

Possible & Probable Defense Moves

1 - Trial will open tomorrow, but prosecution's opening statement not until Monday the 17th. This leaves for procedure & legal matters, so there is opportunity for Solomon's counsel - Sivatsky - to do whatever he can to block trial or make sure it is open. At trial, Sivatsky ~~will~~ ^{will be} center of stage.

2 - Sivatsky has 200 at Nurulug, Zepherus, & families with principles involved. But this time on his own - ~~own~~ - fund & Israeli counsel - but S. price responsibility, what can he do, which is he likely to do?

3 - The Kider approach ^{unlawful capture}. Can he condemn Lehigh case, because sub par of Israel's, ^{not} same to be pilot of plane & other officials who arranged flight.

a) Unlikely to succeed - U.S. & Britain & world view.

b) Probable ^{possible} ~~likely~~ to undermine ^{the} ~~the~~ ^{trial} ~~trial~~.

4 - Judge ^{Benjamin} Halpern, President, Jerusalem District Court. Not presiding (Mordechai Loran). ^{Not true case.} ^{possible} ^{appeal}. Probable challenge. At least delay. ^{possible} ^{appeal}.

5 - Arguments made at Nurulug - "Ex parte facto" Israeli statute embodies Nurulug principles (waive rights, in respect to humanity), is turned as national law. Prophetic & controversial. But unlikely to prevail - if led, extraordinary speech of Israeli court declares Nurulug judgment invalid.

- Special problem of "comes vs. Jews". No precedents, more vulnerable to argument of "ex parte facto". If successful, still effectively part of case, but in extremist stand.

6 - Place of trial: Jurisdiction: Israel not the scene of the crime. Not even a nation at time of crime. Unlikely to succeed - no constitutional interference.

7 - Place of trial: Prejudice, Popularity. Israeli law. Access to evidence. Money, Also in Italy.

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8 - Boland memo - prejudgment, Presumption of innocence. But Ben-Gurion (1947 news) "one of the main perpetrators of crimes against Jews". Paris press conference: "the man who killed 6,000,000 Jews". Israeli law may itself make prejudicial to internal trial - contempt. Boland wants to apply principle to himself. If various bill rights case, might well be most difficult point for court to handle.

Perhaps others, but these are the most apparent:-

To some extent, deontological was challenge basis of trial a ban of ^{unjust} ~~unjust~~ ^{capitulation}, Halving, expert fact, jurisdiction of Israel, prejudicial board, or prejudgment by head of the government. It will be with of gut instinct to see which he does, & even guide to observe internal's handling.

of SIX