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U. S. COURT JUDGMENTS CITED BY PROSECUTION TO JUSTIFY EICHMANN TRIAL

JERUSALEM, April 12. (JTA) -- Judgments by United States courts, including one issued by the U. S. Supreme Court, were cited today in court at the trial of Adolf Eichmann by Attorney General Gideon Hausner in his rebuttal of the contention of Eichmann's lawyer that Israel has no right to try the Gestapo colonel for his role in annihilating 6,000,000 Jews during the Nazi regime.

Hammering away through the second day of the trial at the arguments advanced yesterday by Dr. Robert Servatius, chief defense counsel of the Nazi war criminal who questioned the legality of the trial on Israeli soil, Attorney General Hausner indicated that he planned a day and a half of rebuttal in his effort to settle that issue once and for all.

It was obvious today that the court would not rule before Monday on the crucial question of its competence to try Eichmann. This became evident when Zvi Tahor and Yehuda Shimoni, the El Al personnel alleged to have transported Eichmann from Buenos Aires, where he was seized last May, appeared in court as witnesses called by Dr. Servatius, for interrogation. The two men were told they would not be required until Monday.

Dr. Servatius, in his opening statement yesterday, challenged Israel's right to try Eichmann before the defendant could enter a plea to the 15-count indictment read by Justice Moshe Landau. The West German attorney contended that Eichmann had been brought to Israel illegally, that Israel did not exist when the crimes were committed, that the law under which Eichmann had been indicted was ex post facto in that it was enacted after the period when the Nazi crimes were committed, and that the crimes were not committed on Israeli territory.

Resuming his battle of legal citations, the chief prosecutor asserted this morning that Israel's law for the punishment of Nazis and Nazi collaborators was compatible with the law of nations in giving the fullest possible expression for the execution of justice. Denying the defense argument that the law was retroactive, he cited many international legal authorities to support the contention that wanton killing of non-combatants as well as murder were not shielded by the ex post facto nature of a law against such killings.

He added that even if it were admitted for the sake of argument that the law was retroactive, the fact remained that this was an Israel law and the court was therefore bound by it and could not and need not inquire into the defense contention to the contrary.

Attorney General Lists Laws of 10 Lands Backing Eichmann Trial

The Attorney General attacked the defense contention that the Israeli law was not in the same category as the London agreement of 1945 signed by the United States, France, the Soviet Union and Britain which was the basis for the Nuremberg trials of the major Nazi leaders. He rejected the defense argument that the London statute was exceptional, arguing that the 1945 agreement merely reestablished the principles accepted by all civilized nations against murder, tyranny and rapine--even if "under orders of the Fuehrer," a noun for which he used German for the first time in his presentation, referring to Hitler.

The Attorney General quoted the Universal Human Rights Declaration to show that all signatories--"humanity itself"--had pledged themselves to punish individuals on the principle of personal responsibility for national and international crimes.

He emphasized that Israel was not the only country to enact an anti-war crimes law, listing about ten such countries in which such laws are all retroactive. He argued that in any case, it was not the business of the court to enter into the merits of the law and he cited a British precedent that "a modern judge never listens to the argument that a law is invalid because it is immoral or goes beyond the limits of Parliamentary authority." Mr. Hausner noted that since the law was enacted in 1954, many persons, including Jews, had been sentenced under it in Israel.

The Attorney General quoted extensively from judgments of federal district courts and the Supreme Court of the United States to make two points, that it was irrelevant from the substantive point of view how a defendant is brought before the jurisdiction of a court and whether he is brought by private persons or officials.

Rebutting the defense argument that Eichmann was brought to Israel illegally, the Attorney General cited cases from 1886 to 1958, including the famous seizure of American financier

Samuel Insull aboard a Greek vessel in the Bosphorus, his detention in a Turkish jail and his subsequent transfer on an American ship to the United States for trial in a Chicago court.

Submits Agreement with Argentina on Capture of Eichmann

He said that the court trying Eichmann had no authority to inquire into the alleged abduction, its only interest being that the defendant was within its jurisdiction. He noted, nevertheless, that Israel had concluded an agreement with Argentina under which both governments agreed to regard the Eichmann capture as a closed issue. He submitted the agreement as evidence that there was no international dispute on this point.

The Attorney General pointed out that even if this agreement had not been reached in a desire of both countries to comply with the spirit of a United Nations Security Council hearing on the seizure, the Jerusalem court had every right to try Eichmann since the manner of his appearance before the court was not relevant. He submitted for the record a copy of the agreement reached at Buenos Aires by Dr. Shabtai Rosenne, the legal advisor to the Israel Foreign Ministry, with Argentina.

Other cases cited by the Attorney General in rebutting the issue of the nature of Eichmann's transport to Israel were those of several Americans who collaborated with the Nazis and who were seized by the United States army in Germany and charged before American courts. The highest legal authorities, he said, had found in all cases that the matter of how they were brought before courts for trial was irrelevant.

He concluded this phase of his rebuttal with a formal request to the court to declare its competence without calling as witnesses two El Al personnel. He said their testimony would be irrelevant both to the substance of the case against Eichmann and to the question of the court's competence.

Says Jews Have Long Memory; Would Not Forget Eichmann's Crimes

Dealing with the issue of Israel's non-existence at the time of the Nazi genocide, and the question of extra-territorialism, the Attorney General said that in an age of jets and rockets, "we cannot stick to the principles of territorial competence only." He cited the case of Lord Haw Haw, the British fascist William Joyce, whose broadcasts from Nazi Germany were ruled as incriminating him even though it was only his voice which reached Britain via radio.

The Attorney General also dealt with two non-legal phases of the defense presentation. These were Dr. Servatius' statement that Israel was receiving reparations from West Germany and that Eichmann was only a cog in the Nazi machinery. He said that the reparations were being paid not to pardon, or atone or to make Israel forget. "For such crimes there is no pardon, there can be no forgetting," he told the court. "It is possible to hope only that the sons will be different from the fathers. The sons will not be called to judgment for the actions of their fathers."

He charged that Eichmann "planned, organized and implemented the extermination of the Jews." He also said that the Jewish people had a long memory which remembers what was probably "the first attempt at genocide," that of Haman, the Persian Prime Minister 2,000 years ago. He said the Jewish people would never forget the man who almost succeeded in such a genocidal attempt against the Jewish people.

Attacking the defense contention that Israel could not try Eichmann because the state did not exist when the Nazis were torturing and killing Jews, the Attorney General read various court decisions, including the findings of international conferences and tribunals dealing with war and postwar crimes to prove his argument. He also asserted that "a State of Israel in Foundation" existed not only in Palestine but wherever Jews were awaiting deliverance from their persecutors.

He quoted from the testimony of Israel's first President, Dr. Chaim Weizmann, before the Peel Royal Palestine Commission before World War II when Dr. Weizmann argued that a Jewish State was needed for the 6,000,000 European Jews suffering persecution. The Attorney General added: "Those six millions are no more."

He also submitted in evidence the proceedings of the Human Rights Commission of the United Nations General Assembly on a draft covenant on civil and political rights which recognizes post facto law when applicable to "acts which are criminal according to the general principles of law recognized by the community of nations regardless of when committed."

Reveals Eichmann Was Captured Two Days After 15-Year Limitation

The Attorney General disclosed that Eichmann was seized two days after he could, under Argentine law, have come out in the open and declared his identity without fear of prosecution. Under Argentine law, 15 years is the period of prosecution. World War II ended May 9, 1945 and Eichmann was caught May 11 --two days after expiration of the 15-year limitation."

He ridiculed widespread suggestions that Eichmann should be tried by an international tribunal. He said the International Court of Justice at The Hague handles international disputes and the war crimes tribunals of Nuremberg and Tokyo were no longer in existence. "Should Israel have requested the United Nations to establish a special court to try Eichmann?" he asked. "Does anyone consider this a practical suggestion in view of the cold war?"

ISRAEL PREPARES FOR PARADE IN JERUSALEM; SURPRISED AT U. N. RESOLUTION

JERUSALEM, April 12. (JTA) -- Preparations proceeded today for Israel's 13th anniversary parade in Jerusalem despite yesterday's Security Council resolution urging Israel not to hold the parade here.

Israel's intention to hold the parade as originally scheduled on April 20 was affirmed officially by Israel Foreign Ministry officials who said again that the parade was entirely a festive event and that the annual Jordanian complaint was purely propaganda. Political sources suggested that Israel would cancel the parade if Jordan also complied with all stipulations of the armistice agreement, including Israeli access to the Wailing Wall and Mount Scopus in Jordan-held Old Jerusalem.

Surprise was expressed in Israel over the fact that all the Western Powers, including France, voted for the Security Council resolution. At the same time it was noted that the American amendment to the original Security Council resolution called on both parties to observe the agreement, plainly pointing to the fact that Jordan has been a violator, from the start of the armistice agreement, particularly those aspects dealing with access to the Old City by Israel.

It was suggested that if Jordan wants Israel to observe the armistice agreement down to the last dot, even on such technical matters as an ammunition-less military parade, Jordan should observe the really substantial parts of the agreement.

The first units of the troops which will take part in the parade arrived here and encamped near the start of the route of the parade. Army engineers pushed completion of a huge grandstand near the Hebrew University. The grandstand will provide seating for thousands of guests and foreign visitors.

U. S. SEEKS TO MODIFY ANTI-ISRAEL RESOLUTION ON ARAB REFUGEE PROBLEM

UNITED NATIONS, N. Y., April 12. (JTA) -- The United States today attempted to alter an anti-Israeli resolution dealing with the Arab refugee problem, being debated in the General Assembly's Special Political Committee, and was promptly denounced by the most vitriolic spokesmen for the Arab bloc as an "advocate for Israel" trying "to defend Israel."

The American effort came in the form of amendments to a Moslem-sponsored resolution introduced before the committee yesterday; on behalf of the Arab bloc. The resolution would declare that there is a "need to safeguard" property allegedly held with Israel by the Arab refugees. The Moslem draft would also order the Palestine Conciliation Commission to report to the next General Assembly, next September, on its efforts to bring about "repatriation" of the Arab refugees to Israel territory, and to obtain compensation for the refugees from Israel.

Telling the committee that, in fact, no resolution on the refugee problem was needed at all, United States Deputy Permanent Representative Francis T. Plimpton declared that his amendments would place the entire Arab refugee problem in proper perspective. He proposed deletion of the clauses in the Moslem draft dealing with Arab refugee property, and moved that the article in the draft dealing with the PCC be changed so that it would say simply that the Commission should report to the United Nations by Oct. 15, 1961.

The resolution as introduced by Afghanistan, Malaya, Indonesia, Pakistan and Somalia, deals with the refugee problem in a "partial" manner, Mr. Plimpton held, is "controversial," and the entire matter should be left to the 16th session of the General Assembly, next fall. Mr. Plimpton reminded the committee that, in any event, the next Assembly must review the entire Arab refugee problem, including all the activities of the United Nations Relief and Works Agency for Palestine Refugees.

Ahmad Shukairy, chairman of the Saudi Arabian delegation, who always delivers the sharpest attacks against Israel when the refugee problem is discussed, immediately opened an attack aimed primarily at the United States. Speaking for nearly two hours, the Arab delegate addressed Mr. Plimpton directly many times, lecturing the United States on its responsibility as a member of the United Nations to aid and protect "the Arab victims of Zionist aggression" in the Middle East.

Platon D. Morozov, of the USSR delegation, told Mr. Plimpton he could find no replies in the American's speech to some of the "pointed questions asked by the distinguished representative of Saudi Arabia, which demand answers." Mr. Morozov said his delegation was interested in the property rights of the Arab refugees, and scored Israel for "denying" such rights.

Replying, Mr. Plimpton said America "welcomes the adherence of the Soviet Union to the principle of private ownership of private property." Then, alluding to the fact that the United States has spent \$200,000,000 for relief of the Arab refugees, Mr. Plimpton added: "The United States would welcome a contribution for this purpose by the Soviet Union which has so far not found it possible to contribute anything for this purpose."

C. T. Crowe, of the British delegation, said he was in agreement with the amendments introduced by the United States and would vote for those amendments.

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PRESIDENT KENNEDY PRAISES HEROISM OF WARSAW GHETTO MARTYRS

NEW YORK, April 12. (JTA) -- President John F. Kennedy and Governor Nelson A. Rockefeller today praised the heroism of the Jewish martyrs who fought against the Nazis in the Warsaw Ghetto in 1943. The President and the Governor sent messages commemorating the heroism of the Warsaw Ghetto martyrs to Adolph Held, chairman of the Jewish Labor Committee, in connection with a commemorative service to be held April 19, at the Statler Hotel, under the auspices of the World Congress of Jewish Culture.

"The rising of the people in the Warsaw Ghetto against the terrible oppression and cruelty they were made to suffer," stated President Kennedy, "has left a permanent impression in the minds of men. It was an epic act of courage. To a darkened world, it meant, at the time, new hope in the ultimate triumph of freedom."

"With the passing years," the President's message continued, "the uprising has rightfully become a symbol of the endurance of man's hope under the most ruinous of circumstances. In this guise, the honor you pay is not only to the survivors among you, but to Man himself."

Governor Rockefeller issued a formal proclamation, establishing April 19 this year as "Warsaw Ghetto Day." In his message, the Governor declared: "While it is obviously a day of mourning for the people of Israel, it should also be a day of extreme and justified pride. The six million men, women and children who perished have become the symbol of true heroism. It is well that we commemorate this day which marked a triumph of the human spirit over tyranny."

New York's 'Times Square' Re-named 'Warsaw Ghetto Square' for A Day

New York City's "Times Square," sometimes called the "crossroads of the world," was re-named Warsaw Ghetto Square for the day today in commemoration of the Warsaw Ghetto uprising. The ceremony was sponsored by the Zionist Organization of America and was addressed by Max Bressler, ZOA president, Dr. Isaac I. Schwarzbart, former member of the Polish Parliament, and others.

Mr. Bressler said that in commemorating the courage and supreme sacrifice of the Warsaw Ghetto resistance fighters, "we pay tribute to a valiant group that has forever destroyed the myth of Jewish submission to persecution and slaughter." Dr. Schwarzbart said that the meaning and purpose of the uprising would be realized only if Jews "feel and understand" that the uprising was an integral part of the "eternal spirit which keeps our people alive and active, creative and optimistic, despite all disillusionment and ever recurring suffering."

United Hias Service held memorial services today for the 6,000,000 Jewish martyrs of the Nazi regime. Murray I. Gurfein, United Hias president, gave the memorial address. Other speakers were Adolph Held and James P. Rice, executive director.

Similar events were scheduled for next Monday by the American Technion Society and by other organizations. Ogden R. Reid, former American Ambassador to Israel, and Dr. Binyamin Eliav, Consul General of Israel in New York, will be the speakers at a special American Technion Society meeting.

YOUNG ISRAEL ORGANIZATION FAVORS FEDERAL AID TO PAROCHIAL SCHOOLS

NEW YORK, April 12. (JTA) -- The National Council of Young Israel, central agency for a group of Orthodox synagogues, today joined the traditional Jewish organizations supporting Federal aid for religious schools. Such aid is specifically excluded from the Kennedy Administration school aid bill now before the Congress.

The Young Israel Council declared in a resolution that the movement "favors legal and constitutional federal aid to parents and children attending parochial schools providing such aid does not jeopardize the principle of separation of church and state."

The group said such federal help should be given as would help foster Jewish education and give the students of religious schools "the material advantages" of those attending public schools. Federal aid on that basis, the statement said, would not endanger the church-state separation principle.

PALESTINE ECONOMIC CORP. ESTABLISHES U.S. - ISRAEL PUBLISHING FIRMS

NEW YORK, April 12. (JTA) -- The Palestine Economic Corporation announced today it had established two United States-Israel publishing firms, the Massadah-PEC Press Ltd., and the Peli-PEC Printing Works, Ltd., both in Tel Aviv.

Joseph Meyerhoff, PEC president, said the Massadah-PEC firm will publish in English and other languages books written and edited in Israel for international markets. Books in preparation include 19 titles in archaeology, art, Judaism, picture books and dictionaries. The corporation had invested about \$300,000 in partnership with the two Israeli firms to set up the two new firms with which PEC will have a 50-50 ownership relation.

The announcement said McGraw-Hill Book Co. had signed a contract for rights to the American edition of "Jewish Art - An Illustrated History" - and that Holt, Rinehart & Winston, Inc., had signed a similar contract for the rights to Prime Minister David Ben-Gurion's new book on "Israel - Before And After the Sinai Campaign," which will be published simultaneously in English, French and German. Other foreign rights for these and other titles have been acquired by publishers in Britain, France, West Germany and Brazil.