

AROUND THE NATION;

Man Asks Military Trial Rather Than Extradition

The New York Times

December 18, 1984, Tuesday, Late City Final Edition

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Section: Section A; Page 22, Column 5; National Desk

Length: 189 words

Byline: UPI

Dateline: CLEVELAND, Dec. 17

Body

A retired automobile worker whom Israel wants to extradite on charges of World War II crimes argued today that a military court, not a Federal court, should try those charged with war crimes.

The man, John Demjanjuk, 64 years old, made the argument in a preliminary hearing before Federal District Judge Frank Battisti, who is considering the request for extradition.

Israel contends that Mr. Demjanjuk is the guard inmates at the Treblinka death camp in Poland called "Ivan the Terrible."

Mark O'Connor, Mr. Demjanjuk's lawyer, said only courts such as the one that judged Nazi war criminals at Nuremberg, West Germany, had jurisdiction over suspected war criminals.

Judge Battisti did not rule on the request to remove the case from the Federal courts.

Mr. Demjanjuk says he is not "Ivan the Terrible," but a Ukrainian immigrant who never persecuted Jews.

Mr. Demjanjuk was stripped of his United States citizenship in a 1981 denaturalization trial for lying on his immigration papers. An immigration judge found that he could be deported to the Soviet Union, but extradition would take precedence over deportation.

Classification

Language: ENGLISH

Subject: EXTRADITION (93%); WAR CRIMES (91%); IMMIGRATION (90%); DEPORTATION (90%); DENATURALIZATION (90%); DEMJANJUK WAR CRIMES CASE (90%); MILITARY & VETERANS LAW (90%); JUDGES (90%); MILITARY COURTS (90%); LAW COURTS & TRIBUNALS (78%); WORLD WAR II (78%); ANTISEMITISM (78%); US FEDERAL GOVERNMENT (78%); HOLOCAUST (78%); IMMIGRATION LAW (78%); CRIMINAL OFFENSES (78%); JURISDICTION (78%); INTERNATIONAL RELATIONS (75%); CITIZENSHIP (74%); LAWYERS (74%); JEWS & JUDAISM (73%); PRISONERS (73%)

Industry: LAWYERS (74%)

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Geographic: NUREMBERG, GERMANY (58%); UNITED STATES (79%); UKRAINE (78%); GERMANY (76%); POLAND (71%)

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