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## EICHMANN APPEAL CHALLENGES ISRAEL JURISDICTION; CITES HUMAN RIGHTS

JERUSALEM, March 22. (JTA) -- Dr. Robert Servatius, opening his legal fight to free Adolf Eichmann from the gallows, asked the five-man tribunal hearing the Nazi's appeal today to call Dr. Hans Globke, State Secretary to West German Chancellor Konrad Adenauer, as an "expert witness" on the Nazi era.

The West German attorney opened his argument at the first day of the appeal hearing with an anticipated challenge of the jurisdiction of the Israeli court which tried, convicted and sentenced Eichmann to death by hanging for his role in the wartime slaughter of 6,000 European Jews.

Although much of Dr. Servatius' arguments today was a reiteration of the case he made during the four-month trial last summer, before the Jerusalem District court, he did try to bring up new considerations.

In addition to the request to call Dr. Globke, the defense attorney also hinted that a document incriminating Eichmann in the Nazi use of gas in the mass murder program might have been falsified. He also said he would appeal to the United Nations, invoking a clause in the United Nations Universal Declaration of Human Rights on behalf of his client, if all other legal steps had failed.

The name of Globke, who has often been under sharp fire for his role as a Nazi expert on Hitler's Nuremberg racial laws, was brought up by Dr. Servatius as part of his reiterated argument that Eichmann, as a Gestapo colonel, was a small cog in the vast murder machine. Dr. Servatius said that Globke certainly knew that the Nuremberg laws were there to be implemented, and knew much more about the whole anti-Jewish chapter of the Nazi era than did Eichmann.

He brought up the matter of United Nations intervention with the argument that it was the duty of the West German Government to defend Eichmann against his abduction in the night of 1960 in Argentina.

### Justices Question Servatius; Eichmann Doubts Veracity of U.S. Document

The West German attorney was questioned sharply during the afternoon session today. One occasion was during his assertion that Eichmann, as head of the Gestapo department for Jewish Affairs, had no part in the development and use of poison gas for killing Jews. Justice Eliahu Silberg questioned the attorney at length about documents which proved that Eichmann was implicated. One of the documents was a piece of evidence in the Nuremberg war crimes trials which indicated that Eichmann had agreed to the procurement of poison gas for that purpose.

Leading from a note which the prisoner had scribbled in his bullet-proof, glass prison cell, Dr. Servatius told the five Supreme Court Justices that the defendant insisted it was impossible for him to have been involved in the poison gas matter.

Dr. Servatius was immediately asked whether Eichmann was claiming that the document had been falsified by the American prosecution staff at the Nuremberg trial. Dr. Servatius emphatically responded that Eichmann did not believe the document had been "maliciously falsified" but that, during the handling of prosecution documents, his name "had been added on the basis of assumptions." Eichmann had fled from the collapsing Third Reich, and was living at the time the Nuremberg trials were held.

Dr. Servatius also denied any complicity by Eichmann in the case of a collection of Jewish skeletons at Strassburg University sent there for study by Nazi racial-biological experts. Dr. Yitzhak Olshan, presiding justice at the hearing and President of the Israel Supreme Court, asked at that point why a letter about the Strassburg collection had been sent to Eichmann, who, according to the defense argument, was responsible as a Gestapo officer only for the transports of Jews to their doom. Dr. Servatius replied that Eichmann could not be held responsible for the fact that someone wrote to him about a matter concerning which he had no authority.

### Chief Justice Sees Actions As Exceeding 'Transport Officer' Duties

In another exchange, Dr. Servatius sought again to minimize Eichmann's role in pre-war Vienna, where he had been in charge of stripping and expelling Austrian Jews. Justice Eliahu Silberg cited an exhibit in which Eichmann had boasted he had made Austria "Judenrein." Dr. Servatius replied that Eichmann had simply been boasting to get a higher rank, and that

the District Court had attached too much weight to the document. Dr. Servatius had more trouble handling the matter of the evidence that Eichmann had initiated anti-Jewish excesses in occupied Belgium. Dr. Servatius lamely replied this was "most irregular," since Eichmann's duties did not encompass such activities. Justice Olshan promptly replied: "This is just why I am asking. That was certainly beyond the duties of a transport officer."

Arguing against both the judgment and the sentence, Dr. Servatius said that the reliance of the Israeli District Court on precedents of American and British courts were inadequate because "the facts in this case are completely different." He said that, in the Eichmann case, there was "complicity between the kidnapers and the state." The individual should be given the right to complain about "a breach of the law of nations." This was a reference to Israel in the spring of 1960.

#### Insists on International or German Court; Questions Jewish Objectivity

The West German attorney repeated arguments used during Eichmann's trial last year that the acts charged against the Nazi had been committed at a time when Israel did not exist, and that Israel's law against Nazis and collaborators might be invalid because of its retroactive character. He remarked that just such doubts had been expressed by some Jews following the trial.

Replying to the prosecution's contention that there was no international court in which Eichmann could have been tried, the attorney said there were West German courts. Conceding that the West German Government had shown no interest in extraditing Eichmann for trial, and that the West German Foreign Office had rejected Eichmann's request for intervention, Dr. Servatius insisted that the West German Government was "obliged to take steps against the kidnaping" and against trial of a defendant by "an unauthorized court."

Dr. Servatius said that, while he did not question the sincerity of the judges who heard and convicted Eichmann, they might have been hampered by "psychological factors," a carefully phrased suggestion that no Jew could be objective toward a Nazi who had any significant role in the wartime Nazi genocide against European Jewry.

The Cologne attorney engaged in a brief exchange with the judges on the question of submission of new evidence. He cited his written advance request for submission of further evidence and calling of witnesses. He was told that this issue should be argued during the course of the defense plea as each point of appeal came up. In Israeli courts, appeals are normally based on points of law only, and new evidence is not admissible except when a lower court has erroneously accepted inadmissible evidence or refused to admit admissible evidence.

#### LULL FOLLOWS NEW SYRIAN ATTACKS ON BORDER; DAMASCUS MASSES TROOPS

TEL AVIV, March 22. (JTA) -- Quiet prevailed on the Israel-Syrian border today, following new fighting that erupted again last night, in the Lake Tiberias area. Jet fighters of the two countries fought for the second time in two days. Syrian machinegun fire was aimed again at Israeli settlements in the area.

Last night's encounters were the fourth and fifth clashes since Israel mounted a strong reprisal raid last Saturday on Syrian positions which had been shelling Israeli fishing boats and police launches sporadically since February 1. Israeli officials said several houses in the Mishmar Hayarden settlement were struck in the 15-minute machinegun attack last night but no casualties were reported. Israel filed a fresh complaint with the Syrian-Israel Mixed Armistice Commission.

The Israeli sources dismissed a Syrian report that one Israeli jet was hit and crashed in flames last night after returning to Israeli territory. The Syrians also claimed a second Israeli jet was damaged. The Israeli spokesman asserted that Syrian planes crossed the frontier for the second day in a row and were again driven back by Israeli jets.

In Damascus, it was reported here, Premier Maaruf Dwalibi told the Syrian Parliament that Israel had mobilized some of its reserves and that Syria had to be prepared to repel a new attack. He said the Syrian army and government were taking all necessary measures to deal with the alleged threat. There were authentic reports that Syria has deployed a large part of its army on the Israeli border, the Syrian forces being equipped with the most modern Russian weapons.

#### B'NAI B'RITH OFFERS MATZOHS TO RUSSIAN JEWS; SOVIET ENVOY 'MAY' ACT

WASHINGTON, March 22. (JTA) -- The B'nai B'rith today offered to provide matzo for this year's Passover to the Jews of the Soviet Union. The offer was made by Label A. Katz, national president of B'nai B'rith, "as a simple act of Jewish brotherhood," in a telegram to the chairman of the Soviet Council for the Affairs of Religious Cults sent through the office, here, of Soviet Ambassador Anatoly Dobrynin.

Meanwhile, a spokesman for the Soviet Embassy told the Jewish Telegraphic Agency that earlier requests for Mr. Dobrynin's intervention in the Russian-Jewish matzoh situation,

voiced in Congress, are being studied here and "may" be acted upon. The spokesman, however, added that "there is considerable doubt that the report is true," and said "something may be done, if the reports turn out to be true."

The fact that the Soviet Government has forbidden this year the baking of matzohs in State-owned bakeries was announced last Saturday to the congregation of Moscow's Central Synagogue by that city's Chief Rabbi Yehuda Leib Levin. He said that State bakeries produced 120 tons of matzohs last year for Moscow's 500,000 Jews. Smaller amounts were made by State bakeries in other Russian cities. The Chief Rabbi said this was the first year the Government had refused to permit its bakeries to make matzohs. It has also barred baking of matzoh privately by Jews as a form of commercial enterprise.

However, the spokesman for the Soviet Embassy here said the veracity of the report about Rabbi Levin's announcement "remains to be checked." He declined to comment on whether the Ambassador had taken steps to check the report with the Soviet Government. Asked why the reports were questioned here, he replied that "the original source of the report was not clearly indicated, nor was the purpose of the order clearly stated." He added that a "more definite" reply to the inquiries might be forthcoming in a few days.

#### Katz Cites U. N. Principles; Moscow Chief Rabbi Cautious on Javits Offer

Like members of Congress who had already spoken out on the issue, Mr. Katz, in his matzoh offer, cited the draft principles on freedom of religious rights and practices which are currently on the agenda of the United Nations Commission on Human Rights, at U.N. headquarters in New York. Russia's denial of matzohs to its Jews, said Mr. Katz, is "in direct conflict" with those principles. These, he noted, stipulate explicitly that "members of a religion or belief shall not be prevented from acquiring all materials and objects necessary to the performance of prescribed rituals or practices, including dietary practices." The principles also provide that "where a Government controls the means of production and distribution, it shall make such materials or objects, or the means of producing them, available to the members of the religion or belief concerned."

Mr. Katz's offer of matzohs to the Russian Jews followed an earlier offer made by U. S. Senator Jacob K. Javits, of New York, Republican. Sen. Javits said that New York matzoh bakers would ship to Russia an adequate quantity of matzohs for all the Jews there, if the Soviet Government would permit the entry of such shipments. No word on that offer has been received from the Soviet Government.

Cables from Moscow received here today showed Chief Rabbi Levin was taking a gingerly attitude toward the offer made by Sen. Javits. The Chief Rabbi was quoted as saying it was "not a matter for us alone" but for the Soviet authorities. "One would have to have permission from the Soviet Government," he said, in Moscow. He said further it was not up to the Jews of Russia "to ask why" the ban had been issued, and that he could not protest the Government's matzoh decision. (Another dispatch from Moscow reported that the Israel Embassy staff there would import matzohs for its own use from Israel.)

#### 14 SENATORS FILE AMENDMENTS TO IMMIGRATION ACT IN BIPARTISAN MOVE

WASHINGTON, March 22. (JTA) -- A bi-partisan group of 14 Senators today introduced an amendment to the 1952 Immigration and Nationality Act that would replace the present national origins quota structure with a new system.

The new formula, based on population ratios and the pattern of immigration over the last 15 years, would provide 80,000 quota visas to be divided among countries in proportion to the relation between their population and world population. Another part of the formula would allocate visas on the proportion of a country's immigration to the United States over the last 15 years as related to the total of all immigrants into the U. S. A.

The measure, brought to the Senate floor by Democratic Senator Philip Hart of Michigan, on behalf of the group, including three Republicans and 10 other Democrats, was described as an attempt "to fulfill" the 1960 platform planks of the Democratic and Republican parties. Both party planks label the present system "discriminatory." The new measure would place the greatest emphasis on reuniting families now separated as a result of partial immigration. The measure would also provide for a pooling arrangement at the end of each year of unused quotas. The unused quotas would be divided among quota areas having a back-log of applicants waiting for immigrant visas.

#### KENNEDY HAILS CONTRIBUTIONS OF JEWISH CHAPLAINS IN MESSAGE TO J. W. B.

NEW YORK, March 22. (JTA) -- President John F. Kennedy and Secretary of Defense Robert S. McNamara today hailed the 100th anniversary of the signing of an Acts of Congress which, for the first time, permitted ordained ministers of any religion to serve as chaplains in the United States Army. The act, signed by President Lincoln in 1862, permitted the appointment of the first Jewish chaplain in the U. S. Army, Ferdinand Sarner, who was commissioned in September of that year.

In a message sent to the 1962 national biennial convention of the National Jewish Welfare Board, President Kennedy described the act as "one of the landmarks on the road to complete religious equality."

## FINANCIAL COST OF NAZI HOLOCAUST REACHED \$27 BILLION, NEW SURVEY SHOWS

COPENHAGEN, March 22. (JTA) -- European Jewry's monetary losses during the Nazi reign of terror amounted to at least \$27,000,000,000 in property, assets and income, according to a new survey evaluating the financial cost of the holocaust released here today by the World Jewish Congress. The survey had been made by Dr. Nehemiah Robinson, director of the WJC's Institute of Jewish Affairs. It was issued here prior to the gatherings scheduled for this weekend of the administrative committee of the WJC, the board of directors of the Conference on Jewish Material Claims Against Germany, and the Conference of Jewish Organizations.

"Even deportations and killings," Dr. Robinson noted in the survey, "became a source of income for the Nazis. The Germans were paid large sums of money for deporting Hungarian Jews. In some cases, the Jewish community was forced to pay to the Germans the value of the bullets used to kill part of the community, or for urns containing the ashes of deported and gassed leaders."

The amount of lost income, the survey showed, aggregated between ten and fifteen billion dollars. Other means of German spoliation under the Nazi regime, the data showed, included a levy against the German Jewish community and an "emigration" tax; a billion-franc tax against the Jewish community of France; and "vast sums," sometimes as much as \$1,000,000, to allow certain families or groups of Jews to escape. All the figures, Dr. Robinson said, are based on monetary values applicable during the Nazi regime. Today's values, he said, would be, in many instances, between 60 percent and 80 percent higher.

## 51,000 JEWS PERISHED IN BERGEN-BELSEN CAMP, GERMAN STUDY SAYS

BONN, March 22. (JTA) -- A total of 51,000 Jewish inmates from many European countries died at the Bergen-Belsen concentration camp according to findings published today in a documentary survey made by Dr. Eberhard Kolb, a West German historian.

The survey, designed to record the historical significance of the camp, was commissioned last year by the Lower Saxony Government, in whose area the camp was located. The study found that, in the first six months of 1945, nearly 45,000 inmates died from hunger or disease. Among them was Anne Frank, the Dutch girl whose diary emerged as one of the most graphic portrayals of the Nazi genocide.

Some 60,000 inmates were found still alive by the Allies when they liberated the camp, but 13,944 of the survivors died almost immediately afterward.

## JEWISH-CHRISTIAN COUNCIL FORMED IN BRAZIL BY LEADERS OF ALL FAITHS

SAO PAULO, Brazil, March 22. (JTA) -- With broadest participation on behalf of nearly all of the top religious leaders in this country--including the blessings of the Cardinal of Brazil, Archbishop D. Carlos Carmello de Vasconcellos Motta--a Council for Jewish-Christian Fraternity was established here today.

More than 150 religious leaders of all faiths attended the founding meeting, summoned on the initiative of A. Bertie Levi, one of Brazil's foremost leaders of B'nai B'rith. The Council pledged itself "to bring the faithful of the various religions closer together, in mutual knowledge and in the defense of human rights."

Cardinal Motta sent a message of warm greetings to the initial meeting. Co-chairmen representing major religious communities were elected as heads of the Council. The co-chairmen are: Father Calixto Vendrame, provincial of the Order of Sao Camilo; Rev. Walter Augusto Ermel, professor of theology at the Presbyterian Seminary; and Great Rabbi Fritz Pinkuss.

Among the directors chosen are leaders of the Jewish community, Methodists, Lutherans, and prominent monks and nuns of the Benedictine, Dominican and other Catholic orders. It was believed by leaders of the Council that the Greek Orthodox community there will join the organization as soon as Msgr. Ignacio Ferzli, Orthodox Archbishop, who is out of the country, returns home.

## BRITAIN RATIFIES CONVENTION AGAINST DISCRIMINATION IN EDUCATION

UNITED NATIONS, N. Y., March 22. (JTA) -- Britain today became the fourth country--following the Central African Republic, France and Israel--to ratify the Convention Against Discrimination in Education adopted in 1960 by the United Nations Educational, Scientific and Cultural Organization.

Britain's ratification will bring the convention into force, since the instrument needed four governmental agreements before it could go into effect. Under the Convention, governments agree to ban any educational discriminations based on race, color, sex, religion, language, national or social origin, economic condition or birth.

## DUBNOW'S 'HISTORY OF JEWISH PEOPLE' TO BE PUBLISHED IN YUGOSLAVIA

LONDON, March 22. (JTA) -- The Union of Jewish Communities in Yugoslavia is making preparations to publish, in the Serbo-Croatian language, Simon Dubnow's "History of the Jewish People," it was reported here from Belgrade today. The translation has been made by Professor D. Levi and D. Mewora.