

The speaker from Herut...who claimed that I brought the law known as "Who is a Jew" before the Knesset was speaking falsely. It is a figment of Mr. Ben-Eliezer's imagination.

The Speaker, K. Luz: ...We will now vote.

The Vote

Those in favor of the motion of no confidence	6
Those against	61
Abstentions	6

Prime Minister's Statement on the Arrest of Eichmann

Sitting 98 of the Fourth Knesset

23 May 1960 (26 Iyar 5720)

The Prime Minister, D. Ben-Gurion: I would like to inform the Knesset that some time ago Israel's Security Service ascertained the whereabouts of one of the greatest Nazi criminals, Adolf Eichmann, who was responsible, together with the Nazi leaders, for what they called "The Final Solution of the Jewish problem," i.e., the murder of six million European Jews.

Adolf Eichmann is now under arrest in Israel and will soon stand trial here, in accordance with the Nazi and Nazi Collaborators (Punishment) Law, 5710-1950.

Minister of Justice's Statement to the Press Regarding the Eichmann Trial

Introduction

While the Eichmann trial was being prepared, an important constitutional issue was raised in the Knesset.

Sitting 109 of the Fourth Knesset

8 June 1960 (23 Sivan 5720)

The Speaker, A. Ben-Eliezer: I give the floor to MK Sneh, who has a motion for the agenda....

M. Sneh (Maki): Mr. Speaker, distinguished Knesset, on behalf of the Communist party group I propose that we debate the appeal made to the newspaper editors yesterday by the Minister of Justice, and which was broadcast on the radio, that they refrain from publishing anything which could affect the Eichmann trial and its outcome, because the matter is *sub judice*.

The newspaper editors did not accede to the Minister of Justice's request, despite his hint that this would constitute a violation of the law

and would be punishable. This is not a matter between the Minister of Justice and the editors, however, it is a subject for the Knesset. A statement made by a Minister represents the Government, the Government is accountable to the Knesset, and it is our view that the Knesset cannot approve of the step the Minister of Justice has taken. The Prime Minister has ignored my appeals from this podium that he annul that statement...but the Knesset cannot ignore this.

The Minister of Justice treats the Eichmann trial as if it were a regular trial. But that is not the case. Since Eichmann's identity has been proved beyond all doubt, there is no doubt that he is guilty, and must be punished by death. There is no one in Israel, I hope, who advocates a lynch trial. We all want the Eichmann trial to be conducted in accordance with judicial procedure. Moreover, we do not regard the trial as merely fulfilling a formal obligation. This trial has a great, historic purpose, namely, to reveal the full enormity of the crime...not the criminal. For after all, the criminal is known: the Nazi gang which ruled the third German Reich and which included Adolf Eichmann aimed at destroying the Jewish people. There is no doubt of that.

The scales of justice in this trial have been weighted from the outset. The crimes...are so heavy that there is no counterweight in the world which can move the scales even slightly. Themis' eyes are open. Of course, the matter is *sub judice*, but it is at the same time *sub populo*, because the Jewish people is the judge on behalf of all mankind, constituting the jury, as it were. There are trials in which *vox populi is vox justitiae*, and this is such a trial.

The Knesset annulled the death penalty for murder, but left it for crimes committed by Nazis and their collaborators. For whom was that exception made if not for Eichmann and his ilk? Even the Prime Minister disregarded the Minister of Justice's request. In his first statement to the Knesset he defined Eichmann as: "one of the greatest Nazi criminals, who is responsible together with the Nazi leaders for the murder of six million European Jews." He did not say "suspected."

Moreover, ever since the Minister of Justice's statement there has been considerable public discussion, both in Israel and abroad, of the Eichmann trial. We find it inappropriate that the Knesset should be condemned to silence on these issues, and that Knesset Members should be obliged to comment on it in different contexts. For example, the question has been raised as to whether the trial should be held in Israel and whether the court should be Israeli or international. In our view...the Knesset should state its opinion and reject the anti-Israel attacks of British, American and other circles, which apparently fear the revelation of the truth about Hitler's associates because the latter live under their auspices and through them are reviving the swastika crusade. The Knesset should give its official approval to an Israeli trial before an Israeli court.

I would also like to remind the Knesset that the Nazi and Nazi Collaborators (Punishment) Law...states that even if a Nazi criminal has been tried abroad this does not absolve him from being tried by an Israeli court....Each day that passes proves that the assumption underlying the Minister of Justice's appeal, namely, that this is a trial like any other, is false....Are the letters exchanged by the Governments of Israel and Argentina an everyday matter...? Here, too, the Knesset should have had its say: we all respect the Argentinian nation, which is celebrating 150 years of independence this year, but if anyone should apologize it should be those who gave shelter to acknowledged Nazi criminals like Eichmann, not those who removed him from that shelter. And there are many such countries, not only on the American continent but primarily in the German Federal Republic, where a congress of 1,500 members of the S.S. is currently being held....

Thus, in Germany today it is possible to create a Nazi atmosphere, while in Israel the press is prevented from expressing anti-Nazi views....What is the point of the trial if not to permit the anti-Nazi cry to be heard all over the world?...The Israeli press needs guidance of a different kind to that given by the Minister of Justice, i.e., how not to create a soft, forgiving atmosphere towards Eichmann....The headlines we have read about his "good behavior" in prison, and so on...serve to restore a human element to that monster, that two-legged beast...and human he is not....

The trial is purely public, national and historic, and we therefore propose, regardless of political differences, that we debate it, so that the Knesset's voice may be heard.

The Minister of Justice, P. Rosen: Mr. Speaker, distinguished Knesset, even MK Sneh's speech will not induce me to discuss something which in my humble opinion is *sub judice*, and if someone thinks that the Minister of Justice is a formalist without any basic Jewish or human feeling—

M. Sneh (Maki): I did not say that.

The Minister of Justice, P. Rosen: But someone wrote that....Let them think what they will. If a person has been found fit to stand trial in Israel, the trial must be conducted in accordance with the due process of the law. The law may be too considerate of persons standing trial...but that is our law...and a Minister of Justice may certainly ask...the public to abide by it. The law does not distinguish between regular and special criminal trials, nor between criminal trials of passing or historic significance.

MK Sneh requests a discussion of my statement. By chance, next Monday there will be a debate on the Ministry of Justice's budget...and anyone who still thinks that the Minister of Justice erred in making that statement will doubtless speak his mind then. I am glad to note that

there have been increasing signs of late that my moderate appeal to the newspaper editors is understood as not having been completely superfluous....In conclusion, I propose that we remove MK Sneh's proposal from the agenda.

J. Shofman (Herut): Mr. Speaker, distinguished Knesset, I propose that MK Sneh's proposal be transferred to the Constitution, Law and Justice Committee. The problem is not as simple as the Minister of Justice tries to present it....There are other aspects which are of public concern. For example, at one stage we were told that a public figure met with Eichmann in prison and collapsed. Then we were informed that only persons involved in the trial had had contact with him....Half an hour ago a newspaper reported that the public figure was the Minister of Labor, Giora Josephthal....

The Minister of Justice, P. Rosen: That is a lie.

J. Shofman (Herut): That's what the paper says.
(From the floor: We're entitled to know if it's correct.)

M. Begin (Herut): If it's correct, it's a disgrace.

M. Argov (Mapai): Who is "we," the Jewish people?

E. Raziell-Na'or (Herut): We who sit here.

M. Argov (Mapai): Who do you mean by "we?"

The Speaker, A. Ben-Eliezer: Anyone can say "I," "we," "everyone." Although you are entitled to ask who is meant by "we," I ask you not to interrupt.

J. Shofman (Herut): At the initiative of the Minister of Justice, certain legal problems have been brought before the Constitution, Law and Justice Committee, and I think that this problem...could also be transferred to that Committee. As for the issue being *sub judice*, that contention were better not bandied about in the Government's name....Before the establishment of the state three Jews were suspected of a certain action, and those parties which now form the Government disregarded the principle of *sub judice* and referred to them as murderers. When the man who murdered six million Jews is caught, do you think you can teach us what *sub judice* is? Shame on you.

M. Argov (Mapai): ...What are you talking about?
(Shouts from the Mapai benches.)

The Speaker, A. Ben-Eliezer: I ask the Knesset Members to calm down. Knesset Member Shofman, you are entitled to say that it is shameful, or that people should be ashamed, but not: shame on you.

J. Shofman (Herut): I correct myself. I say: people should be ashamed, or more correctly, be careful, of what they say....I propose that MK Sneh's proposal be transferred to the Constitution, Law and Justice Committee.

...
The Minister of Justice, P. Rosen: Mr. Speaker, distinguished Knesset, I vehemently oppose both the content of and the reasoning for MK Shofman's proposal....I say once again that those people who spoke to Eichmann in prison did so solely for reasons connected with the trial....To the best of my knowledge, the Minister of Labor was not among them. I would ask the House to refrain from raising this subject. I propose that the matter be removed from the agenda.

The Speaker, A. Ben-Eliezer: We will now vote on the three proposals.

The Vote

The proposal that the topic be discussed in the plenum is defeated.

Those in favor of transferring the topic to the
Constitution, Law and Justice Committee 20

Those against 29

(The proposal to transfer the matter to the Constitution, Law and Justice Committee is defeated; hence the Minister of Justice's proposal to remove the subject from the agenda is adopted.)