

AMERICAN ZIONIST COUNCIL

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AZC-PR

TO: Local Zionist Council Chairmen
and Key Community Leaders

FROM: Mrs. Moses P. Epstein, Chairman
Department of Information and Public Relations

SUBJECT: THE EICHMANN CASE

May 19, 1961

It is now almost six weeks since the Eichmann trial opened in Jerusalem. During this period we have carefully monitored the communications media of the country and in this memorandum will transmit to you an evaluation of the public relations impact of the trial on the American public.

In order to present this evaluation in its proper perspective however, we must review briefly some basic considerations which played a role in the shaping of public opinion on the Eichmann case ever since - just one year ago, on May 23, 1960 - it was announced to the world that Eichmann was in custody in Israel.

The opposition forces in the Arab, Christian and Jewish communities were quick to sense that a trial for Eichmann in Israel with its review of Nazi atrocities would tend to strengthen pro-Zionist sentiment throughout the world and might even expose Nazi-Arab collaboration. Thus, an intensive campaign was instigated to discredit the trial itself, focusing on legalistic arguments.

During the initial weeks, the daily press of the nation was rather sharply divided on the question of the propriety of holding the trial in Israel. It was said that Eichmann would not get a fair trial in Israel. The Protestant and Catholic church press particularly was highly critical of Israel's action. Christian theologians who in the past had criticized Judaism as a religion stressing legalisms above moral considerations were now, strangely enough, critical of the "Jewish abandonment of legalistic procedures" in favor of moral principles. The latent anti-Semites, too, were encouraged (now that they had a vocal ally in the Jewish community, namely, the American Council for Judaism) to enter the fray, sometimes in the most vehement and bitter terms. Producers of TV and

CONSTITUENT ORGANIZATIONS

American Jewish League for Israel • Bnai Zion • Hadassah, Women's Zionist Organization of America • Religious Zionists of America (including Hapoel Hamizrachi Women and Mizrachi Women) • Labor Zionist Movement (including Farband, Pioneer Women) • Progressive Zionist League—Hashomer Hatzair • United Labor Zionist Party (Achdut Avodah-Poale Zion) • United Zionists-Revisionists of America • Zionist Organization of America

Radio programs, always happy to feature a controversy, lent themselves to this campaign, not necessarily out of ill motives. The Arabs in this country denounced the trial in the harshest terms.

It became necessary almost from the start, therefore, to conduct an educational campaign on the Eichmann issue to reach molders of public opinion throughout the country, stressing the moral issues involved. As early as June 22, 1960, the AZC distributed its memorandum, "The Case of Adolf Eichmann". This was followed on July 28 by a second note with which additional literature was enclosed. During the early months of 1961 we distributed a kit of materials (see attached sheet) on the Eichmann case to thousands of religious leaders, both Christian and Jewish, as well as to writers, educators, and communications people throughout the country. During this entire period we have been in close touch with the non-Zionist groups all of whom, we are happy to say, saw eye-to-eye with us on this issue; they also engaged in large mailings and, by close cooperation, duplication was avoided.

Some improvements in attitudes on the Eichmann issue became apparent in the fall and early winter, doubtless as a result of the massive educational program in progress. Recognizing this, the hostile groups in late February and early March, making one last desperate attempt, made strong efforts to revive all the original criticisms and achieved some short-lived successes, notably in the fields of TV and Radio.

One of the difficulties for us - and one which we recognized from the very start - was the unusually long interval (over 10 months) between the capture of Eichmann and the opening of his trial. Taking advantage of the deep interest in the case by the communications people, the opposition thus had a long period of time in which to continue to rehash all of the old arguments: jurisdiction; - should Israel speak for all Jews, - etc.

It had always been our conviction that once the trial got under way and the extent of the barbarism of the Nazi atrocities began to unfold from the lips of the victims themselves, that all extraneous issues would disappear in the face of the harsh realities of the trial's disclosures. The past six weeks have proved that this assumption by and large was the correct one. Editorial comment in the press of the nation and on the air has been overwhelmingly favorable. The legalistic issue, which once seemed so important, has all but disappeared. There is now general agreement that Eichmann could not have gotten a fairer trial anywhere in the world.

There remains however, it should be noted, a small minority of the press, especially in the South and the West, which continues to express opposition to the trial being held in Israel. Also, the church press opposition,

though lessened, continues on a considerable scale. The situation is one that calls for continued vigilance and counteraction as the trial will continue in all probability until late June. There will undoubtedly be continuing comment even after the verdict is given.

Please continue to monitor the press in your area, including the church press, for comments on the Eichmann trial. Should you need assistance in formulating replies to attacks, please call upon us or our nearest AZC Field Office for such help. The enclosed material should be helpful to you. Additional copies are available.

Kindest regards.

MPE:LD
Encs.

MATERIAL AVAILABLE ON THE EICHMANN CASE

The material listed below is available in very limited quantities from this office or from your nearest American Zionist Council area office:

FULL TEXT OF INDICTMENT OF ADOLF EICHMANN, February 21, 1961

NAZIS AND NAZIS COLLABORATORS (PUNISHMENT) LAW, 1950

BIBLIOGRAPHY OF RECENT BOOKS ON ADOLF EICHMANN, Department of Public Relations, American Zionist Council, March, 1961

THE CASE OF ADOLF EICHMANN, American Zionist Council, 1961

THE EICHMANN CASE: SOME QUESTIONS & ANSWERS, American Zionist Council, 1961

THE EICHMANN CASE, Anti-Defamation League News Bulletin, March, 1961

John O'Gara, THE EICHMANN CASE, Reprinted from The Commonwealth, May 12, 1961

Dr. S. Andhil Fineberg, EXCERPTS FROM MEMORANDUM ON THE EICHMANN CASE, American Jewish Committee, March 8, 1961

Jacob Robinson, EICHMANN AND THE QUESTION OF JURISDICTION, Reprinted from Commentary, July, 1960

Patrick O'Donovan, REFLECTIONS ON THE EICHMANN TRIAL, Reprinted from The New Republic, May 15, 1961

Milton Katz, THE ROLE OF LAW IN INTERNATIONAL AFFAIRS AS ILLUSTRATED BY THE EICHMANN CASE, Reprinted from the New Jersey Law Journal, January 12, 1961

Father Adamo, Our Lady of Mount Carmel Rectory, THE LESSON OF EICHMANN'S HATE, Letter to the Editor of the Philadelphia Inquirer, April 29, 1961

Department of Information and Public Relations
May, 1961

The Philadelphia Inquirer

SATURDAY APRIL 29, 1961

Letter of the Day

The Lesson of Eichmann's Hate

To the Editor of The Inquirer:

There are those who lament the trial of Eichmann. They consider it an unsavory act of vengeance. They imply such behavior is unbecoming to the civilized citizens of our age. Perhaps they even view the God of Abraham and Isaac and Jacob as an anthropomorphic projection of man at his barbaric best.

I do not relish the rise of such lavender-and-lace legalism which considers crimes as illnesses to be cured. Such soft sentimentalism belittles an even-handed justice which takes a life for a life. It even places legalities above human rights: it would permit an Eichmann to go free because he violated no statute, because he had been kidnaped from his sanctuary in Argentina. But Israel needs no legal justification for this trial. It possesses already six million human justifications. Let justice triumph.

Certainly, it is cruel to punish the insane or irresponsible. But I am left cold by any appeal to spare the cold-blooded criminal. Punish him mercifully, but punish him fully.

No, not for Eichmann shall I shed one tear. Let the tears fall in memory of the tender Anne Franks who were blasted in the springtime of their lives. Let us weep for the babes in arms, the newlyweds so full of hope, the old men and women who spent their final days on earth in a deepening nightmare. Let us hope they are beyond harm now and rest peacefully in Abraham's bosom.

Above all, let the review of the savage slaughter of six million Jews teach all the horror of hate. We can learn from such sufferings that any time we hate others because of their race, or the color of their skin, or their religious way of life, we are sowing the seed of another Eichmann. Let us recognize the truth that Dachau and New Orleans are kindred places whose cruelties differ in quantity not quality. And so, let us not ask that Eichmann be spared, but rather that we be spared his rebirth in America or any place else in any guise, ever.

FATHER ADAMO

Berlin, N. J.

Our Lady of Mount Carmel Rectory

BZC-AR

THE EICHMANN CASE

IN HIS PRE-TRIAL deposition to the Israeli police, Adolph Eichmann tried to justify his actions by explaining that he would have killed his own father if he had been ordered to by his superiors. The terrible thing is, I am inclined to believe him.

I don't know how others are reacting to the proceedings at the Eichmann trial. For me the prosecutor's initial description of the Nazi horrors brought back the memories of those days as vividly as if they were yesterday. And if the accounts of the Eichmann trial have this effect on me, I can imagine what a terrible experience it must be for Jews, many of whom lost mothers, fathers, brothers, sisters, sometimes entire families in the death camps.

In discussing the Eichmann trial, then, this is something Christians should not lose sight of. The manner of Eichmann's capture and the trial itself raise many troubling questions of international law. I am not suggesting that these should be ignored, and Jews would certainly be wrong if they equated concern on this score with anti-Semitism or hostility to the state of Israel. But when these questions of legality are considered, it seems to me we must be careful not to forget the central fact behind the Eichmann trial.

This central fact is that, nineteen hundred years after the birth of Christ, a monstrous form of pagan barbarity arose in the heart of Christian Europe. Men born and raised in a Christian nation were caught up in a terrible madness, and from the worship of the one true God they turned to the worship of blood and race—a terrible perversion that led them to their "final solution to the Jewish problem" and ultimately to the "logic" of the gas chamber.

What has already been unfolded at the Eichmann trial does not make pleasant reading, and I would guess that worse is still to come. There is no way I know of to make pretty reading out of the Nazi slaughter houses. And yet, unpalatable as they are, the gas chambers disguised to look like shower rooms, the mass graves the victims were forced to dig before they were killed, the diseased and wasted bodies our troops found when they liberated the camps—these were facts, and they cannot be glossed over. Whatever else is said about the Eichmann trial, it is surely right that we who are Christians remember the six million men, women and children who were coldly and systematically put to death because they were Jews.

For Christians the Eichmann trial seems to me to pose once again two related questions. Could the Nazi horror have sprung full-blown out of nowhere, without centuries of anti-Semitism to nourish and give it strength in secret? And when the dark shadow of

Nazism appeared over Germany, was the Christian response to this evil even remotely adequate? To my mind, the painful answer to both questions has to be no.

The sacred liturgy of the Church is sprinkled with references to our roots in Israel. Abraham is our patriarch, and our priests are priests forever according to the order of Melchisedech. In the nuptial Mass, Christian wives are admonished to follow the example of the Jewish holy women, to be dear like Rachel, wise like Rebecca, faithful like Sarah. A few weeks ago when the great Preface of the Easter Vigil was sung, our churches echoed with the references to "our forefathers, the children of Israel." But does our secular history and private conduct reflect this fact? By and large, with noble and notable exceptions, I think not.

Perhaps at this late date it is impossible to estimate with any real accuracy the nature and the depth of the Christian response to Hitler's madness. Perhaps it is better that we simply pay honor to those who spoke up against the rise of barbarism, while we withhold judgment on those who were silent—if only because few of us are able to say with any degree of certainty what we ourselves would do in the face of a similar test. But I think we do have to admit the obvious: for every Christian voice that was raised against Hitler, there were hundreds which were not—and this not only in Germany. Here I think, for instance, of the reaction encountered in the pre-war U.S. by a brave priest-friend who had to flee Hitler's wrath. In those days, he told me, many Americans, including many Catholics, were convinced that there must be "something wrong" about a German priest who had to leave his own country.

There are, I suppose, people who will think I underestimate Christian opposition to Hitler; they will say I do not attach enough weight to the papal condemnations of Nazism, or to the utterances of this Bishop or that. But, despite such disagreements, on one thing at least there is now rather general agreement: we know what the Christian response to Hitler should have been, and this must be counted as progress.

I don't think the question of what the relationship between Christian and Jew should be is really very complicated. In matters like this Pope John seems to have a quick, sure instinct; for me he summed the whole thing up recently when he received a delegation of Jewish visitors. Using his baptismal name and going to the Old Testament for his greeting, the Pope threw open his arms to welcome the Jews and said to them: "I am Joseph, your brother." So are we all, so are we all.

JAMES O'GARA.

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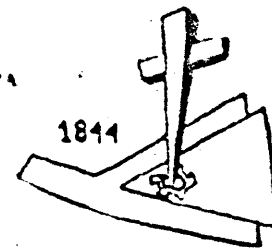
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Thursday, March 30, 1961

Justice Musmanno Writes on Eichmann Controversy

To the Editor:

The March 22nd issue of your esteemed newspaper carried an editorial critical of the Eichmann trial scheduled to begin in Israel next month. As one who served on the judiciary of the International War Crimes Tribunals in Nuremberg, I write to explain that Israel's jurisdiction over Adolf Eichmann is authorized by international law.

Very properly you say in your editorial:

"There is no denying that Eichmann should be brought to trial for the crimes of which he stands accused. He was Hitler's high executioner and hundreds of thousands of Jews were exterminated in the concentration camps of Auschwitz, Chelomo, Belsen, Sobibor, Treblinka and Maidanek as a direct result of his determination to solve for Germany the so-called 'Jewish problem'."

After this statement that Eichmann should be tried, your editorial says that the fight to bring Eichmann to trial would be "the nations against which Germany waged and lost the war, or the nations against which Germany carried out its programs of murder and enslavement."

There is no doubt that these nations would have the right to try Eichmann. If Eichmann had been captured while the Nuremberg trials were in progress, he would unquestionably have been brought before the judges there. It could even be that he would have been tried before the tribunal over which I presided. But Eichmann was in hiding at the time and continued to hide for 15 years with no one but Israel making an effort to locate him.

He has now been taken into custody and he is to be tried with every protection assured by law. He will be allowed con-

been disbanded, the United Nations has refused to take jurisdiction. Argentina would not try Eichmann, Germany washed its hands of its erstwhile citizen. Not a nation in the world has showed the slightest desire, inclination or willingness to bring to justice this man who, whether guilty of the death of millions or not, certainly was involved in some way in the fantastic program of wholesale murder in Germany and other parts of Europe. Is it possible that the crimes of the Eichmann trial can seriously argue that a person charged with the slaughter of countless helpless men, women and children should go undicted and untried?

In the argument against Israel's trying Eichmann it is said that Israel was not in existence when the crimes of which Eichmann stands charged were committed. It may of course be said that Israel was not actually a separate nation during World War II, but it cannot be asserted that it did not exist as a community of human beings. Moreover, it had a recognized existence as a territory under British mandate. Many of its inhabitants fought on the side of the Allies. David Ben-Gurion, present prime minister of Israel, shouldered a rifle in the British Army during the war. Could one seriously argue that those who committed crimes in the American colonies prior to the moment they became independent States should have been executed from trial when the United States was formed? The State of Israel is a legal successor of the British-mandated Palestine.

However, and there the jurisdiction-denyers as a suggestion to the British Government in Palestine, Israel is a nation created by the United Nations. Never in history was a nation brought into being with the international blessing which accompanied Israel's creation. The United Nations, aware of Eichmann's crimes, turned over Israel with full sovereign powers. That's exactly the position the United Nations takes

nations and has been proclaimed by the Supreme Court of the United States on numerous occasions.

Although I read your editorial in the spirit in which it was written, namely, an inquiry into procedure, I cannot say I was very much impressed with the letter written, which appeared in your newspaper last week under the title "Eichmann Trial Seen Retribution." J. I. was obvious animus and in a mood which excluded any observation. After asserting that Israel had no right to try Eichmann, he said that the world should "turn the other cheek and not 'sock back.'" I am wondering how he would among millions murdered, his own parents had been murdered. Would he say in that event that the murderer should be tried? What would happen to the whole system of murderers, thieves, burglars, and robbers could feel safe to kill, steal and maim without fear of being required to society?

After making the absurd assertion of turning the other cheek," J. I. then says that it isn't true that six million were killed. He says the number was not more than 4,000,000. Aside from the fact that I presided over a trial in Nuremberg where we saw the figures submitted by the executioner, in which they admitted killing in cold blood 6,000,000 defenseless men, women and children, I am not sure J. I. regards 6,000,000 murdered human beings as a small slapping party.

J. I. in his quoted defense of Eichmann, ever solemnly to compare Eichmann with Cardinal Mindszenty, saying that they both were coerced into confessions. J. I. said no credit and certainly does not advance the cause of justice when he compares Adolf Eichmann, an arch criminal, with the saintly figure of Cardinal Mindszenty. After making this comparison, J. I. then compares Eichmann

In view of the fact that the trial will be a public one, with many spectators from all parts of the world in attendance, and that in addition, when television cameras recording photographically take place in the Court, the whole world will be able to judge for itself if the trial will be fair. The prosecution in the Eichmann trial will have to convince not only the judges who will preside, but the entire world of public opinion that Eichmann is guilty before it can ask for a conviction.

And yet, in spite of all these guarantees of fairness, there are critics who say that Israel should not try Eichmann. They say that Eichmann should be tried elsewhere, but where is this "elsewhere"? The International Tribunal in Nuremberg has

It is found that the Government of the United States has no jurisdiction in the United States to grant, collect, or enforce any tax on the United States or to require that these individuals pay any such tax. It is found that the Government of the United States has no jurisdiction in the United States to require that these individuals pay any such tax. It is found that the Government of the United States has no jurisdiction in the United States to require that these individuals pay any such tax.

And then it is contended that Eichmann was kidnapped from Argentina. Whether Eichmann was taken to Israel under compulsion or whether he agreed to go of his own will is a question of fact. Both versions are current. If he went voluntarily, there can be no so-called kidnapping. If he was taken to Israel against his will, the forced transportation would still not affect Israel's right to try him. Having jurisdiction of the subject matter, that is, the crime itself, Israel has the right to try Eichmann, regardless of how he is brought into the Court which tries him. This is a principle of law recognized by all

I am afraid that this letter is becoming too long. Let me say in conclusion that Israel is to be commended, rather than criticized for its courage, initiative and respect for the law, nations as well as the dignity of mankind, in prosecuting Eichmann. As I have already said, 15 years have passed since war ended and in all that time no nation showed any interest in arresting Eichmann, much less trying him.

To allow Eichmann to go untried when he is charged with having committed the most heinous crimes in all history—crimes that simply stagger the imagination and freeze the blood in their cumulative horror,—would be mockery of justice and a further intolerable indignity to the millions who were murdered, according to the indictment, at Eichmann's direction under his specific command.

JUSTICE MICHAEL A. MUSMA
Supreme Court of Pennsyl

Pittsburg