jewish Publication Society of America.

Little, Malcolm
1965 The Autobiography of Malcolm X. New York: Grove.

McCarthy, John and Mayer N. Zald
1977 "Resource mobilization and social movements: a partial theory." American Journal of Sociology 82:1212-1241.

Mehnert, K.
1978 Twilight of the Young. The Radical Movement of the 1960's and Their Legacy. New York: Holt, Rinehart & Winston.

Merton, Robert
1957 Social Theory and Social Structure. Glencoe, Ill.: Free Press of Glencoe.

Milgram, Stanley and Hans Toch
1969 "Collective behavior." Pp. 507-610 in Gardner Lindsay and E. Aronson (eds.), The Handbook of Social Psychology. Vol. 4. Reading, Mass.: Addison-Wesley.

Oberschall, Anthony
1973 Social Conflict and Social Movements. Englewood Cliffs, N.J.: Prentice Hall.

Olson, Mancur
1965 The Logic of Collective Action. Cambridge, Mass.: Harvard University Press.

Olson, Mancur
1979 Science 5 January.

Park, Robert and E. Burgess
1924 Introduction to the Science of Sociology. 2nd edition. Chicago: University of Chicago Press.

People of the State of New York v. Sheldon Davis
1971 Criminal Court of the City of New York. 27 July.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Perl, William
1979 The Four Front War. New York: Crown.

Polos, Nicholos
1975 "Black anti-Semitism in twentieth-century america." American Jewish Archives 27:17-31.

Porter, Jack Nusan and Roy Delbyk
1972 "The jewish defense league: new tensions in the old melting pot." Christianity and Crises 32:86-90.

Porter, Jack Nusan and Peter Dreier
1973 Jewish Radicalism. New York: Grove.

Ravitch, Diane
1974 The Great School Wars. New York: Basic.

Richards, Jeffrey
1971 The Youth Movement in the Jewish Defense League. Columbia University School of Journalism. Major Papers.

Ritterbrand, Paul
1974 "Ethnic power and the public schools: the new york city school strike of 1968." Sociology of Education 47:251-67.

Rogowsky, T., L. Gold, and D. Abbott
1971 "Police: the civilian review board controversy." Pp. 72-4 in Race and Politics in New York City.

Nat Rosenwasser against Stuart Cohen et al.
1974 State Supreme Court of New York, Mineola. Order to Show Cause. 12907.

Schick, Marvin
1973 "On the jews of new york city." New York Affairs 1:106-20.

Schwartz, Elkanah
1972 "Notes on the jdl experience." Jewish Life (April).

Seedman, Albert
1974 Chief. New York: Arthur Fields Books.

Sherif, Muzafer
1936 The Psychology of Social Norms. New York: Harper.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Singer, David
1974 "Voice of orthodoxy." Commentary 58:54-60.

Sklare, Marshall
1971 America's Jews. New York: Random.

Smelser, Neil
1963 Theory of Collective Behavior. New York: Free Press.

Jeffrey Smilow v. USA
72-1738 United States Court of Appeals, 2nd Circuit.

State of Israel v. Meir, son of Yehezkel, Kahane
73/156 Criminal Case. District Court, Tel Aviv.

Tinnin, David B. and Dag Christensen
1977 Hit Team. New York: Dell.

Toch, Hans
1965 The Social Psychology of Social Movements. New York: Bobbs-Merrill.

Turner, Ralph
1964 "Collective behavior." Pp. 382-425 in Robert Faris (ed.), Handbook of Modern Sociology. Chicago: Rand McNally.

Turner, Ralph and Lewis Killian
1957 Collective Behavior. Englewood Cliffs, N.J.: Prentice Hall.

Ungar, Sanford
1972 The Papers and the Papers. New York: Dutton.

Ungar, Sanford
1976 FBI: An Uncensored Look Behind the Walls. Boston: Little, Brown.

USA v. Chaim Bieber, Meir Kahane et al.
71 CR 479 Eastern District of New York.

USA v. Stuart Cohen et al.
72 CR 715 & 778 Southern District of New York.

USA v. Bernard Deutsch
75 CR 225 Southern District of New York.

USA v. Avraham Hershkovitz
70 CR 741 Eastern District of New York.

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USA v. Avraham Hershkovitz et al.
71 CR 399 Southern District of New York.

USA v. Richard Huss, Sheldon Seigel and Jeffrey Smilow
73-1920,1931,1945 United States Court of Appeals.
2nd Circuit.

USA v. Joshua Joffe et al.
71 CR 480 Eastern District of New York.

USA v. Meir Kahane
75 C 624 Eastern District of New York.

USA v. David Levine and Robert Fine
72 CR 680 Eastern District of New York.

USA v. Eli Schwartz et al.
71 CR 977 Eastern District of New York.

USA v. Sheldon Seigel et al.
71 CR 975 Eastern District of New York.

USA v. Sheldon Seigel, Jacob Weisel, Eileen Garfinkle
72 CR 1120-21 Eastern District of New York.

USA v. Sheldon Seigel
73-1931 United States Court of Appeals, 2nd Circuit.

USA v. Gary Shlian
75 CR 204 Eastern District of New York.

USA v. Jeffrey Smilow and Richard Huss
73 CR (MISC) 24 & 25 Southern District of New York.

USA v. David Sommer and Stuart Cohen
72 CR 941 Southern District of New York.

Waskow, Arthur
1967 From Race Riot to Sit-In: 1919 and the 1960's.
Garden City, New York: Doubleday.

Wolpin, Nisson
1971 "Who speaks for the jews of silence." The
Jewish Observer 7:3-11.

Yergin, Daniel
1977 The Origins of the Cold War and the National
Security State. New York: Houghton Mifflin.

Zald, Mayer and Roberta Ash
1966 "Social movement organizations: growth, decay
and change." Social Forces 44:327-41.

Reproduced with permission of the copyright owner. Further reproduction prohibited without permission.

Ziegler, Mel
1971 "The jewish defense league and its invisible constituency." New York (19 April) 4:28-36.

Bertram Zweibon et al. v. John Mitchell et al.
2025-71 District of Columbia.

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