ARAB PRESSURES (Continued on Page 3)

or with anyone doing business with Israel.

In an introduction and summary, Mr. Walpin pointed out that the most obvious legal action against religious discrimination in employment would come under the civil rights laws which prohibit discrimination because of race, color, creed or religion in hiring, firing, com-pensation and all other conditions of employ-

However, since there is concern in the Jewish community that the Arab boycott might seek to accomplish its purposes by more devious and covert means, Mr. Walpin presented what he called "remedies available to victims of discrimination arising out of more esoteric schemes." Such schemes, he declared, could be combatted by laws relating to fraudulent misrepresentation, banking, breach of contract, anti-trust, and investments by state and city agencies as well as charitable and other trust

Fraudulent misrepresentation, for example, might be charged under the General Business Law (Section 349) against a banking or invest-ment banking firm or other company that complied with the demands of the Arab black-list but did not inform its customers or shareholders that it was doing so. The reason for this, Mr. Walpin explained, was that "many consumers would no doubt refuse to deal with a company participating in the boycott" and shareholders might "wish to take action to change company policy to avoid loss of good will or suits against the company."

A banking organization that engaged in religious discrimination in connection with loans or in dealings with the State of Israel might be charged under the Banking Law (Section 9(d), by which the State Superintendent of Banking is required to enforce a section of the State Executive Law which states that it is unlawful for any creditor or officer, agent or employee of such creditor to discriminate "in granting. withholding, extending or renewing, or in the fixing of rates, terms or conditions of, any form of credit.

If a company should be persuaded by Arab pressure to breach a contract, it could of course

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be sued for that breach, Mr. Walpin continued. However, he added, a suit for conspiracy to breach the contract could also be brought against those who induced the breach.

Under New York's Anti-Trust statute, known as The Donnelly Act, Mr. Walpin stated, a suit for restraint of trade must prove that the restraint is "unreasonable," with the question of reasonableness to be determined on a case by case basis. While this might seem to make anti-trust suits in New York somewhat precarious, he offered the following clarification:

"While it is well established that companies and individuals may refuse to deal with whom-ever they choose, this freedom does not extend to concerted refusals to deal. While the New York courts have never declared concerted refusals to deal illegal per se, they have formulated a rule whereby an unjustified refusal to deal with a third person becomes illegal when done in pursuance of a combination with others.' The standards that have evolved appear clearly to bar concerted refusals based on private political considerations considerations

gious origin."

Mr. Walpin also noted that "federal antitrust law does make concerted refusals to deal unreasonable per se.

In his conclusion to his summary, Mr. Walpin recommends that State and City agencies, as well as charitable and other trusts, use their substantial economic influence to ensure nondiscriminatory conduct by the banks and invest-ment banking firms with which they deal. He

writes:
"There is no reason why State and City
agencies should not require each investment
banking firm or bank to certify, as a condition of obtaining any business, that it does not re-fuse to deal with or participate in any finan-cial transaction with any other person or entity merely because that other person or entity does business with or hires persons of any religious affiliation, and does not refuse to do business with any country with whom or to whom our government has furnished military and for economic assistance.

"Every private charitable and other trust conceivably could be required to insist upon this certification since all charitable trusts are required to be monitored by the New York State Attorney General's Office

BANKING OFFICIALS DENOUNCE BIAS

York.

were Colorado,

NEW YORK (WNS) Twenty-two state missioners have told the American Jewish Committee that they will not tolerate dis crimination by any state bank under under their jurisdiction the price for accepting Arab investments or deposits in their institutions.

The AJCommittee asked the state state commissioners issue directives fol-lowing reports that reports that been offered law foreign deposits by investors on condition that no Jewserve on the bank's of Directors or con-trol any significant portion of stock. AJCommittee said the strongest action was banking taken by

Israelite Ads Pay

authorities in Illinois,

Hampshire and New

The other states ere California,

Mississippi, Montana, Missouri, Nebraska, New Mexico, Oregon,

Pennsylvania, South

Dakota, Tennessee, Texas, Utah, Virginia

Georgia,

Kansas,

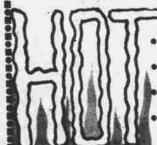
Massachusetts,

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and Wyoming.

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