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EICHMANN TRIAL ENDED; VERDICT TO BE ISSUED IN NOVEMBER, JUDGE SAYS

JERUSALEM, Aug. 14 (JTA) -- The trial of Adolf Eichmann, who is accused of crimes against the Jewish people and against humanity in the annihilation of 6,000,000 Jews in Europe, concluded today -- about four months since it opened, on April 11. Presiding Justice Moshe Landau, in adjourning the court, indicated that the verdict will be issued in November.

The trial ended following a summation of the defense by Dr. Robert Servatius, Eichmann's attorney. In his summation, the West German attorney argued that Eichmann had committed no crime against the Jewish people, because there was no Jewish people at the time Eichmann headed the Gestapo's department for Jewish affairs. "The Jewish people," he said, "did not exist before the establishment of Israel, hence no crime against the Jewish people as such could have been committed. This situation cannot be changed by any legal fiction. Legally, it isn't even clear what the term 'Jewish people' means."

His argument provoked consternation in the crowded courtroom and the public had to be quieted by the stern police guards. Dr. Servatius, in advancing this argument, was referring, in this context, to the first count of the 15-point indictment under which Eichmann is facing the three-man panel of judges. The first count, the defense lawyer conceded, is the principal charge among the fifteen enumerated in the indictment. It charges that "the accused, in the period between 1936 and 1945, committed acts constituting a crime against the Jewish people in that, together with others, he caused the killing of millions of Jews."

The fact that Nazi leaders, on trial during the Nuremberg War Crimes proceedings, had accused Eichmann of committing crimes against Jews, said Dr. Servatius, means only that the Nuremberg defendants had succeeded in "misleading" the international military tribunal trying them. If the prosecution's arguments about Eichmann's responsibility were to be accepted, the attorney insisted, "this would provoke joy and satisfaction among the Jew-haters of the world."

"If what the prosecution says is correct," he continued with sarcasm, "then all the Nazis still being hunted can come out of hiding. According to the prosecution's version of Eichmann's role, there did not exist any murder order by the Fuehrer, it was not Goering or the great Paladins who were guilty - only Adolf Eichmann. The Jew-hater Himmler did not have to commit suicide, and Martin Bormann (Hitler's deputy) can now emerge from hiding. The great guilty one has been found -- Adolf Eichmann."

Eichmann's Lawyer Seeks to Demolish the Prosecution Charges

At the opening of this morning's court session, Dr. Servatius started by asking the court's permission to submit a list of legal precedents concerning the laws of conspiracy. Then, reading from notes in front of him, he tackled the indictment, beginning with Count No. 15 and working backward to the first count which charges "a crime against the Jewish people."

One by one, he attempted to demolish each of the counts in the indictment. Not one of the counts had been proven, he contended. The prosecution, he said, had not submitted proof of the criminal character of the Nazi Party or of the SS. The German Reich's political machinery, he contended, had misused these organizations. Collective punishment for membership in the Nazi organization or the SS, he insisted, is "inconsistent with international law."

According to Dr. Servatius, the prosecution had failed to establish the last two counts in the indictment, which charged Eichmann with crime by belonging to the SS and the Gestapo. While those counts hold the SS and the Gestapo to have been illegal by the judgment of the Nuremberg War Crimes tribunal, Dr. Servatius declared the illegality was based only on a law adopted by Israel's Parliament.

The attorney challenged Israel's right to try Eichmann on counts 9 to 12, which dealt with war crimes committed through deportations, the uprooting of populations

in Poland and Slovakia, the murder of Gypsies, and the killing of the children of Lidice, Czechoslovakia. "Israel" he said, "did not exist when these acts were committed. Furthermore, they were not committed on territory later to become Israel."

Dr. Servatius went on to Count No. 8, which charges crimes by Eichmann in causing "the ill-treatment, deportation and murder of Jewish inhabitants of the states occupied by Germany and other Axis states." These, he insisted, cannot be considered war crimes because such crimes can be charged only to countries warring against each other; and there was no war between Israel and Germany, he argued.

A count involving criminality relating to the confiscation of Jewish property, he said, cannot be considered, as charged, a crime against humanity, because such acts come under the heading of loot or theft even if committed. Israel's parliamentary enactment calling these acts criminal, he said, are contrary to international law which limits crimes against humanity to murder, enslavement and deportations. He held that the prosecution had not proved that Eichmann himself had appropriated funds or enriched himself from the looted properties.

'Eichmann Simply Acted Under Orders,' Defense Attorney Argues

In the early days of the Nazi regime, Dr. Servatius declared, Eichmann tried actively to help the Jews of Germany. When wartime orders tightened the Nazi actions affecting the Jews, he held, Eichmann simply acted under such orders. If crimes were committed, he insisted, higher authorities were to blame. Eichmann was not the man assigned by Hitler to implement the orders for the physical annihilation of the Jews, he said, declaring: "There is nothing to prove that Hitler assigned the job of extermination to Eichmann."

Eichmann's job, as seen by Dr. Servatius, was only to "take care of any hitches that developed in the transport of Jews," and "he did so." "The instructions came from Hitler for the strengthening of the ethnic structure of the German nation," he said. "The accused received orders to perform all duties in the field of transport. The prosecution has not submitted any proof that crimes against humanity were committed in the course of these transports."

According to Dr. Servatius, Eichmann was not an accomplice in the murder of Jews, he had nothing to do with transferring to Germany gold teeth and hair taken from murdered Jews, he had no hand in the Nazi program for the sterilization of Jews.

After completing his rejection of each of the 15 points in the indictment, Dr. Servatius entered upon an analysis of the testimony by the prosecution, both through eyewitness survivors of the holocaust and through documents which, Dr. Servatius said, had been "dug up out of the debris of the Third Reich." The latter documents, he held, are "inadmissible" as valid testimony, because the Nazis who wrote those documents "had their own worries and their interests to safeguard," and Eichmann was "eminently suitable as a scapegoat."

As for the death camp survivors who had appeared as witnesses, the defense counsel said, he had refrained from cross-examining them "because their suffering was too sacred for me to attack." However, he contended, he could have "easily exposed contradictions, and could have easily proved that they had testified of things that could not have happened." It was "human nature," he held, "to embellish things and to complement fact."

Dr. Servatius tackled vigorously his claim that Eichmann could not be held punishable for carrying out orders by superiors. That Eichmann was only a small man in the Nazi apparatus, he held, is proven by the fact that he had received no promotion after 1941. Eichmann only carried out orders, the defense lawyer emphasized, and "even under the Israeli criminal code, a person acting on superior orders bears no responsibility for a crime." Eichmann had to carry out orders without questioning the commands, he said.

Concluding his long plea, Dr. Servatius told the court: "This court can only determine what happened, and serve as a warning to history. We do not request forgiveness and forgetfulness, but rather thought and truth. A distance must be created between the individual and the collective. A return must be made to self-restraint and humanity. Let there be a judgment which will transcend the Eichmann case -- a Solomonic judgment, which will show to the nations of the world the wisdom of the Jewish people. This will correct the flaw of the abduction, and would serve peace."

HUGE MEETINGS MARK CLOSING OF ISRAEL'S ELECTION CAMPAIGN; VOTE TODAY

TEL AVIV, Aug. 14 (JTA) -- Israel's electorate, 1,260,000 strong, was ready tonight for tomorrow's fifth general elections, at which 120 members of the next Knesset, Israel's Parliament, are to be chosen from among lists of candidates promulgated by 14 political parties. At 7 o'clock this evening, the election campaign was declared officially closed by the Central Election Committee, which issued a call to the country's voters to maintain order and calm during the balloting tomorrow.

The government-owned radio, Kol Israel, will start broadcasting election results at midnight tomorrow, and will continue reporting results until noon Wednesday. -- Closing campaign meetings and rallies held throughout this principal Israel metropolis today, indicated that the chief contenders would be the Mapai Party, the new Liberal Party formed by the recent merger of the General Zionists and Progressives, and Herut.

Each of the major parties held rallies here today addressed by their most illustrious speakers. Premier David Ben-Gurion drew a crowd estimated at 15,000 for a meeting on behalf of the Mapai. Menachem Begin, for Herut, addressed almost twice as many listeners in the largest rally held in this city. For the Liberals, Dr. Nahum Goldmann spoke to a rally attended by 10,000 persons.

Last night, Mr. Ben-Gurion drew an audience of 40,000 to a Mapai rally at Haifa. Huge crowds also turned out to rallies in Jerusalem, addressed for Mapai by ex-Premier Moshe Sharett and for Herut by Aryeh Altman. Finance Minister Levi Eshkol and Minister of Agriculture Moshe Dayan addressed large Mapai rallies at Beersheba.

As soon as the campaign was officially closed this evening, tens of thousands of party workers took up their election precinct posts throughout the country. Mapai had mobilized some 40,000 workers, while Herut and the Liberals had assigned 15,000 election workers each to man the precincts. The National Religious Party had 12,000 party workers at its posts. In addition, thousands of private automobiles, and virtually every taxicab in the country have been lined up by the various parties to help take voters to the polls.

EUROPEAN COUNTRY SEEKS TO BUY METEOROLOGICAL ROCKETS IN ISRAEL

TEL AVIV, Aug. 14 (JTA) -- A multistage space rocket which will carry scientific instruments in its nose cone is already under construction, it was reported here today. The instrument-bearing space probe, designed to collect weather data, will be Israel's third rocket launching. A second missile already on the launching pad is set to be fired some time after tomorrow's elections. The second rocket is expected to penetrate 100 miles into space, about twice the height of Shavit II, Israel's first rocket launched on July 5.

Meanwhile it was disclosed today that a large West European country has asked Israel to sell it a large quantity of meteorological rockets. Neither the name of the country nor the number of rockets was revealed.

Israel has not yet officially considered the request. However, it was learned, Israel may derive great income from the sale of rockets if the large quantity desired can be turned out within a reasonable time. Israel's achievements in the rocket field, especially its development of a solid fuel for firing the missile, has aroused great interest in several countries which may become potential purchasers of this latest example of Israeli technology.

FRENCH FOREIGN MINISTER LINKS SOVIET TOTALITARIANISM TO ANTI-SEMITISM

PARIS, Aug. 14 (JTA) -- Foreign Minister Maurice Couve de Murville told the B'nai B'rith International Council tonight that there was a "vital" connection between Soviet totalitarianism and anti-Semitism. He was addressing 150 B'nai B'rith leaders from four continents attending the two-day meeting of the Council.

Contrasting the postwar revival of the Jewish cultural community life in Western Europe with "the fact that things are different in another part of Europe separated from us by the Iron Curtain," M. de Murville said that true liberty exists in no Communist country and the freedom of Jews in those lands was "even more limited."

Asserting that, after the Nazi holocaust the Jewish communities of Western Europe were reconstituted, the Foreign Minister said that "their religious life and spiritual development resumed without difficulty." France, he said, is happy to "continue to do our best to encourage it."

CINCINNATI, Aug. 14 (JTA) -- A vicious anti-Semitic hoax was brought to light by the Jewish Community Relations Committee here after the influential daily newspaper, The Cincinnati Enquirer unwittingly reprinted the hoax which is obviously geared for use by haters of Jews, Negroes and all who believe in racial and religious equality.

As a result of the facts brought out by the JCRC, the Cincinnati Enquirer published an editorial retraction, expressing its regret for "making use of an erroneous piece of information." The hoax consists of a statement purportedly printed in a book, allegedly published in 1912, entitled "A Racial Program for the Twentieth Century." The author of the book was said to have been "an English Communist, Israel Cohen."

The Enquirer here has now summarized its retraction in an editorial which it entitled "No Book, No Author." The non-existent "book" by the fictitious Israel Cohen had allegedly included these quotations:

"We must realize our party's most powerful weapon is racial tension. In America, we will aim for a subtle victory. While inflaming the Negro minority against the whites, we will endeavor to instill in the whites a guilt complex for their exploitation of the Negroes, and begin a process which will deliver America to our cause."

Declaring the very existence of the book, its alleged author, and the quotation, "a piece of journalistic fakery," the JCRC said "the hoax was clearly calculated to revive the old 'Communist-Jewish plot' libel, long used by enemies of American democracy."

Hoax Traced by Anti-Defamation League and Washington Newspaper

A history of the development of the hoax, and of efforts to perpetuate it, was developed by the JCRC, many of the facts having been obtained from The Washington Star which had printed the story in March, 1957 -- and retracted the report, calling it "a hoax," nearly a year later. The Star had based its retraction on its own extensive research, after the fake report had been analyzed by Herman Edelsberg, director of the Washington office of the Anti-Defamation League of B'nai B'rith.

Mr. Edelsberg pointed out that:

1) There is no record of a Communist leader, philosopher or pamphleteer by the name of Israel Cohen, in England or elsewhere; 2) No book or pamphlet entitled "A Racial Program for the Twentieth Century" is known to the Library of Congress, the British Museum or the National Union Catalogue which summarizes the holdings of 800 libraries in the United States; 3) No United States Executive or Congressional agency concerned with combating Communism, all of which have extensive biographical and bibliographic data, have a record of an alleged Communist writer known as Israel Cohen; 4) The term "Communist Party" could not have been used by any Communist writer in 1912, since the term was not coined until 1917, when it was first used by the founder of the Russian Communist Party, Nicolai Lenin.

The Washington Star did establish, by contacting Israel Cohen, a well-known Anglo-Jewish writer living in London, that the real Mr. Cohen had never written such a book. The real Israel Cohen was general secretary of the World Zionist Organization from 1922 to 1939, and is the author of at least two dozen books, not one of which deals with Communism. Among Mr. Cohen's works are a history of Zionism, travel books, and books dealing with contemporary Jewish affairs based on his broad experiences in Jewish work dating back to 1909, when he was secretary of the British Zionist Federation.

The Washington Star stated editorially, after tracing the hoax: "Certainly one innocent victim of this fraud has been Israel Cohen, of London, a journalist and writer of excellent reputation, whose name seems to have been gratuitously exploited as part of the fabrication."

Hoax Was Inserted in Congressional Record by Mississippi Congressman

According to the JCRC and The Washington Star, the hoax was first made public in a letter to the Star by R. A. Hester, then chairman of the Montgomery County Chapter of the Maryland Petition Committee, Inc. Later, the Hester letter was inserted in the Congressional Record by Rep. Thomas Abernethy, of Mississippi. When the Star asked Mr. Hester to give the source of the alleged quotation, the newspaper reported, Mr. Hester "said he had read it in some newspaper, but could not remember which one."