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FOREIGN SERVICE DESPATCH

FROM : **AmEmbassy TEL AVIV** 824
RESP. NO.

TO : THE DEPARTMENT OF STATE, WASHINGTON. June 21, 1960
DATE

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	REC'D	OTHER	NEA-4	RMR-2	IRC-7	ARA-5	EUR-5	P-3	IO-4	L-2
			USIA-10				OSD-4	ARMY-4	NAVY-3	AIR-6

SUBJECT: **The Eichmann Affair**

The Arrest and Immediate Aftermath

May 23

The news of Eichmann's arrest broke in Israel when Prime Minister David Ben-Gurion, on the afternoon of May 24, announced in the Knesset:

"I have to inform the Knesset that a short time ago one of the greatest of the Nazi war criminals, Adolf Eichmann, who was responsible together with the Nazi leaders, for what they called 'the final solution of the Jewish question,' that is the extermination of six million of the Jews of Europe, was found by the Israel Security Services.

"Adolf Eichmann is already under arrest in Israel and will shortly be placed on trial in Israel under terms of the law for the Punishment of Nazis and Nazi Collaborators, 5710-1950."

This dramatic announcement set the tone for the subsequent handling of the affair by Israeli authorities, and almost immediately thereafter publicity surrounding the incident was intense and exultant. The statement that Eichmann had been "found by the Israel Security Services" led to later complications and contradictions and started a campaign for the glorification of Israel's security men, who theretofore had remained strictly anonymous and unsung. The statement that Eichmann was to be tried in Israel bound up the prestige and possibly the stability of the Ben-Gurion Government with the execution of this promise.

Previous to the Ben-Gurion announcement in the Knesset Eichmann had appeared before the Chief Magistrate in Jaffa, where the following charge was read:

"Adolf Eichmann, you are charged with causing the death of millions of Jews in Germany and the occupied countries in the years 1938 to 1945. Are you he Adolf Eichmann?"

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According to the press the reply was, "Ich bin Adolf Eichmann." He was at first reported as having stated he had nothing further to say except to request that he be defended. Later, however, he was said to have stated he was not responsible for the acts attributed to him and that he would prove it at the proper time. He was remanded for fourteen days, a procedure which has been renewed periodically since then.

May 24-25

The JERUSALEM POST of May 24 carried a brief front-page item to the following effect:

"The El Al plane that took the Israel delegation to the Argentine independence celebrations, returned early on Sunday morning from Buenos Aires.

"En route to Argentina, crew members related, the plane made a brief stop at Recife airport in Brazil. The aircraft was held up for three hours by the airport manager there who, for reasons that are unclear, tried to prevent the plane from taking off. After the seriousness of his action was pointed out, in view of international aviation regulations, the manager allowed the plane to proceed on its way."

The Foreign Ministry announced on the following day that the delay in the flight of the El Al plane was due purely to technical reasons and to El Al's lack of experience in flying to South America, which led to a misunderstanding about the procedure for special flights. The statement added there was no delay in the plane's return flight from Argentina.

Israeli officials have not admitted that Eichmann was taken from Argentina by the above-mentioned El Al plane, on which Abba Eban, Minister without Portfolio, was the highest-ranking passenger, but the incident pointed to Argentina early in the affair as the place of capture. After it had been established that Eichmann had been captured in Argentina, a Foreign Ministry source, in response to a query as to how Eichmann was transported to Israel, referred to the above El Al plane and said "draw your own conclusions." He also stated that this plane had flown non-stop to Dakar from Buenos Aires and from Dakar to Lydda airport.

The Israeli press and officials began to manifest keen interest in foreign reaction to the capture in apparent apprehension over international complications. HAARETZ, an independent newspaper, reported that the Foreign Ministry had instructed Israeli missions abroad, particularly those in South America, to follow and report on public and press reaction to Eichmann's arrest.

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At a press conference on May 24 the Chief of Security Services stated that the final operation leading to Eichmann's arrest had begun six months earlier and that the entire operation had been carried out by Israelis unassisted at any time by foreign agents.

May 26-31

On May 27 DAVAR, Mapai-dominated organ, published a letter from Ben-Gurion to Israel Galili, Ahdut Avoda leader, containing a summary of how he conceived the importance and implications of the Eichmann capture. He wrote: "I regard the importance of Eichmann's capture and his trial in Israel as lying not only in the daring operations and remarkable abilities of the Israel Security Services, although it is difficult to praise their members too much, but also in the fact that because of their action an Israeli court will reveal the entire episode of the Nazi holocaust." He went on to state that the trial would have an important educational effect on Israeli youth who had no first-hand experience with the Nazi persecutions and on public opinion throughout the world which would be reminded of the horrors of anti-Semitism. Ben-Gurion continued: "No doubt exists that there is in the service of dictators in neighboring countries dozens and hundreds of Nazis, German and Arab, who took part in the murder of Jews in that period and are now plotting against the people of Israel in their own land. We must remind public opinion in the world who these people plotting the destruction of Israel are the pupils of and who is helping them intentionally and unintentionally."

Besides rumors that Eichmann had been captured in South America it was frequently rumored he had been found in an Arab country. These latter rumors may have been planted to divert attention, but from Ben-Gurion's letter it would appear that Israel hoped to establish a spiritual if not a physical link between Eichmann and the Arab States.

The press reported that at a regular Sunday meeting of the Cabinet Prime Minister Ben-Gurion had stressed the national and historical significance of Eichmann's capture. Meanwhile, Minister of Justice Rosen had warned the press against publishing material likely to be brought in evidence and liable to prejudice the court as to Eichmann's guilt. Rosen pointed out that such reporting amounts to contempt of court as the matter was still sub judice. This represented the first indication of official concern over at least the domestic legal aspects of the case. Rosen's statement drew sharp fire from many quarters. The Government Press Office released two communiques on the Eichmann case. In reference to a NEW YORK TIMES story concerning the fate of the Eichmann family, it said, "The shocking suggestion hinted at in the report... is one of the many baseless inventions that have recently appeared in the foreign and local press in connection with the Eichmann case." In

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the other communique presenting general background information on Eichmann, the prisoner was quoted as being prepared to cooperate fully with Israel in clarifying the history of that part of World War II in which he played a part and in having stated he was embarrassed by the scrupulously fair treatment he was receiving at Israeli hands.

Two international voices spoke for an international trial for Eichmann and met with unfavorable reactions in Israel. First, General Telford Taylor, Chief United States Prosecutor at the Nurnberg trials, suggested reviving the international court which tried Nazi leaders after World War II. But far more irksome to the Israelis was the suggestion of Dr. Nahum Goldman, President of the World Zionist Organization and the World Jewish Congress, that Eichmann be tried in Jerusalem before an international court to consist of judges from all the countries which had suffered under the German occupation during World War II with an Israeli judge presiding. Although expressing complete confidence in Israeli justice, Goldman said it would be an effective gesture on Israel's part to invite other countries to participate in the historic trial of the Nazi arch-criminal.

The Demand for Eichmann's Return

June 1-12

On June 1 Buenos Aires requested through diplomatic channels information on persistent reports stating Eichmann had been captured in Argentina. The Israel Government on June 4 replied in a note which, in addition to admitting Eichmann was captured in Argentina, asserted that the operation had been carried out by "Jewish volunteers (among them some Israelis)". In addition, the note asserted that the Government had become cognizant of the fact that Eichmann had been captured in Argentina only after an inquiry had been conducted following the Argentine request. The note included a photostat of a letter to the "Jewish volunteers" in which Eichmann stated his willingness to travel to Israel and stand trial. In conclusion Israel expressed its regrets for any infraction of Argentine law which the "volunteers" may have committed and added its conviction that the Government of Argentina would show "understanding" for the "historical and moral circumstances" surrounding the case. (For further details on the note and text see Embassy Despatch 799, June 8, 1960).

The note, it is rather widely assumed in Israel, was prepared in the Prime Minister's Office. For reasons given in Embassy Despatch 799 it appears likely that this was the case. The question of authorship is of some importance because of a widespread feeling in Israel that the note was in many respects a turning point for the worse from the Israeli point of view. Commonly regarded as blunders

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are the reference to Argentina's harboring of "many Nazis", the inclusion of a letter ostensibly written voluntarily by Eichmann in Buenos Aires and handed over to his captors, the reversal on the role of the Security Services in the capture, and the assertion that the Israel Government had not known where Eichmann had been caught. (For a highly critical Israeli press article on the handling of the affair by the Israel Government see Enclosure No. 1).

A personal letter from Prime Minister Ben-Gurion to President Frondizi was sent shortly after the despatch of the above-mentioned note. However, the letter was not delivered until after the receipt of an Argentine note (June 8) rejecting Israel's reply and asserting that unless Eichmann was returned before the end of the week, Argentina would take the case to the Security Council and demanding the punishment of those responsible for the violation of Argentina's sovereignty. The unexpectedly firm Argentine reply obviously caught the Israel Government and public by surprise because of their intense belief that Israel's moral right to try Eichmann transcended any legal technicalities. It is worthy of note that the full text of the Argentine note has not been published by the Israeli press.

At the Sunday, June 12, meeting of the Cabinet it was decided to delay the Israel reply to the Argentine note. A reliable Embassy source stated the decision was taken because of indications that the heated reaction of the Argentine Government to the capture had shown signs of abating, thus increasing chances of an amicable settlement. He added that a Ben-Gurion-Frondizi meeting was possible in Brussels during the coinciding visits of the two statesmen in Europe.

Although Israel delayed sending a note, Ben-Gurion's personal letter to President Frondizi was delivered. The text of the letter, stressing the moral implications of the Eichmann capture, is included as Enclosure No. 2 to this despatch.

On June 12, Rudolfo Garcia Arias, Argentine Ambassador to Israel, left for Buenos Aires via Rome, where he was to meet with President Frondizi. Before his departure he privately took a pessimistic view of the possibility of finding a solution to the case, which he described as "fomented by the devil."

June 13-20

Israeli officials and press expressed the view that an amicable settlement could be found. The Israelis had by this time switched from intense publicity to reliance on quiet and personal diplomacy. However, discussions between Foreign Minister Golda Meir and Argentina's UN representative Mario Amadeo in New York proved unsuccessful, and on June 15 Argentina requested an urgent meeting of the Security Council to consider the case. A Council session has been

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scheduled for June 22. Meanwhile some hope is being pinned on a Ben-Gurion-Frendizi meeting in Europe to effect a compromise and head off a Council session on the case.

Domestic and International Implications of the Case

The somewhat inflexible position assumed by Israel in its negotiations with Argentina is conditioned not only by belief in the principle that Israel has a transcendent right to try Eichmann but also by practical political considerations. Although the Israel Government appears willing to seek a formula that will save Argentina face, without involving the return of Eichmann, an adherence to the letter of the Argentine demand would cause uncomfortable reverberations throughout Israeli political life. A decision to return Eichmann to Argentina, or perhaps even send him to a third country, would be so vastly unpopular that the continued life of the present Government would certainly be brought into question. In such a framework, there is little likelihood that even under the pressure of a United Nations decision calling for the return of Eichmann to Argentina the Israel Government would see fit to comply.

Aside from purely political considerations, the Israel Government appears to be playing for higher stakes. In the event that Israel can keep custody of Eichmann and try him in an Israeli court under the provisions of an Israeli law, it may result in a significant advance for its apparent policy of assuming a role as defender of Jews throughout the world. Such a policy was also evident earlier this year when Israel sent diplomatic notes to a number of Governments in whose jurisdiction various anti-Semitic acts had been perpetrated, expressing the profound shock inflicted on Israeli public opinion by the appearance of such activities. Involved in this policy, whether directly or indirectly, is the extension of psychological power by Jews who have invested their spiritual and physical all in the State of Israel over Jews who have not made this definitive investment.

Although the domestic penalties for surrendering Eichmann are probably high and the potential gains from holding a trial in Israel may be great, Israel is faced with a serious international complication -- its relations with Latin American countries, where, as in Africa and Asia, it has in recent years expended considerable energies in an effort to break out of the Arab ring and assure the possibilities for Israel's economic and cultural growth. Should Israel feel forced to defend its capture of Eichmann to the full, it may feel itself compelled to bring up in a public debate before a world body accusations that Argentina has made a practice of harboring Nazi criminals and similar accusations concerning pro-Fascist tendencies in Argentina. Such an eventuality cannot but result in a setback for Israel's relations with Argentina and very possibly with other Latin American countries.

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For the major Western powers the principal importance of the Eichmann affair appears to lie in avoiding a showdown or a one-sided decision as a result of which the Soviet Union may feel itself in a position to gain cheap or easy good will among Israelis or, as the case may be, among Argentinians. The Soviet Union thus far, at least as reflected in the Israeli press, has shown a tendency to approve the Eichmann capture, although expression of such approval appears to have been more outspoken in the case of the satellites than the Soviet Union itself. The Soviet Union is probably not so committed publicly to an Eichmann trial in Israel that it could not shift ground if it thought this were to its advantage.

Another concern of the West is the impact a Security Council resolution highly adverse to Israel would have upon efforts to induce the Israel Government to cooperate with the Palestine Conciliation Commission in an effort to solve the problem of the Arab refugees.

For the Ambassador:

William Bruce Lockling
William Bruce Lockling
First Secretary of Embassy

Enclosures:

1. "Israel's Mistakes in the Handling of the Eichmann Affair"
Translation of an Article from HAARETZ, June 12, 1960
2. Text of Ben-Gurion's Letter to President Frondizi, June 12, 1960, JERUSALEM POST.

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Israel's Mistakes in the Handling of the Eichmann Affair

Translation of Article from HAARETZ, June 12, 1960

by Elisha Salpeter

The fact that the Argentine Government, by its unreasonable demand for Eichmann's immediate return, has placed itself in a position from which it will be difficult to retreat, does not absolve Israel from examining -- and perhaps learning from -- its own mistakes in handling the Eichmann affair.

The impression that Argentina would have refused an Israeli request for Eichmann's extradition or arrest has been strengthened. The reasons for this are the same as the reasons why there was such a violent reaction in Buenos Aires to the news of Eichmann's arrest. "Political asylum" is one of the most sacred concepts in South America's political life; it is easy to understand this in view of the frequent upheavals in these countries. The weight attached to this concept is shown, for example, by the fact that the Peron regime allowed refugees from France Spain to settle in Argentina (one of these was the last Foreign Minister of the Loyalist regime, now a professor in one of Argentina's universities).

The Argentine authorities have refused to extradite several notorious Nazi war criminals to various European countries. Despite the persistent demands by Yugoslavia, Ante Pavelich, the Croatian Nazi leader, was not sent back for trial. (Incidentally, Israel, through the Ambassador at that time, Dr. Kubovy, approached Argentina and expressed its wholehearted support of the Yugoslavian demand). Dr. Manela, the German doctor who performed experiments on humans at Auschwitz, has also not been extradited and is still living in Argentina.

Everything points to the fact that Israel's official circles did not know about or did not understand this phenomenon, and thus were surprised by the firmness of the Argentine reaction.

The South American countries are also extremely sensitive to violations of their sovereignty, which are considered to be insults of the first order. This was also insufficiently realized in Israel.

Thus, assuming that Israel could not have obtained Eichmann's arrest or extradition through a formal request to the Argentine, the real question is: could Israel have acted differently after his capture, and whether this difference in attitude would have changed the Argentine Government's reaction?

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Today it is only too clear that the first great mistake was the Prime Minister's statement in the Knesset, which announced Eichmann's arrest for the first time. The mistake was three-fold: the dramatic way in which the announcement was made, which ensured maximal publicity all over the world; the fact that Ben-Gurion stated quite emphatically that Eichmann was caught by the Israeli Security Services; and the fact that Ben-Gurion announced Eichmann's capture almost immediately, instead of keeping the matter secret for a few weeks in the hope of arriving at a quiet diplomatic arrangement with the Buenos Aires Government in the interim.

The fact that Eichmann was captured by Israelis was also emphasized in the first official Government press release, published on May 26. And, when reports stated that Jews and non-Israelis living abroad had helped in Eichmann's arrest, the head of the Israel Security Services hastened to state (at a press conference on May 24) that the operation was an Israeli one from start to finish.

This attitude of boasting publicly about the achievement -- justified in itself, but completely irresponsible in view of the complications with the Argentine Government, which could have been foreseen -- continued. Ben-Gurion's letter to Israel Galili (published in DAVAR, May 27) contained extravagant praises for the Israeli Security Services. On May 29 authorized sources reiterated that these services had been responsible for Eichmann's arrest, and the Government Press Office published a detailed account of the structure of the services, which until then had been considered one of the country's best-kept secrets.

It is difficult to avoid the impression that certain elements connected with the Security Services, which the world over operate on the principle that silence is the best policy, suddenly decided to use the Eichmann affair in order to win the hearts of the Israeli public.

Meanwhile the Argentine Government was forced, after the rumors that Eichmann had been hiding in the Argentine, to ask Israel for an explanation. This explanation was couched in moderate language, and this confirmed the impression that Argentina wished to receive an Israeli explanation which would free it of the need to take additional measures.

The Israel Foreign Ministry had adopted a policy of complete silence all this time. This policy was admirable, as long as it served its purpose. But the time came when silence and absence from comment was no longer enough, and when an active information policy was required. However, it should be noted that the Foreign Ministry actually constitutes only a sort of postal address, which handles the various contacts: the Prime Minister himself is acting

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as Foreign Minister, in Golda Meir's absence. While he ordered the Foreign Ministry to maintain complete silence and thus prevented it from launching an information drive, particularly towards foreign journalists, he did not order the Security Services to maintain silence -- nor did he maintain silence himself.

On June 2 Argentina announced officially that it thought Eichmann had been captured in its territory, but added: "there is no proof of this." These circles added that if Israel would deny knowing where or how Eichmann was caught by its agents, nothing very much could be done.

Apparently the Prime Minister did not read or did not understand this statement before drafting the reply to the Argentine. He drafted a reply which, in Argentina's opinion, aggravated matters, because it stated that Eichmann was caught by Jewish volunteers and that the Israel Government had not known previously where he was caught. If Ben-Gurion really did not know where Eichmann was caught, why did he have to state this in reply to a letter from Buenos Aires, especially in view of the above-mentioned Argentinian statement?

But Ben-Gurion went further: he stated that Eichmann had been given 24 hours to decide whether he wished to be tried in Israel or elsewhere, and enclosed a letter written by Eichmann which confirmed this and added that he was willing to give all the information he knew about the Nazi holocaust. ("What would Israel's reaction be if a similar letter was written by a prisoner in Moscow, for example?") And, in order to annoy the Argentine, Ben-Gurion added that many Nazis were hiding in that country. Is it of no importance that these Nazis took refuge there during the Peron regime, and not during Frondizi's term of office?

After great persuasion, Ben-Gurion agreed to include an apology on the violation of Argentina's sovereignty. But if Eichmann was caught by Jewish volunteers, acting without the prior knowledge of the Israel Government, why did the Government have to apologise?

These internal contradictions in the Israeli reply reveal the fact that it was composed in a haphazard fashion by someone who is not an expert in drafting diplomatic documents. The Prime Minister is not to blame for not being an expert in preparing diplomatic notes. If something goes wrong with one's telephone, one doesn't have to call Einstein in to fix it. Mr. Ben-Gurion might be the leading spirit of the age, but he still is not obliged to know how to draft diplomatic missives. This is as much a professional and technical task as fixing a telephone/repairing a pair of shoes. The Foreign Ministry has experts in this field, whose job is to know how to do it -- if they are allowed to do their job.

The Argentine reply followed very soon, and its firm tone

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surprised Israeli circles. An interesting passage referred to the nature of the trial: "The Israel Government has publicly announced its decision to try Eichmann itself, and has publicly rejected all other suggestions." Is this not intended as a hint that Israel would be wise not to reject Dr. Goldman's suggestion about an international court meeting in Israel with quite so much fervor, at least in public?

Even before the Argentine reply was received, Ben-Gurion sent a personal letter to President Frondizi. However, this letter did not reach Frondizi immediately. (The reasons for the delay should be investigated.) Ben-Gurion's letters reiterates the version about the Jewish volunteers.

Frondizi, most of his Cabinet, and many of the members of the opposition are known to be trusted friends of Israel, and they are certainly not anxious to harm this country. But they cannot pass over in silence what appears to South American eyes to be a double violation of sacred principles: sovereignty and the right to political asylum. On the other hand, the impression created is that the Argentine went too far by demanding Eichmann's return and by threatening to approach the United Nations.

It can safely be assumed that both the Argentine and the Israel Governments are anxious to find a way out of the deadlock. The search for a solution will require much diplomatic skill and thought. In any event, it is obvious that a solution will require time. A solution will not be made any easier if Israel's reply will be unequivocal or couched in an emotional style -- even if the sense of historic justice being done would justify such a reply.

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Text of Ben-Gurion's Letter to President Frondizi

June 12, JERUSALEM POST

Dear Mr. President:

At this time, as a result of the capture of the Nazi war criminal, Adolf Eichmann, and his transfer to Israel, misunderstandings may arise in the relations between the Republic of Argentina and the State of Israel, and I therefore regard it my duty to send you this direct message. I take the liberty of doing so precisely because the relations between our two Governments and our two peoples are dear to our hearts and because we should regard it as a matter for profound sorrow and regret if they were to be in any way impaired as a result of recent happenings in connection with Adolf Eichmann.

I understand that you personally are at the present time giving due consideration to the Diplomatic Note which our Ambassador at Buenos Aires delivered to your Minister for Foreign Affairs on Friday, June 3. In that Note you will find all the elements of our case in this matter. There are, however, certain points touching the very core of the issue which transcend the confines of a Diplomatic Note. It is on these points that I wish briefly to enlarge and I do so in the conviction that only by fully appreciating them is it possible to pass judgment on the issue involved.

During the Second World War this man Eichmann was the person directly responsible for the execution of Hitler's orders for the "final solution" of the Jewish problem in Europe, i.e. the murder of every single Jew on whom the Nazis could lay their hands throughout the territories of Europe which they had occupied at that time. Six million of our people were murdered in Europe, and it was Eichmann who organized this mass murder, on a gigantic and unprecedented scale, throughout Europe.

I need not explain to you, Mr. President, what it means for any people on earth to be the victims of such a satanic murder campaign, and what profound scars such an experience must leave in a people's soul.

Never, even in the age-old annals of our martyrdom, has there been such a fiendish atrocity. Not only were millions murdered -- including a million infants -- but the cultural and spiritual centre of our people, which until World War II had its seat in Europe, was extirpated. There is hardly a Jew in the world who does not have a member of his family among the victims of the Nazis. Hundreds of thousands of the survivors are living in our midst, and hundreds of people in Israel and abroad would not rest since the end of the war until they had found the man who had been in charge of this appalling campaign of extermination. They regarded it as their mission in life to bring the man responsible for this crime, without precedent in

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history, to stand trial before the Jewish people. Such a trial can take place only in Israel.

I do not underestimate the seriousness of the formal violation of Argentine law committed by those who found Eichmann, but I am convinced that very few people anywhere can fail to understand their feelings and appreciate the supreme moral validity of their act. These events cannot be approached, Mr. President, from an exclusively formal point of view. Though I do not question for a moment the duty of every State to respect its neighbour's laws -- and we regard the Argentine Republic, of which you are the head, as an outstanding example of a state founded on respect for law, yet we can appreciate the over-riding motives whose tremendous moral and emotional force underlay the determination to find the chief murderer and to bring him, with his consent, to Israel.

I am convinced that Your Excellency will give full weight to the transcendental moral force of these motivations, for you yourself have fought against tyranny and shown your deep regard for human values. I hope you will understand our feelings, accept the expression of our sincere regret for the violation of your country's laws which was the result of an inner moral imperative, and associate yourself with all the friends of justice in the world, who see in the trial of Adolf Eichmann in Israel an act of supreme historic justice, and that the friendly relations between Israel and your country will not be impaired.

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