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POLISH-JEWISH CITIZEN JAILED FOR "ATTEMPTED RASSENSCHANDE" BY NAZI COURT

BERLIN, Nov. 8. (JTA) -- For the first time since promulgation of the Nuremberg laws the section devoted to "protection of German blood and German honor" was applied to a Jew of foreign citizenship when a court in the city of Altona yesterday sentenced Leo Smichow to nine months in prison for "attempted rassenschande."

Smichow, who was born in Poland in 1912, is a prominent merchant in Altona, city near Hamburg. He had been held in jail for one month awaiting trial.

The Polish Consul General at Hamburg, when asked by Smichow's wife to intercede on his behalf, stated that the young merchant was not a Polish citizen but a "staatenlose" or man without a country. Before the trial, however, it was definitely established that Smichow was a citizen of Poland.

In announcing the verdict, the court declared that the Nuremberg laws are "intended not only for German Jews but for Jews of foreign citizenship."

A demand by Smichow's attorneys that the sentence be held up pending issuance of the expected details implementing the Nuremberg laws was rejected by the court.

The trial, which was called unexpectedly after the court had earlier in the week announced it had been indefinitely postponed, attracted widespread attention because of the international aspects the case involved.

Smichow was not accused of actual "Rassenschande" (race pollution) but of an attempt to induce an "Aryan" woman to enter into in-

timate relations with him. The young merchant vigorously denied the charges which he described as an attempt to blackmail him.

The defendant testified that while sitting in an Altona cafe the "Aryan" woman who was his accuser, accosted him and suggested that he drive her home in his car. En route, he declared, the woman suggested that they stop in a nearby hotel. When he refused, she demanded money, he testified. Upon his refusal to accede to her demand, Smichow said, the woman leaped from the car screaming that he had attempted to attack her. He was immediately arrested.

Appearing as the chief witness against Smichow, the woman denied that she had proposed to the defendant that they enter into sexual relations. The woman admitted that she is a member of the Nazi Woman's Organization.

Counsel for the defense pointed out that although Jews are no longer citizens of the Reich, they are still legally entitled to protection against blackmailing. He argued that even if the woman's testimony were true no act of "Rassenschande" had been committed and Smichow therefore couldn't be accused of violating the Nuremberg laws.

In announcing their verdict, the judges admitted that no act of "Rassenschande" had been committed, but emphasized that the Nuremberg laws were applicable to all Jews regardless of citizenship. "The testimony has clearly shown," the decision read, "that the accused had the intention of committing 'Rassenschande' although he knew of the Nuremberg laws. Thus he, as a Jew, has violated the hospitality which has been extended to him by the German nation and must therefore be punished accordingly."

Since Smichow has already spent one month in jail he will have to serve eight months more unless intervention by the Polish authorities succeeds in securing his release before.

The Polish consulate at Hamburg was reluctant to state whether he intends to file a protest against the conviction of Smichow on the grounds that the Nuremberg race laws, under which he was sentenced, are inapplicable to Polish citizens.

The Polish consulate stated today that the verdict had been learned only this morning from the German press. "We shall see what can be done," a consulate spokesman told the Jewish Telegraphic Agency correspondent.

The Polish Embassy in Berlin explained to the Jewish Telegraphic Agency that steps would be taken to investigate the case and ascertain whether Smichow is really a Polish citizen.

In diplomatic circles here it was emphasized that the verdict against Smichow may serve as a precedent for application of the Nuremberg laws to Jews of America, British and other nationalities now residing in Germany.

An American diplomatic representative pointed out that such action would be a direct violation of existing commercial agreements with Germany because no country would permit application of Germany's racial laws to nationals residing in Germany, since this would amount to official acknowledgment of the Nazi racial theory.

The American representative said that the application of the race laws to foreign Jews would not be permitted by many countries since this would be tantamount to conceding that their Jewish citizens in Germany could be placed in inferior categories.

In this connection he referred to the fact that the United States broke off diplomatic relations with Tzarist Russia when the Russian Government tried to apply its anti-Jewish discrimination to Jews of American citizenship.

LITHUANIA PROTESTS ARREST OF CITIZEN IN LEIPZIG

KAUNAS, Lithuania, Nov. 8. (JTA) -- The Lithuanian legation in Berlin has presented a sharp note to the German Foreign Ministry protesting the arrest in Leipzig of a Lithuanian Jewish trader on charges of "Rassenschande" (race defilement), it was reliably learned today.

The trader, named Yomtov Lipman, was arrested after he had been denounced to the police by an unknown person.

The Lithuanian note points out, first, that "Rassenschande" charges against foreigners are inexplicable and, second, that the deprivation of liberty of a Lithuanian subject on such a charge is a direct breach of the Lithuanian-German agreement of 1928.

JEWISH DOCTOR IN REICH GETS 9 YEAR TERM FOR "RASSENSCHANDE"

KASSEL, Germany, Nov. 8. (JTA) -- A local court today sentenced a German-born physician, Dr. Paul Brueck, 53, to nine years imprisonment on a charge of attempting to induce an "Aryan" woman to commit "rassenschande" (race defilement).

DR. BERGMANN NAMED RECTOR OF HEBREW UNIVERSITY

JERUSALEM, Nov. 8. (JTA) -- The senate of the Hebrew University today elected Prof. Dr. Hugo Bergmann to fill the newly created post of rector of the Mt. Scopus school. The post was created by the university's Board of Governors at its annual meeting in Lucerne, Sept. 11, to take over some of the duties of the chan-

cancellorship when Judah L. Magnes relinquished his chancellorship to become president of the university.

Prof. Bergmann until recently had occupied the position of director of the Hebrew National and University Library. Since his resignation from that post he has published a monograph on the development of the library during the fifteen years he was its director. In that period the library had become one of the most complete in the Near East and was frequently used by noted scholars from all over the world.

Prof. Bergmann's successor as director of the library is Dr. Gotthold Weil, formerly head of the Oriental department of the Berlin State Library.

LITHUANIA ORDERS PROBE OF ANTI-JEWISH RIOTS

KAUNAS, Lithuania, Nov. 8. (JTA) -- The Lithuanian Government today ordered a strict investigation into recent anti-Jewish disorders in the city of Telsiai on the northern border.

The public prosecutor of the Highest Court of Appeal left for Telsiai to conduct a personal interrogation of the witnesses.

The action follows an appeal by Bishop Justinas Staugaitis of the Telsiai diocese to churches in the section in attempt to stem anti-Jewish agitation which, he said, was assuming serious proportions.

The city was recently the scene of a violent outbreak of anti-Jewish rioting during which many Jewish homes were stoned. A tense atmosphere has prevailed there and in neighboring towns ever since the disturbances. Eighteen of the participants in the excesses have been sentenced to varying jail terms by a military court.

WAIT FOR LOWER PRICES, NAZI PAPER URGES "ARYANS"

BERLIN, Nov. 8. (JTA) -- Advice to "Aryans" not to be impatient in buying businesses owned by Jews was offered today by the Deutsche Wochenschau, Nazi Party weekly, which states that the more patience "Aryan" buyers show, the cheaper they will be able to obtain control of Jewish properties, since Jews are anxious to leave Germany at any cost.

ZIONISTS WIN 50% REPRESENTATION IN BERLIN JEWISH BODY

BERLIN, Nov. 8. (JTA) -- An agreement giving the German Zionist Federation fifty-fifty representation in the Executive of the Berlin Jewish Community and in all departments was reached today between Zionist and non-Zionist leaders, thus ending a long-lasting controversy which had threatened to disrupt the community. An official statement announcing the agreement was issued to the Jewish Telegraphic Agency by the officials of the community.

EXPLAINS POTASH SHIPMENT TO ITALY

JERUSALEM, Nov. 8. (JTA) -- After reports that 200 tons of potash left here for Italy despite stringent sanctions imposed by the Palestine Government Monday against Italy, the Palestine Potash Corporation informed the Jewish Telegraphic Agency today that the shipment was destined for customers in Czechoslovakia and Austria and that it was shipped via Trieste in accordance with instructions from the purchasers.

SHERTOK PROBES MURDER OF JEWISH POLICEMAN BY ARABS

JERUSALEM, Nov. 8. (JTA) -- Moshe Shertok of the Political Department of the Jewish Agency left here today for the colony of Ein Chared to investigate the murder of Police Sergeant Moshe Rosenfeld yesterday at nearby Affuleh by a band of Arabs. He was shot down while searching for thieves who had been looting Jewish-owned grapefruit groves.

NAZIS JAIL JEW WHO REFUSED TO QUIT "ARYAN" WIFE

COLOGNE, Germany, Nov. 8. (JTA) -- A Jew who refused the demand of Nazi authorities that he be separated from his "Aryan" wife was separated forcibly by a one-year jail term, it was disclosed today.

The Jew, whose name was not revealed, was civilly married to his wife in 1932, before the Nazi race laws were enacted.

PLAYED CARDS WITH JEW, REICH MAYOR DEPOSED

BERLIN, Nov. 8. (JTA) -- For playing cards with a Jew in a public place, the mayor of the town of Mogendorf was dismissed from office, it was reported here today.

"VERSLINIKI" CUSTS 33 MEMBERS AS "NON-ARYANS"

KAUNAS, Lithuania, Nov. 8. (JTA) -- The Versliniki, anti-Semitic organization which aims to exclude Jews from the nation's economic life, today expelled thirty-three members for being of "non-Aryan" origin.

The organization, which holds its national conference Sunday, also sent circulars to its provincial branches demanding that all "non-Aryan" members be ousted.

WARSAW PAPER ASKS GOVERNMENT AID IN SUPPRESSING AGITATION AT UNIVERSITY

WARSAW, Nov. 8. (JTA) -- The Nasz Przegląd, Polish Jewish newspaper, appealed today to the Polish government to suppress new anti-Semitic agitation which has appeared at Warsaw University before it spreads further. Yesterday, Jewish students resisted the attempt of anti-Semitic Endek students in the law school to force Jews of both sexes to occupy the rear rows of the classroom.