

# **Eichmann Appeal Of Death Sentence Is Denied by Court**

By United Press International.

**JERUSALEM (Israeli Sector), Tuesday, May 29**—Israel's Supreme Court unanimously rejected today Adolf Eichmann's appeal against his death sentence for a major role in the mass murder of 6,000,000 Jews.

The verdict meant the 56-year-old former Gestapo officer will hang unless he is successful in an appeal for mercy to Israel's President, Itzhak Ben-Zvi.

Eichmann's defense lawyer, Dr. Robert Servatius of West Germany, announced he would make such an appeal.

The five-man high court rejected every argument put up by Eichmann to upset the death sentence imposed on him last December for his part in the slaughter of Jews by Nazi Germany.

The judges said they were satisfied beyond a shadow of a doubt that Eichmann was a key man in the murders.

The decision had been expected, so much so that most

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# EICHMANN'S PLEA DENIED BY COURT

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Israelis appeared curiously indifferent since the original verdict was issued.

## Convicted Last Year

Special to The New York Times.

JERUSALEM (Israeli Sector), Tuesday, May 29—Adolf Eichmann was found guilty last year by a special District Court here of crimes against the Jewish people, against humanity and a war crime. Most of the crimes were related to the Nazi attempt to annihilate the Jews of Europe.

On Dec. 15, after four months of trial before three judges who were themselves refugees from Nazi Germany, Eichmann was sentenced to death.

This lower court held that there were no grounds for mitigating the sentence because Eichmann's task of rounding up Jews and transporting them to annihilation camps amounted to premeditated murder.

"His legal and moral responsibility for those murders," the District Court held, "is in no way less than the measure of liability of him who put those persons with his own hands into the gas chamber."

The lower court also held that Eichmann had "identified himself in his heart with the orders received by him and was actuated by an ardent desire to attain the criminal object."

When the appeal was heard, Dr. Servatius sought to reduce the impression of Eichmann's importance in the Nazi machine.

Other Nazis who portrayed Eichmann as a central figure, Dr. Servatius said, were hoping to minimize their own roles. He contended that Jewish witnesses had held an exaggerated idea of Eichmann's power because they had to deal primarily with him.

Eichmann was one of 160 heads of departments in the Reichssicherheitshauptamt, or Reich Security Main Office.

The defense counsel also appealed to the five justices of the Supreme Court on the District Court's competence. The trial, he said, was based on a string of illegalities that began with the kidnapping of Eichman in Argentina by Israeli agents.

He said the three District Court judges might have been prejudiced subconsciously as Jews and influenced by the publicity that attended the trial. The publicity generally portrayed Eichmann as a central figure in the annihilation of millions of Jews.

Dr. Servatius also told the Supreme Court that he sought to establish Eichmann's right to be tried in a German court.

Attorney General Gideon Hausner, who was the prosecutor in the case, argued before the Supreme Court that Israel's right to try Eichmann was incontestable because his victims had been persecuted as Jews and not as citizens of European countries.

## Seized in Argentina

It was on May 23, 1960, that the world learned, from an announcement by David Ben-Gurion, Premier of Israel, that Adolf Eichmann had been captured.

Israeli "volunteers" were credited with having seized the former Nazi officer near Buenos Aires on May 11, 1960, and smuggling him to Israel aboard an Israeli plane nine days later.

Mr. Ben-Gurion expressed regret for the violation of Argentina's laws, but asserted that the Israelis who had seized Eichmann had acted in response to "an inner moral imperative."

When Eichmann's trial began, in April of 1961, he faced his accusers through a prisoner's box that was enclosed by bullet-proof glass on three sides. The trial was conducted by three judges, all refugees from Hitler's Germany. Moshe Landau of the Israeli Supreme Court presided.

Of the fifteen-count indictment, eight counts charged Eichmann with "crimes against the Jewish people," "crimes against humanity" and "war crimes" in directing the arrest, imprisonment, torture, robbery, starvation, sterilization, deportation, enslavement and murder of millions of Jews in twenty-two European countries. The counts from nine to twelve involved non-Jews.