

## WAITING FOR DEMJANJUK

By Hugh Orgel

TEL AVIV, Feb. 25 (JTA) — The expected arrival here later this week of accused Nazi war criminal John Demjanjuk under escort of United States and Israeli marshals has triggered stepped-up efforts designed to pave the way for the second war crimes trial in the 38-year history of the Jewish State.

Demjanjuk, a native of the Ukraine, lost his last legal barrier preventing his extradition to Israel when the United States Supreme Court declined Monday to review a lower court ruling that found "probable cause" that Demjanjuk was a guard at the Nazi death camps at Treblinka and Sobibor.

The 65-year-old retired Cleveland auto worker is expected to be tried here under a 1950 law, Punishment of Nazis and their Collaborators. He faces possible execution if tried and convicted of the murder of Jews in World War II.

The only other person to be tried and convicted under this law was Adolf Eichmann, who was kidnapped by Israeli intelligence agents in Argentina and hanged in Jerusalem on May 31, 1962.

The United States Justice Department accused Demjanjuk, known to death camp inmates as "Ivan the Terrible" for his cruel treatment of prisoners, with operating the gas chambers at Treblinka where some 900,000 Jews were murdered during the Holocaust.

### First War Criminal To Be Extradited To Israel

Demjanjuk is expected to be brought to Israel aboard a direct El Al flight from New York, as a landing, even briefly, in an intermediate airfield might embarrass a foreign government during the passage of the controversial figure. Demjanjuk is being held in a federal prison facility in Springfield, Missouri.

Officials of the Justice Ministry, the Attorney General's Office, the police and prison service had contingency plans developed last year when it became apparent that there was a strong possibility that Demjanjuk might be extradited to Israel under terms of a 1963 extradition agreement with the U.S.

Demjanjuk, who has maintained his innocence, saying he was a Soviet soldier during the war who was captured by the Nazis, has argued through his attorney that the extradition treaty between the two governments does not allow for him to be sent to Israel. He would be the first person extradited from the U.S. to Israel for crimes committed during World War II.

### Preparing The Venue

Justice Minister Moshe Nissim said Monday that Demjanjuk would be tried in the Jerusalem district court by a panel of three judges headed by a Justice of the Supreme Court. While the Attorney General's office and the police are preparing the charge sheet, other officials are deciding on where the trial will take place.

The venue must be dignified enough to serve as a court and large enough to accommodate the large

number of people, including hundreds of foreign reporters, expected to view the trial. Justice Ministry personnel have inspected and found suitable for use in the Demjanjuk trial the bullet-proof glass box which encased the stand at which Eichmann sat during his trial. It has been preserved as an exhibit at the Kibbutz Lochamei Hagetaot Museum.

Demjanjuk will probably be held during the preparations for his trial, including his interrogation by the police for preparation of the charge sheet — which may take several months — in the same special cell at the Ramle Prison which housed Eichmann.

His prison guards will probably be chosen from a panel of individuals who have had no connection with the Nazis, either directly in their own person or through members of their family, to avoid the possibility of personal revenge.

But the question of who will represent Demjanjuk is still to be settled. Under Israeli law, only lawyers registered in Israel may plead in Israeli courts. It will not be easy to find a local attorney ready to undertake the defense of Demjanjuk, and the accused war criminal may request an attorney from abroad.

In the case of Eichmann, a special law was passed to enable a West German attorney, Robert Servatius, to appear in the Jerusalem court to defend him.

### AN HISTORIC MERGER

By Aviva Cantor

NEW YORK, Feb. 25 (JTA) — The Federation of Jewish Philanthropies of New York, the United Jewish Appeal of Greater New York, and the UJA-Federation Campaign of New York announced and celebrated Tuesday their plans to merge on July 1 into one organization: the UJA-Federation.

The decision — a culmination of two-and-a-half years of negotiations — took material form Tuesday, when four top leaders of the three organizations signed the merger proclamation at their headquarters.

The merger ends New York's unique status as the only metropolitan area in the U.S. with separate philanthropic entities for raising and disbursing funds for domestic and overseas needs. The new body, which will perform all these functions, will be the largest such organization in the U.S.

The merger document was read aloud at the celebration, attended by approximately 50 leaders of the three bodies, by Ivan Boesky, the general chairman of the UJA-Federation Campaign. It was signed by Boesky, as well as Daniel Shapiro, president of the Federation; Peggy Tishman, president-elect of the Federation; and Morton Konreich, president of the UJA of Greater New York.

The proclamation read, in part:

"We set forth the purpose of this new unified body, which is to support Jews in need wherever they may be and to enrich the quality of life in Israel, in New York, and throughout the world .... We proclaim the inauguration of the UJA-Federation of New York in the spirit and tradition of its founders and all who contribute to the welfare of the Jewish people in the true spirit of tzedaka ...."

The proclamation was witnessed by Israel's Consul-General in New York Moshe Yegar and Mayor Edward

Koch. Yegar called this a "day of great historic importance, and it will be remembered in the annals of the Jewish community of New York." Koch, praising the quality of social services provided by the Federation, said the signing of the merger document "brings to an end the historic relationship between the German Jewish community and the East European Jewish community ...." In an oblique but obvious reference to the conflicts between the two groups that took place in the past, Koch concluded:

"To have these historic issues be ultimately resolved by a marriage" between the major organizations representing those two communities "is a historic moment."

Shapiro, calling the merger a "historic event," said it will "ensure that the gifts (contributed) will be used as effectively as possible to help Jews" in Israel, New York and communities around the world.

#### Officers Of New Organization Announced

Shapiro said that Tishman will become president of the Federation-UJA on July 1, with Kornreich becoming chairman of the Board of the new entity. Each will serve for 18 months and then switch jobs for the next 18 months. Subsequently, the terms of office will be three years. Ernest Michel, currently executive vice president of the New York UJA, will serve the new body in this capacity.

Commenting on this alternation-of-office scheme, Shapiro told the gathering that the negotiators had taken a "political clue from the Peres-Shamir compromise" according to which Premier Shimon Peres of Labor will turn his position over to Yitzhak Shamir of Likud on October 13.

#### Background Of The Merger

Tishman, tracing the history of the Federation and what led up to the merger, said the unification of New York's Federation and UJA was a "natural evolution .... It was inevitable that we should come together."

Until 1973 the Federation, established in 1917, and the UJA of Greater New York, formed in 1939, "worked along parallel tracks," said Tishman. Each conducted separate fund-raising campaigns -- the Federation, for domestic needs, in the fall, and the UJA, for overseas needs, in the spring. Each had a separate structure, with lay leaders, a Board, professional staffers, and worked at separate addresses.

The first move toward merger goes back to the Yom Kippur War of 1973 which, said Tishman, "changed everything." When the war broke out in October, on the eve of the Federation's campaign, "that was the moment which gave birth" to a joint campaign which raised \$120 million "in an outpouring of support" for Israel.

The combined campaign having been such a success, the leaderships of the Federation and the UJA decided, in 1974, to form a third organization, the UJA-Federation Joint Campaign, with a single staff, to raise funds for both domestic and overseas needs.

In the next decade, each of the three organizations maintained a separate board. The Federation and the UJA of New York each had separate lay leaders and professional staffs to allocate the funds raised in the joint campaign. In 1980, the three organizations moved a step closer to amalgamation by locating under one roof.

At this juncture, the possibility of merging the three organizations began to be explored in earnest.

The Committee to Explore the Future Relationship of UJA and Federation first met in April 1983. Chaired by attorney Charles Ballon, whom Kornreich referred to at the Tuesday gathering as the "shadchan" (matchmaker) of the "marriage" of the three organizations, it was composed of 31 representatives of the boards and officers, including past presidents and major committee chairpersons, of UJA and Federation. The final negotiating team, said Shapiro, had 10 members, "each committed to protecting his organization."

#### A Factor In The Meetings

One of the factors that arose in the deliberations during hundreds of meetings was New York's per capita contribution to the UJA-Federation Campaign -- \$67-- the lowest in the U.S.'s 13 largest Jewish population centers. The other big cities average a per capita contribution of \$105, with Cleveland leading (\$301), followed by Detroit (\$291).

The Federation's Board of Trustees voted in favor of the merger in January, by a vote of 358 to 47. It was officially approved Monday night, Tishman told the gathering, by the "membership" of Federation -- which she defined as anyone who gives \$130 or more. "About 200 people attended the meeting. The UJA's Board of Governors approved the merger unanimously in February.

#### Terms Of The Merger

The terms of the merger provide that the UJA-Federation will be governed by a board of approximately 130 members, chosen from the boards of the three organizations that merged. One of the three new divisions, the campaign division, will raise funds for both local and overseas needs.

The other two divisions will distribute the raised funds. The domestic division will deal with allocation of funds to the Federation's member-agencies. The overseas division will perform the same function with regard to funds for Israel and Jewish communities abroad.

The percentages of funds to be turned over to each division for allocation will remain the same as it has been until now when the UJA-Federation Joint Campaign turned over funds to the Federation and the UJA; approximately 70 percent to the overseas division, and about 30 percent to the domestic division. That split will remain in effect until June 30, 1991.

After that time, all monies over the average of the amounts raised in the 1990 and 1991 campaigns will be disbursed after votes each subsequent year by the allocations committee and the Board of Directors.

Kornreich, hailing the merger, said that a major result of it will be that "we will now speak with a single voice." In celebrating the "marriage" of the three organizations, Kornreich stepped on and broke a glass, to the cheers of the participants in the gathering.

**U.S. SUPPORTS ISRAEL AGAINST MOVE BY SYRIA AND LIBYA TO HAVE ICAO CONDEMN ISRAEL FOR LIBYAN PLANE INTERCEPTION**  
By Michael Solomon

MONTREAL, Feb. 25 (JTA) -- Israel, backed by the United States, defended itself at a meeting of the International Civil Aviation Organization's (ICAO) Governing Council here Monday against a move by Syria and Libya to have the 33-member body condemn the Israel Air Force interception of a private Libyan plane which Israel had reason to believe was carrying Palestinian terrorist leaders. Israel, at the same time, charged Libya with threatening Israeli civilian aircraft.

The interception occurred on February 4 when a Libyan Grumman Gulfstream executive jet enroute from Benghazi, Libya to Damascus, was forced to land at an Israeli Air Force base for an identity check of its nine passengers and three crew members.

The passengers turned out to be Syrian political figures returning from a meeting in Tripoli, Libya, and the plane was released after 4 1/2 hours to complete its flight.

The discussion at the ICAO Governing Council meeting focussed on whether the Libyan aircraft was on State or civilian business when it was intercepted over the Mediterranean. Israel contends it was on official business and therefore was not covered by the 1944 Chicago Convention on international law governing civil aviation.

#### Statement By U.S. Delegate

The U.S. was the only country to defend the Israeli action. The American delegate Edmund Stohr maintained the interception was justified in light of Libya's reputation as a refuge for "resistance fighters." He stated that "as a general principle, the U.S. opposes the interception of civilian aircraft but concern for aviation security does not mean terrorists have a sanctuary in aircraft."

The Soviet delegate, Valery Sinjushkin, denounced the interception as "piratical" and "state terrorism." Condemnations in a similar vein were voiced by the delegates from Algeria, Pakistan, Senegal, Indonesia, Czechoslovakia, Lebanon, China, Iraq and Egypt.

Last October, an Egyptian commercial airliner carrying Palestinian terrorists believed responsible for the hijacking of the Italian cruise ship Achille Lauro and the murder of one of its passengers, Leon Klinghoffer, an elderly American Jew, was forced by U.S. fighter planes to land at an airbase in Sicily.

#### Israel States Its Position

The Israeli delegation, headed by Jacob Aviad, Israel's Consul General in Montreal and its permanent representative to the ICAO, asked the President of the Governing Council, Dr. Assad Kotaite of Lebanon, to circulate to all ICAO member states a letter signed by Israel's Minister of Transportation, Haim Corfu.

The letter cites numerous threats by the Libyan government and by Libya's ruler, Col. Muammar Qaddafi, to attack Israeli civilian planes flying over the Mediterranean and force them to land in Libya in order "to discover Israeli terrorists against Libya."

The letter states that "such threats constitute a grave and permanent danger to the security of passengers and represent a flagrant violation of the Chicago Convention."

The ICAO, headquartered in Montreal, is a United Nations agency. Israel, Syria and Libya are members but do not sit on its Governing Council.

#### U.S. CLARIFIES INVITATION TO THE PLO By David Friedman

WASHINGTON, Feb. 25 (JTA) — The State Department maintained Tuesday that it would not have invited the Palestine Liberation Organization to an international conference without Israel's agreement.

Department spokesman Bernard Kalb also stressed that the offer to the PLO was part of a "package" designed to bring about direct negotiations between Israel and a Jordanian-Palestinian delegation.

Kalb's comments came as he reaffirmed that King Hussein was correct when he said last week that the United States had agreed to invite the PLO to an international conference if the PLO accepted United Nations Security Council Resolutions 242 and 338, agreed to negotiations with Israel and renounced terrorism.

Hussein revealed the offer in a television speech in which he announced he was ending a year-long effort to work out a joint peace strategy with PLO leader Yasir Arafat because the word of the PLO leadership could not be relied upon.

#### Effort To Construct A Package

Kalb said Tuesday that the offer was one of the many aspects as the U.S. "attempted to help construct a package that would facilitate direct negotiations between Israel and the Jordanian-Palestinian delegation looking toward the establishment of peace between Israel and all its Arab neighbors."

"As it is always the case in such situations, no single issue can be satisfactorily addressed without reference to the full package of which it is part."

"Moreover, if that package could have been constructed, it goes without saying that it would not have been implemented without agreement to the full package by all sides."

Kalb stressed Monday that Israelis on a senior level had been kept informed of all U.S. discussions on the peace process as had the Jordanians. There have been reports from Jerusalem that Premier Shimon Peres knew of the offer but Foreign Minister Yitzhak Shamir didn't. While refusing Tuesday to describe any other aspects of the "package," Kalb said that "now that the PLO has failed the King's test there is no package and this isolated question is moot."

#### Reiterates U.S. Position

He reiterated the U.S. position that now is a time for "reflection" and stressed it was "premature" to speculate on the next step by the U.S. At the same time, Kalb said for the "record," he wanted to reiterate the long-standing U.S. policy on the PLO.

"We will not recognize nor negotiate with the PLO so long as the PLO does not recognize Israel's right to exist and does not accept Security Council Resolutions 242 and 338," he said. "And we made it clear that those who refuse to renounce violence and terrorism have no place at the negotiating table."

#### UJA MISSION RAISED \$1.4 MILLION

NEW YORK, Feb. 25 (JTA) — Ninety Jewish participants in the UJA Winter President's Mission to Israel pledged \$1.4 million to the 1986 UJA/Federation Campaign, a 43 percent increase over pledges by the same donors last year. Bernard Borine of Philadelphia, who chaired the January trip, also reported that participants pledged \$233,400 to Project Renewal. Twenty-three members of the group took part in a pre-Mission visit to the Jewish communities of Casablanca and Marrakesh and observed social programs of the American Jewish Joint Distribution Committee in Morocco.

## BEHIND THE HEADLINES AN 'EPITAPH' FOR THE HOLOCAUST VICTIMS By William Korey

(Editor's note: Dr. William Korey is director of International Policy Research of the B'nai B'rith International Council.)

NEW YORK, Feb. 25 (JTA) — Raphael Lemkin, the great Polish-Jewish legal scholar, would have been pleased by the Senate 83 to 11 vote last Wednesday ratifying the Genocide Convention. "An epitaph on my mother's grave" — that is how he had described the treaty for which he was largely responsible.

If Winston Churchill called the mass destruction of a people because of their race or religion or ethnic origin "a crime without a name," Lemkin gave it a name: "genocide." He fervently hoped that America would be the first to ratify the treaty. But at his death in 1959, the U.S. Senate had still not given it its approval.

For Lemkin, it was not only an international juridical matter. It was also deeply personal. Forty-seven members of his family, including his beloved mother, had been massacred by the Nazis. He was determined to prevent its recurrence, whether against Jews or Christians or Armenians or dozens of others who, in his unfinished history of genocide, he had closely surveyed.

As the "unofficial man" at the UN during 1946-48, Lemkin lobbied mightily until the General Assembly adopted on December 9, 1948 the "Convention on the Prevention and Punishment of the Crime of Genocide."

### An Historic Irony

Appropriately, if today somewhat ironically, Lemkin's biggest backer was the U.S. Its delegation demanded a strong and unanimous vote before the UN General Assembly ended its 1948 session. And the U.S. was the first to sign the Convention two days after it was approved.

President Harry Truman sent it to the Senate for its "consent" in June, 1949. The Administration urged early Senate action to "demonstrate to the rest of the world that the United States is determined to maintain its moral leadership in international affairs."

But a combination of factors halted the early drive toward ratification: resistance from the American Bar Association (which was completely reversed in 1976); a growing isolationism and xenophobia flowing from the Korean War and a rampaging McCarthyism; anxieties of segregationists from the Deep South; and the Bricker movement to limit the treaty-making authority of the Executive. Later, only inertia and a vague fear that ratification would threaten U.S. sovereignty prevented Senate action.

Sen. William Proxmire (D. Wisc.), who delivered 3,000 pro-ratification speeches from the Senate floor since 1967, observed that "there is not a single proposal that has been before the Senate as long." The inertia was ended when President Reagan in September, 1984, just prior to his speech to the B'nai B'rith convention, demanded Senate action in order to assist "our efforts to expand human freedom and fight human rights abuses around the world."

The State Department human rights specialist, Elliott Abrams, told the Senate, "We have all delayed too long" in adding "America's moral and political prestige to this landmark in international law."

Now that the U.S. has joined 95 other countries which have ratified the genocide treaty, what can be expected? Certainly, to anticipate a significant reduction in the number of instances of genocide would be overly sanguine. Since 1965, there have taken place nearly a dozen instances of genocide and the international response has been negligible.

These include the massacres of Chinese in Indonesia (1965), Ibos in Nigeria (1968), Bengalis in East Pakistan (1971), and Hutus in Burundi (1972). Especially shocking was the massive slaughter of Cambodians by the Khmer Rouge regime in the mid-1970's, which went unnoticed.

The reality is that no effective international machinery exists for coping with genocide. The treaty largely depends upon national legislation and, where the determination to prevent genocide is absent, little can be accomplished. If the treaty does provide that "any Contracting Party may call upon the competent organs" of the UN to take action under the Charter "appropriate for the prevention and suppression of acts of genocide," such section has never been invoked.

The genocide treaty is, thus, largely symbolic. Still, it establishes a moral standard to which the threatened and their friends can appeal. The invocation of moral standards, at times, might arouse international consciousness. Thus, by joining the Contracting Parties to the genocide treaty, the U.S. is in a position to "blow the whistle" on practitioners or advocates of genocide.

Even more significantly, U.S. ratification removes a source of endless embarrassment which has hindered the U.S. from effectively championing human rights. Frequently, when U.S. delegates at international forums, most recently at Helsinki accord conferences, have raised human rights violations in various parts of the world, it has been challenged by the Soviet Union on grounds of hypocrisy since it had failed to ratify even the treaty barring the slaughter of minorities. The Kremlin has now been deprived of a strong propaganda weapon aimed at America's moral "Achilles' heel."

### 'We Have Waited Long Enough'

In the same way, the valuable American government role in providing the Holocaust with appropriate ceremonial recognition so that its trauma will never be forgotten was inconsistent with the failure to ratify the genocide treaty.

The treaty, after all, was the only international accord which emerged from the war that expressed mankind's conscience about the Holocaust. Non-ratification gave off a whiff of insincerity on the occasion of official remembrances of the martyred victims of Nazi savagery.

"We have waited long enough," said Senate Majority Leader Robert Dole (R. Kans.) when he finally called for a vote on February 11. "As a nation which enshrines human dignity and freedom ... we must correct our anomalous position on this basic rights issue."

Raphael Lemkin began his lonely journey to make genocide an "international crime" exactly 40 years ago. He would have welcomed the Senate vote.