

I had breakfast this morning with-- Arthur Novak back there.

If you--

What? You want put something here?

I thought that might be the easiest way to make it inconspicuous.

Yeah, OK.

And I'm not really doing it to--

No, no, no, no, no. Nothing to worry about.

So you were saying, how you got into this.

Yeah, well I--

not working just the report.

No. No. If you take the popover, they're the best.

The puff?

Yeah.

OK. All right. Thank you.

Yeah, me too. Thanks. I was working for Congressman Jim Scheuer, a bad, bad match.

From Westchester, right?

Well, no. But you're not really wrong. I think he's the only guy in history who over his career represented at least four of the five Boroughs.

Oh Really?

Yeah.

So he started in the Bronx. And when I worked for him--

You were a New Yorker?

I'm a Brooklyn boy.

Yeah.

His district was divided between parts of Brooklyn and parts of Rockaway. And I think when he died, he was-- no, I'm sorry-- when he was finally pushed out, he was representing Northern Queens. He was rich. And just simply kept buying seats. That's why it was a bad match for me.

I mean he's a pretty liberal guy. But I just felt--

I can't remember. Was he a Republican or a Democrat?

Democrat. Come on.

Yeah, yeah. There were no-- well there were still in those days, there are a few liberal Republicans that you have at school.

Yeah, but think about the New York congressional delegation.

Yeah, yeah, yeah.

You can't name one.

Yeah, that's true.

I mean I can't--

Oh, now, no. But even then, yeah. Yeah, yeah.

So bad match. Carter is elected president. And Griffin Bell becomes Attorney General. And Patricia Wald becomes Assistant AG for Legislative Affairs. Pat and I worked together in the legal services program in Washington.

Legal services which was?

Legal aid for the poor.

A government program?

Yeah. Yeah. Well, it was like Public Broadcasting. It has a facade of being private, but--

Yeah. Yeah, basically. Yeah.

And so I called her and said, get me out of here. So a couple of weeks later, she called me back and said, how would you like to do Nazi war criminal prosecutions? And I said, no. That's nuts. It's 1977. She said, no. We have a problem. And why don't you come down and talk to some people?

So I did. And I decided the intellectual challenge was too great to pass up. So I said, yes.

At that point, OSI had not been formed yet.

Right, no.

In '79 it was formed.

Right.

So are you Justice Department?

Yeah. The predecessor--

Was a special unit.

Right. And that's what I created, and indeed I created OSI before they threw me out.

Oh, really? So you helped create that special unit?

Oh yeah, well I--

In INS.

Right, and as soon as I got to INS, I figured out everyone assumed that because I had INS credentials, I was either stupid, or a crook, or both. And I soon met Liz Holtzman, who--

Right. I'm going actually see her next week.

Good. I still talk to her. Sorry, thanks.

Thank you.

That we're still friends tells you something about both of us.

Yeah.

And she was the reason that it was created, basically to shut her up.

Yeah.

That was it. Yeah. Griffin Bell who was the AG, whom I actually had a very good one-on-one relationship with, once said to me, I don't know anything about this stuff. But this lady from Brooklyn is driving us crazy. So make her happy.

This is Bell speaking?

Yeah, Bell to me.

Yeah.

Yeah. A couple of years later, probably still in the days of the special litigation unit, Bell--

You ran the special litigation?

Oh yeah, I was numero uno. I hired everyone. I created it from nothing. And with Liz's help, we maneuvered it out of--

INS.

Out of the immigration service. Justice did not want it.

Really? That's interesting.

Well, they were afraid, especially the criminal division which is where it ended up. Of course, it made some bureaucratic sense. But they hated it. And in fact, they probably still do, because it ruins their win-loss record.

It's much harder to win convictions in these cases.

Yeah.

Yeah, that makes sense.

Look, the phrase that I've been using which is still valid, is the evidence in these cases can be viewed as pieces of a

jigsaw puzzle that have been warped by time. So they don't fit.

That's a great analogy.

So the evidence is 40 years old, 50 years old.

Right.

Even good memories fail.

Yeah, yeah. I mean I won't tell you how many times we had a guy, documents made it absolutely clear this guy was there. And his victims could not identify him in a photo spread.

Sure.

I mean one said, look, when I was in the camp, I looked at their feet. I didn't look at their faces.

Of course.

You want-- you didn't want them to notice you.

Right. Right. So we had problems like that all the time.

And getting back to the INS one second, why it could not work in the INS? Just, I think I know why, but--

I mean they were viewed as less than adequate, less than competent. Hell, I thought they were less than adequate.

Yeah.

I mean, I picked up a couple of INS lawyers and they were awful. One of them, fortunately I cannot remember the name, though I can find it, was in the middle of trying a case before an immigration judge who were also awful, then as now. And the judge wanted the Immigration Services lawyer to physically take a photo spread apart, without keeping any record of what photos were where. So the two of them destroyed evidence.

What's wrong with you? How can you think that you're a competent lawyer if--

What about these two guys who in the '70s were active, Anthony DeVito?

DeVito, total fraud.

Was he a fraud?

Total fraud. Total fraud. Well, his view was he was Simon Wiesenthal. He would tell people that.

Yeah.

Because he was sort of made a hero in the Howard Blum book?

Well, Howard Blum didn't know very much. I mean, the book actually helped.

Yeah. Yeah.

But it was a little melodramatic.

Right.

There's a line in that book about DeVito. Where at the end of a chapter, it says, he was now a GS-7 in the Immigration Service. Well, a GS-7 in the immigration service was a janitor who could read and write. And we're not talking about high-quality people.

And the other guy was Schiano? Vincent Schiano. Did you know him?

I don't remember him.

But DeVito, you really think he didn't do much?

Nothing. And he was gone by the time I got there.

Yeah.

And there was another guy who meant well, but I can't think of his name either.

So your title was director of this unit?

Yes.

So then you manage and did Elizabeth Holtzman help you get this over to the Justice Department?

Mm-hmm. And Justice hated me, because they knew I did this.

Right. Right.

They knew I was talking to Liz. And they removed me.

Because you were-- you weren't ever director of that?

Never.

Yeah, just the first one there was someone, Rockler.

Rockler.

Rockler. And then Allan--

Ryan.

Ryan.

Right and I was the Deputy Director in charge of litigation.

In that unit.

In that unit.

For how long?

I don't know, not long. It was awful. It was awful, because Rockler was a part-time employee. So he and I immediately clashed, because he wasn't there. And I viewed in my messianic zeal, this has to be a full-time job.

Right.

You can't have a guy, I mean his claim to fame was that he was a Nuremberg prosecutor 30 years before. So what? These are different cases. They weren't really criminal cases.

Yeah.

Because what we're really engaged in was proving civil fraud.

Right. Civil fraud, so it was enough that they were being, say a concentration camp guard and had concealed that on immigration.

Right, right, right.

That you could deport them.

Yeah.

You didn't have to prove specific crimes against them.

No, no. We did not. And that's why I say it was civil fraud.

Right, right, right. Right.

Which is both harder and easier.

Yeah. Yeah. So I brought in ex-people. After it went over to Justice, we hired some more. It was also a dumping ground.

Some of those turned out well. All personnel decisions, you never know. Some are good. Some are bad.

Do you remember hiring Eli Rosenbaum as an intern?

Mm-hmm.

Yeah, yeah.

Oh, yeah. So what was it? Because he told the story about how he apparently got to you, when they were just forming--

Right. Oh, yeah, yeah. And I asked him one question.

Yeah, which was?

Do you know Alan Dershowitz? And he said, yes. So I called Alan. And Alan said he was a good guy. It's as simple as that.

Yeah.

And so in those early days you felt that it was the move to Justice though on balance a positive thing?

Yes.

Yeah.

Because without it, we would never have escaped this stigma. I mean, it really was a stigma.

Yeah.

And it hasn't improved much, even though it's now part of the customs service.

Yeah. Yeah. What do you think of Ryan? I've been reading his book now. I don't know if you've read that. It came out in the '80s, after he ended--

Well, as you will see, I don't appear in there.

Yeah, I noticed that. And it has to do with his own insecurity. Because he and I actually clashed in the Fedorenko case. He was in the Solicitor General's office. And the case the government lost in the Court of Appeals. And as a general rule, in the Justice Department internally you don't file papers to appeal to the Supreme Court. You don't file a petition for certiorari. You just don't. There has to be an exceptional reason.

So he wrote a multi-page 10, 15, 20 pages, on why it should not be appealed. And a guy by the name of Steve Barnett who was his superior called me. And said, can you write something that says we should appeal this?

So that set it up.

I sent a memo to the Solicitor General saying, this should be appealed. And he had just sent his memo this should not be appealed.

Right.

Yeah.

But this is before he'd come to OSI.

Oh, yeah. Yeah, well I think the reason it came to OSI was Phil Hammond wanted to stick it to me, because it made no sense. Leaving aside getting rid of me, Allan Ryan has to this day I believe never tried a case in his life.

Oh really?

So why would you put someone in charge of litigation-- who hasn't tried a case?

So after you left, you left then presumably '80, '81, or something.

Oh, no. No, no, no. I left in '79.

Oh already, yeah, so that first year?

You just stayed a few months then.

Yeah. Yeah. And I joined Liz Holtzman's staff.

Oh really? Oh. OK. I didn't know that.

Well, it's not a secret.

Yeah, no. I was her counsel on the Judiciary Subcommittee on International Law. This is 1980. She ran for the Senate and was defeated by Al D'Amato, and that was the end of her congressional career and mine.

Yeah.

And since then, you've been in private practice?

Yeah.

But you've done a number of cases with the Wiesenthal Center, right?

With Wiesenthal and without.

Yeah, yeah.

Oh, yeah. Look I spent two years in Munich on the Demjanjuk case. So these, we're talking the 80s still?

No Demjanjuk is--

Oh, no. Yeah. Yeah. Yeah.

--from 2009 to 2011.

Oh, yes. Yes, of course. Of course. I'm sorry. Yeah. Yeah. That's when they finally got him.

Yeah.

Yeah.

Yeah.

For Sobibor, not Treblinka.

Yeah, I'm not sure about that. But that's not for publication.

Yeah, yeah. OK, OK. No, that's fine but you're not sure about which part--

About Sobibor.

Oh really? I was pretty certain about Treblinka.

But then they couldn't prove Treblinka, right?

Well--

He wasn't Ivan the Terrible, the wrong Ivan the Terrible?

That decision by the Israeli Supreme Court--

Right.

Was a political, not a legal decision. And it accomplished its purpose. There hasn't been another extradition or deportation to Israel of a Nazi war criminal. That's what they wanted. They wanted the rest of the world to deal with this. They didn't think they should have to.

Really? Yeah.



Well, didn't it work?

Yeah. Well before, had they had any extradition really to Israel before, I mean they snatched Eichmann, of course.

Yeah.

And they clearly did not-- I don't think they did any extradition before Demjanjuk.

Well, well--

I mean, there clearly was a lot of reluctance to do this stuff in Israel, which a lot of people don't realize.

And there still is.

Yeah. Oh, I know.

There still is.

I know.

I don't know enough about Argentina's relations with the world. But in the '80s, through the Wiesenthal Center, I was involved in some kind of deportation proceedings in Buenos Aires against Josef Schwammberger.

Yes. Yeah. You co-wrote a book on that, right?

Yeah.

Yeah, got it.

And in that case as well, there was no treaty of extradition between Germany and Argentina.

Yeah.

But--

They did it. They did it, right? So it happens. And if you want to connect some interesting dots, the young [INAUDIBLE] involved on that case was Kurt Schrimm.

Oh, yeah.

Who is now in Ludwigsburg. Yes. Yeah, I was in Ludwigsburg in April. But he was traveling. So I talked to his number two. I had some correspondence with him at some point. I need to just do a call with him.

You should also I talked to a lady by the name of Kirsten Goertz.

Who is she?

She used to be in the office, and got tied up in some intramural fighting. She was the one who prepared the prosecution memos on Demjanjuk, and the extradition papers.

What I find fascinating about the Demjanjuk case, I've just been writing a lot about Fritz Bauer.

Yeah, yeah, yeah.

He was one of the figures who is largely forgotten by history, but has played such a huge role. And that his interpretation during the Auschwitz trial, for instance, in Germany was that we should be able to convict these guys just because of their role, as opposed to the individual crimes.

Well--

And that it's only now with that final Demjanjuk ruling that you more or less have legal authority for that when there are very few of these guys left.

I wrote that in a memo in '79.

Did you? Yeah? You don't happen to have that?

Yeah, I do.

I would love to get a copy of that.

It also happens to be the memo to the Solicitor General on why Fedorenko should--

Should be-- yeah.

So you'll love it for both reasons.

Oh, I'd love to see a copy if I can get one.

I'll send it.

Great, great. Now, in terms of your work with Wiesenthal--

Yeah?

Which cases did you work with him? Do you remember? I mean Schwammberger, right because he was important the Schwammberger.

Yes.

And you worked on behalf of Wiesenthal center in LA.

And Wiesenthal directly.

Yeah, because those are two different--

Separate clients.

Yeah, yeah.

And sometimes I straddle--

Yeah.

And sometimes I mediate.

Yeah. Yeah.

And sometimes I try to lock them in a room. That's still going on between Simon's daughter and the folks in LA. There's still tension.

I saw Simon's daughter in Israel.

She's great.

Yeah, she's great. I knew Simon quite well. And, especially in the '80s, during the Waldheim business and all, when I was in Europe, that I went to [INAUDIBLE].

I was the leg man for him on Waldheim.

In what sense?

I'm sorry?

In what sense?

Well, I'm going to tell you.

Yeah, I'd love to hear that.

Stuff like this cannot be true, but it is. I arranged to have for permission to examine the Waldheim file in the UN. It was place on Park Avenue and 20 something Street in New York City.

Yeah. Yeah, but, OK. Yeah, right.

I'm looking for the original Yugoslav papers.

Yes.

And I get to the designated file cabinet, and the designated drawer. And I pull it open, and there's a folder and that says Waldheim, and it's empty.

Oh, really?

Empty.

These are UN files?

UN files, empty. Well, because of my work with the US, I had a very good relationship with the Yugoslav government. And I was the observer-- I'm not sure who I was representing. It could be Justice in the '80s at the Artukovic trial in Zagreb. And I arranged, I mean I went to the folks in Zagreb, and I went to the Jewish community in Zagreb.

I haven't been back in a long time. But it was the only place I've ever seen in the world, the Jewish Community Center was identified by a Jewish star on top of the entrance that was neon lit.

Was it flashing?

It could be. I can't swear to that, but it could be. It all has to do with the fact that Tito's cellmate was a guy by the name of Mosa Pijade, who like Tito, well, they were both Croatian. But Pijade was Jewish. And he actually translated Marx from German into Serbo-Croatian. Anyway, so they probably had a copy. But all they said to me was, it's embargoed and we cannot give it to you.

This was already at the time of the controversy had started.

Oh. Oh. Oh, the controversy was well-known, well-known. And one afternoon I had a minder from the Croatian state ministry of whatever, Justice. My minder says, there's no hearing this afternoon. So let's go for a ride in the country.

What else am I going to do? I said, sure. So off we go. And I have no idea where I am. I still don't know where I was. And all of a sudden, the car turns, and we are going inside a penitentiary. And I'm saying, well, I had a great life.

Yeah, right. Yeah. I hope I have a nice cell.

Right. I had no idea. And we walk in to meet the warden. And I notice the table is set for two. So I'm relaxing a little bit. When I say, we should have a third place for the minder. And at that point the warden says, well, we'll come back. And the warden and the minder walk out of the room. And I'm left alone.

Can I take these out of your way, sir?

Yes.

Yes. You can take this.

And in walks a guy who introduces himself. His name was [? Greiger. ?] He's a Slovenian. And he's the federal minister of the interior. And he said to me, I understand that you're looking for the Waldheim file. I said, yes. And if I can get it, I will be happy to use it. And you can set whatever conditions you want. We can do it publicly.

You were doing this on behalf of who at this point?

I'm not sure.

Yeah.

Of course, this was--

Yeah, everything was-- yeah, everybody wanted to see it. Yeah. Yeah. So I said I can slip it without attribution, without attribution, public, private, whatever you want.

Yeah.

He said, well, let me think about this. I know that you'll be in Belgrade on Friday. I'll meet you at noon at the Three Aces. I still remember this because I still don't know how he knew that that was my favorite place in Belgrade.

Those systems had a way of observing you.

Right, right. It was clear. Now, I spent the night at the residence of the political counselor of the American embassy, Dick Miles, I don't know if you--

Oh, I know Dick. Yeah.

OK.

[INAUDIBLE]

OK.

Yeah, very well.

All right. So you can-- he probably won't remember this. But you can-- did you also know Joe [? Pressle? ?]

No. I've heard the name, but I didn't know him.

OK. Dick, neither Dick nor Sharon we're going to be home. But he left me very specific instructions on how to get into the house through security, and which room to be in. So I am just about nude, when the door bursts open and Dick and Joe come in drunk as can be. Anyway, the next morning at breakfast, I explain what this is all about.

Dick was shocked that I'd met [? Greiger. ?] At that point no US government official had ever--

Oh really?

Yeah, I mean afterward, the DCI and others met him for other things. But I was the first person. Because I had no idea who the guy was.

Yeah, yeah, yeah.

And Dick said, I know why you're here, and I know that you're morally right. But it's never going to happen. Austria is Yugoslavia's largest trading partner. They need the economic relationship more than anything else, and they're not going to screw it up.

Yeah. So I drive in with him. And we're just chatting in his office. And at one point, the phone rings. He picks it up. And says, hold on a second. Marty, walk out of the room, so I don't see you. You can leave the door open. But I don't want to see you.

And then he says you can tell the AP that I have no idea where Mr. Mendelsohn is right now.

Dick's prophecy came out absolutely on the money. Someone from either the Ministry of the interior or the foreign ministry leaked it. The AP was calling. They wanted to talk to me about why I was here, and what I intended to accomplish.

They all leaked that you were going to get this.

Right, so Dick said, it's over. But he also said have your meeting. So I-- on an outdoor table at the Three Aces. And up walks [PERSONAL NAME] He recently retired as Serbia's ambassador to the UN. He had served in the embassy here. He and I were pretty close friends, though I hadn't seen him. And he sauntered up. I said, [NON-ENGLISH], wonderful to see you. I wasn't expecting to see you.

And [NON-ENGLISH] said, I know that. Minister [? Greiger ?] sends you his very best regards and wishes you every success. And he turned. I said, [NON-ENGLISH], that's not why I'm here. And [NON-ENGLISH] said, I'm sorry. That's all I was told to say. And to get right back to the ministry. [NON-ENGLISH] was a fascinating guy for different reasons.

His grandfather was the Metropolitan of the Serbian Orthodox Church, but in the miter instead of a cross he had a red star.

Lovely.

And his father was a Tito crony. And the father was Chief Justice of the Yugoslav Supreme Court. So he was part of it. And what cured him of communism, he spent five years in India studying the Indian Communist Party, and decided no more. Anyway, I still see him. I haven't seen Dick in a couple of years. And I always worry about his health. Because he and Sharon are kind of-- which one's going to go first? But that's 20 years, which one's going to go first. So I assume

he's OK, because I haven't heard differently.

So what do you make-- how do you sort out the Wiesenthal versus the World Jewish Congress versus Eli Rosenbaum, and that whole ball of--

There is no separation between Eli and the World Jewish Congress on Waldheim.

Yeah. Yeah I know. Well, he was working for them.

And I think Eli was so embittered that he started out idolizing Simon.

Right.

And when he found out the man had clay feet and was actually a human being, not a God, he turned on him.

And to this day he's passionate.

Oh, no, no. No, I know. We have agreed not to talk about it.

Yeah.

Because if we talk about it, we couldn't be friends.

Right.

I mean he is so totally irrational. I mean he has streaks of irrationality. A couple of years ago, I can't remember the case. He asked me. There was a guy in the US who theoretically could have gone to Austria or Poland.

Great. Thank you.

And I later found out the Austrians said under their law, if they got him, he'd be tried as a juvenile, and it wouldn't mean anything. Crimes were committed in Poland. And Eli called and said, call [? Roddick, ?] and tell him not to take him. I said, sure. Right?

Tell him not to take him.

Not to take him, and so the Austrians would have to take him, even though the Poles would have hung him. But Eli wanted somehow in his mind to embarrass the Austrians.

Oh, I see. So [? Roddick ?] was happy not to.

Not to have to deal with it.

Right. And I later found out from the Austrians and from Andy Miller-- not Andy Miller-- Andy Baker at the American Jewish Committee, who was part of the negotiations-- I don't know why-- that they knew if you went to Austria, nothing was going to happen. And I said, why didn't anyone tell me?

Yeah.

Of course, had I known that, I would have pressured [? Roddick ?] to take him.

Yeah. Yeah. Yeah.

But Eli was just-- he wanted-- had to stick it to the Austrians, and didn't care about punishing the malefactor.

Yeah, that was the secondary issue.

Yeah, anyway. So he gets these idÃ©e fixe.

Yeah.

So Simon was part of the problem. And yeah, to this day Eli is--

Yeah, on that subject. Yeah.

Yeah.

What was your own readout on Simon being--

I think, well, bottom line, Simon was right. He was a liar.

Oh, yeah. Yeah, on [INAUDIBLE].

I mean that's what Simon said. Yeah.

Oh, he did? Yeah.

Absolutely. He was a liar.

I've talked to him many times.

Yeah, he's a liar. But--

You can't prove he was a major war criminal.

Right. Right.

And in Eli's book, he says, well, at one point he says, he's not his major war criminal. But everything else is sort of made to look almost like Eli-- And then of course, then Eli gets into the whole--

Enjoy your lunch.

Thank you very much. Yeah, sort of saying encouraging-- I don't know if you saw this book by this British journalist, Guy Hunter, I mean it's all, basically he denounced the agent of Wiesenthal.

Well, you know--

Everything was a fraud.

Look--

Claiming credit for things he never did, and appropriating other people's stories.

None of us is perfect.

Yeah.

Including Eli.

Yeah. Yeah. But it's just so--

Yeah.

Part of this was also domestic politics in Austria.

Well, it certainly was for Waldheim, and for democratic--

But also because of-- ah, I'm blanking on the guy's name. The socialist chancellor.

Oh, yes. Yes the previous socialist chancellor.

Yeah Kreisky. Yeah.

It was Wiesenthal hated him, with good reason.

Yes. So--

Yeah.

To the extent and this helped the socialists, Simon much preferred to deal with the People's Party.

Right. Yeah. Yeah.

And Simon had a wonderful description of Kreisky. He said, Kreisky converted. The only person in Austria who believes he's not Jewish is Kreisky.

Did Kreisky convert?

Yeah.

Oh, I didn't know that.

To what? To Catholicism?

Yeah.

Really? I didn't know that.

That's what Simon said. And I've never really discussed it with anyone. But I assume it's probably true.

Yeah.

Look, even before Waldheim, Simon was helping the People's Party. He's a prominent People's Party politician who may have been foreign minister, Alois Mock.

Oh, yeah. Yeah. He was foreign minister.

Yeah.

Sent him to me with an introductory letter that I should take Mock around to make sure he saw the right people in the Reagan Administration. And this was '81, '82, way before Waldheim. So, the stuff is complicated.



And have you worked much with Zuroff?

With whom?

Efraim Zuroff? The one thing Eli and I agree on, and we've half jokingly agreed that we're going to write an article whenever he can and I will. That Zuroff's activities have done more to impede and retard the prosecution of war criminals than any other individual.

Really?

Well--

By offending--

If Simon is white, he's black. If he is black, Simon is white. Simon loved to say I prepare a dossier, and I take it to the authorities. Zuroff prepares nothing and simply hurls accusations. I mean his latest one that there may be hundreds of SS people alive.

Oh, the Einsatzgruppen.

Yeah, I mean, just based on demographics. He doesn't have a single name. He says, OK. You find them. And if the authorities fail to find them, well, then it's their fault, not Zuroff's fault.

Right.

He gave them the lead.

Right, right.

You know I used to say his antics have resulted in no arrests, no convictions and no jail time. But I think there may be one now. And I think he's a danger.

Well, the whole Wiesenthal Center in LA, and that was started in-- I can't remember exactly.

'76.

Something like that.

I think that's right. Because for the 25th anniversary. I think that's right, I took Jan Karski out there.

Oh, did you? Yeah.

And Karski was terrific.

Oh, he was.

Slightly insane, but in a nice way.

Well, to have done what he had done.

Andy, there's no argument. So, Simon was not there. By then, I think he was too old to travel. Yeah, it was '91, yeah. He died in what? '95?

No. He only died in like--

Oh, no. You're right. 2005 or something like that.

Right, right. On his 90--

90-something birthday.

Yeah. Right. I'm sorry. Anyway, Simon had stopped traveling to the US. So he wasn't there. And at the end of it, Karski said to me, I'm really shocked. I was the only person who mentioned Simon's name.

Really?

They were all into building glorification and neglected that the man for whom it was named was still alive. And I really think that toward the end, the folks in California resented the fact that Simon lived as long as he did.

Were they involved in the Waldheim business too in some way?

They were involved sort of attacking Simon.

Yeah, that's what I have a vague impression of that, but I have to check.

Over the years, Simon alternated with threatening to withdraw his name or move to LA, and run the place. But he obviously did neither.

But then you have some sort of financial arrangement where they had--

Oh, yeah. Yeah. Yeah. Yeah.

For the use of the name.

Yeah.

Well, as you know, and I remember discussing this with Simon. His whole view, a rather jaundiced view of American Jews and their approach to all of these issues, and seeing it as black and white, and being very breastfeeding, and not understanding at all the position of Jewish communities in Europe.

Well, that's right.

Yeah. Yeah.

And we still don't.

Yeah. Yeah.

We still have very little appreciation for the fear, the stress, the pressure of daily existence for a Jew. Some years ago, my wife and I were in Lyon with another couple, and he really wanted to go to services. So I-- I'm not sure how I figured out the address for the synagogue.

And my buddy and I found it. But it wasn't there. No sign. No mark in Lyon. Nothing. And the caretaker came out. And I don't want to overstate this. But somehow I figured out that he was Serbian. And I used my 10 words of Serbian. And we were best buddies. And he was both Jewish and the caretaker. And he showed us where the magic door was.

So next day was Saturday, and four of us walked to the synagogue. And on Saturday, it was easy to find because the police were all over the place. But again, we, as American Jews, have very little appreciation for the constant pressure

that European Jews live under.

Well, and the other thing is that Simon's point was generalizing, and saying, oh these are often the children of the generation that didn't do very much earlier. That's the harsh judgment, but may feel guilty, and it feels very virtuous criticizing.

Well, I think there is some validity to it. Because it's like a barking dog. Dogs can sound ferocious as long as nothing's happening.

Yeah. Yeah.

It's easy to be a super Zionist if you've never been to Israel, have never been to Europe, and you stay back in your pool at Beverly Hills.

Yeah, and It's also easy to say, well, I would have done such and such if I had been in that situation during the war or whatever.

Right.

What did you do in the war, daddy?

Yeah.

Right? Come on. Simon had a better understanding of the American Jewish community than most people. And while it didn't necessarily make him popular with the establishment, he was certainly popular with the average Jew in the street.

Yeah. Yeah. I mean he still casts a very long-- yeah. Yeah, his reputation there it can be very high. And I still have people, when I talk to them about mentioning what I'm doing and mentioning the controversies also around the subject, why would anybody criticize?

Yeah.

Well--

He didn't follow all the stuff--

Once I accompanied him to the Israeli embassy up here. Have you ever been there? A long time ago I think.

For security reasons, they have these double doors. You open one door. You go in the first door. Locks before the second door opens. And at the time, I was a pretty regular visitor there. Because the ambassador was-- I'm blanking on his name. It'll come to me. I'm getting old.

Both doors opened. For Simon he could walk through. They wouldn't even let me in. And they knew who I was. And I said to one of the guys who knew me. I said, how come you let him through when I have to go through this nonsense? And he said, because he is our malakh, Hebrew for Angel. And you're not.

Yeah. Yeah. Yeah. Well, the other famous feud I mean Isser Harel and Simon. That's yeah. And it's funny. When I was in Israel, I interviewed a couple of the Mossad guys who were on the ground for the Eichmann snatch, and Gabriel Bach and so forth. You probably know Bach? The guy who the deputy prosecutor in the case, in the Eichmann case.

But anyway, the guys on the ground, Harel hated Wiesenthal for all these various reasons. But they just sort of say, yeah, they were one of them just sort of said, well, look everybody wanted to be seen as--

The guy.

--they guy.

Right.

And that was what it was all about. It was nothing more. You don't have to go into much deeper level of analysis there.

Again, sometimes the average guy has more wisdom than the guys who are supposed to.

Right, right. Well, we've gone far afield. Do you want to go back? Or do you want to keep this--

No, no. I mean this is fascinating. But sure, anything else about the early days of OSI or how it's developed since. What's your sense? I mean now it's not even officially OSI anymore. It's [INAUDIBLE]

Yeah. Well that was forced on Justice by Pat Leahy.

Really? Why Pat Leahy?

He thought the way to save OSI was to broaden its mandate and going after contemporary war criminals is a worthy idea. So if Justice has this cadre of experience war crimes prosecutors, well one war crime is just like any other war crime. So let's have them do that. Well-meaning.

Yeah.

But it took a lot of the fire out.

Yeah.

On the other hand, one could say it's been around too long anyway.

Yeah.

Well, I mean several people who worked there told me when they were hired in the early '80s, everyone would say, well, we might be around for two years, four years.

Yeah, well part of that was a bureaucratic ploy by the department to escape serious criticism from either Jewish organizations for the Congress.

Jewish organizations for what reason?

You want to destroy us by telling people we're no good? We're the only hope you've got to get these guys.

Yeah. OK. Yeah. Oh, I see.

So the Israeli ambassador was Meir Rosenne who we went to visit, Simon and I, a good guy. I've seen him off and on over the years, though not in a couple.

What about getting back to Simon and Rabbi--

- Hier.

Hier or whatever they were there. At some point I'll meet Hier, probably. I have never met him in person.

Well, it was a love-hate relationship on both sides. On his good days, Hier understood how important Simon was to him.

On his bad days, he didn't understand why people were interested in Simon at all and not him.

Oh, I see. Yeah, well that's a large part of this whole thing.

Yeah.

People are human.

Right, right. Right.

Like Harel and Simon. Yeah.

Absolutely, and look Simon was an overarching figure, for better or for worse. And he was also an incredible human being for better or for worse. But he was a human being. He wasn't perfect. He wasn't an angel. He could be petty. He could be Mercurial. He could be all of the human emotions that normal people have.

And Paulinka has a very conflicted relationship with her father, even today. And I understand why. I'm sure part of the reason that she and Gerard moved to Israel was to get out of the shadow.

To get away. Get out of the shadow, get away from always looking over your shoulder, always being afraid. After one of the bombings, I guess bombing is--

Hi, good.

Ready for dessert?

Go for it.

No, I think that's--

Key lime pie, pear tart, mixed berries, ice cream.

Are you having something?

No but feel free.

Fresh berry. Fresh berry?

All right, make it the fresh berries.

Will you have that too?

OK. Fresh berries. OK. And coffee. And coffee. And coffee.

You want coffee, cappuccino, espresso?

A single espresso.

A single espresso. Regular, single black coffee, American, American.

A black coffee.

Right. So I can't remember the year. There was a bombing at his house.

Yeah.

And the Vienna police placed a guard at the house and at his office. And they were there until he died.

Right.

Right, I remember the guards at his office.

Yeah, but they were like 16 years old.

Yeah, I know. I mean if anybody really wanted to get him, they wouldn't stop anybody.

Right. Right. Right. But and I among others, said Simon, forget it. Move to Israel. And he said, no. I'm still chasing alligators. And I have to live in the swamp.

Yeah. Yeah. Is that the way he put it?

Exactly the way he put it.

That's wonderful. Yeah, I mean and of course he later-- I think at one time he said something about Tuviah Friedman saying, well, the difference between Tuviah and myself, Tuviah went back. They went to Israel. That was the biggest mistake of his life.

That was in the book by Tom whatever his name is.

Oh, Segev. Yeah.

Right.

Yeah, I think so. Yeah.

Yeah. Yeah. I was very disappointed in that book.

Were you?

Yeah.

Yeah.

I just--

In what way?

He didn't capture the man. And it was almost semi-sensational and it just wasn't real for me.

Yeah. So--

Yeah. The film that the Wiesenthal Center did about Simon actually was more accurate I felt, even though it brushed out all the bad stuff, more accurate than Segev's book.

I don't think that's--

Well look, it's not everlasting literature, right? And it's not going to make the 100 best fill in the blank. But again, Simon's still-- and Segev's book makes it very clear that in 1949, Simon was already molding this thing. I mean

according to Segev, I have no idea if this is true, Simon originated the 6 million figure.

I know he talks about an 11 million figure too.

Well, yeah. Well again, when I was at Justice, I was asked how many are you looking for? And my response is what number would you like, depending on your definition, I can match the number.

Well, Bauer had at one point said that during the Auschwitz trial, and they were turning to people in the back dock, he made that comment in a letter to someone saying, well what we really could have is 22 million.

That's the point. And if you look at Tim Snyder, his book *The Bloodlands*, if Hitler begot Stalin who begot Hitler who begot Stalin, and you add in all that Stalin did--

Oh that's astronomical.

Yeah. Yeah, I mean 22 million suddenly becomes modest.

Yeah. Yeah. Yeah. And he was talking about perpetrators here. Yeah. But yeah, I know. I know. Yeah, exactly. Yeah. Yeah.

Again, what's your definition?

Yeah.

Is the person in the back room who doesn't even have a weapon but who types the daily reports? I mean by some, he's just as bad. He's an absolute accessory. I didn't think we should charge those people, but it didn't mean I didn't think they were guilty.

Or at least morally complicit.

Well, no. I mean guilty. But you have limited resources and limited time. So you have to choose cases that make the most sense.

Right.

And I used to tell Eli I am uncomfortable with cases brought by the government of the United States that allege nothing more than a violation of someone's first Amendment rights.

In what sense?

Anti-Semitic newspapers.

Oh, I see. I see. Right? You know?

Yeah.

Am I defending them? No.

Of course not. Yeah. Yeah.

But when you have to deal with finite resources and finite time, I'd much rather go after someone who pulled the trigger.

Yeah, sure. Yeah. Another character I write about in the book, I don't know if you've ever heard of it, since you've spent so much time in Poland. I'm curious if you did. If you heard of [? Janzen? ?]

No.

He's a fascinating character. Even in Poland, he's largely forgotten. But he was the investigative judge in the Polish Auschwitz trial in '47. He was the guy who got Rudolf Hoess to write basically his autobiography before he interrogated him. And he was a fascinating character for all sorts of reasons.

Well, the Poles have been maligned.

Have been what?

Maligned, specifically by Yitzhak Shamir.

Oh, yeah. Yeah. And I think American Jews took that to their bosom, because it's a rationalization from the Prime Minister of Israel, why they can hate someone. And just it's an historic anomaly and it's basically untrue.

I mean when I tell people that there were more Poles honored at Yad Vashem than any other nationality, nobody believes it. They don't believe it, Andy.

Yeah, And all you have to do, the official statistics are there. I know.

Don't confuse me with facts.

Yeah, I know. Yeah. Yeah, no. I know. And it's very difficult. I come from a Polish family.

Obviously.

Obviously, and it's the toughest stories to write often were the ones like the Auschwitz controversy, about the convent at Auschwitz, and all that.

Oh, yeah. Yeah. Yeah. Yeah.

Because people don't know the history of Auschwitz also.

It's not-- it's not an either/or.

Well, and there were three or four.

Yeah. Yeah.

So let's--

Yeah, I know.

And of course, what everyone forgets, while Auschwitz was operating and when it was liberated, it was viewed as part of Germany.

Oh, yeah. Yeah. Of course.

Well, don't say yes, of course.

Yeah, I know most people don't know. Yeah. And that's why the Polish concentration camp drives people nuts.

Can you blame them?



No, I don't blame them in the least. You know the famous thing with the Karski, you want to talk about a disaster. Thank you.

Well, the disaster was that no one was fired.

No one was fired for that.

No. No. No I mean, there's no accountability in the White House.

Yeah, I know. Well, this way out of it.

Yeah, I know. I mean--

That's a whole different topic.

Yeah, yeah. I mean not-- let's not go there.

Yeah. And then nutty, nutty, nutty, eat, eat, eat. Nutty nutty. I forgot in regard to this.

Yeah, well. You're feeding me well here.

It won't be the first time. But again, well, last year I gave a talk, lecture at Warsaw University, on ways to solve the problem, and ways that it can't be solved, such as bringing a libel suit in the US.

They wanted to bring a libel suit in the US? Against?

Against whichever newspaper of the day made the error.

It doesn't work. It turns out without announcing, the Times changed its style book a couple of years ago.

The AP did too.

But--

There was a campaign to do it, to get them to do it.

It doesn't matter. They did it.

But they did it, no, no. It's great they did.

But again, does the general American press know this?

No.

And I think that's Poland's responsibility to spread the word.

The White House should know that when they're honoring Jan Karski.

Well, I'll actually defend Obama. By saying he had no idea what he was--

Oh, I'm sure he had no idea.

No idea.

I'm sure he didn't do it consciously. Somebody wrote it for him, and he read it.

But you have to think about what kind of bozos there are. I mean someone should have responsibility to vet that, and obviously no one did.

And someone with some knowledge of what this was--

Yeah. And what the hot button issue is.

I always remember I was a foreign correspondent most of my career. I came back in '88 to Washington. I got a stint at the Carnegie Endowment. They invited me as the late [INAUDIBLE] from Newsweek. And then of course '89 happened. And so I was suddenly, since I was in the think tank world, all newspapers, magazines, were interviewing me as opposed to vice versa.

And I remember I had one-- and then everything solidarity happened. I remember a guy, some reporter, every newspaper in the country suddenly wanted to know about Poland solidarity.

Right, right, right.

Some guy I think it was Minneapolis Star Tribune or something like that comes into my office. And said, I'm going to Poland. And I want a rep.

I said, fine, fine. And first question was Poland in World War II, refresh my memory.

That's not a question.

Yeah, that's actually a statement.

Yeah. Yeah, it's a huge statement. I practically fell off my chair. Like he was asking, which side were they on by the way.

Yes. George Mitchell once said, Europe is paralyzed by its knowledge of history. The United States is liberated by our ignorance.

We are very liberated.

Very liberated. Right.

Yeah.

Well, I've read and I assume it's true that the average American student junior high or high school believes that the Second World War consisted of the United States, Germany and Japan against the world.

Against the world?

Against the world. That I find, well, I don't know. Nothing is too absurd to believe. I think most people still know that the Nazis were the bad guys.

But they weren't German.

Oh, the Nazis were not German. I see. They were this alien body.

Right, right, right. Do you have children?

Oh, yes. Four kids, grandkids.

Oh, you're a lucky guy. I don't have any grandchildren. My children, my wife says, I can't say this. My children are defective. I'm really angry about it.

How many kids do you have? Are they married?

Yes.

But they don't want--

There's no excuse. Well, my daughter absolutely does not. My daughter-in-law comes from a scarred family background. And she's afraid children will ruin her marriage. I wish she had been honest about that before they got married.

Yeah.

I mean I actually understand her feeling. But why me?

Yeah, exactly. Exactly. Yeah. And that's the kind of thing you almost think here's a case where maybe therapy might help a little bit.

But she has so many other issues. Again, all stemming from how she grew up. She was-- I won't get into it too much. But by the way, I can turn this off. No. I don't care.

No let's go back to other stuff. See? I'm perfect. I'm not even aware of it. I'm just babbling away. Poland is going to try to do two things at the UN, one in December, one in January.

In December on anti-Semitism, but they're calling it genocide.

Well, they did this. I actually moderated a panel there on Lemkin and genocide, which for the Polish, the Polish--

Well, last year, the foreign Ministry gave an award to a guy.

For the Lemkin prize.

Yeah.

Yeah, yeah. Yeah.

Yeah. Can if Sikorski was still in power, I think there might be a second Lemkin. But without him, I'm not sure if there will be.

Actually, I think that was the second one they gave out.

Was it the second?

I believe.

Who got the first?

I'm trying to remember now who got the first. I thought it was the second. But I'm not 100%. Oh, no. No. That was the first. That was the first. You're right. You're right.

Another person forgotten by history kind of, but he's going to be in my book.

Good.

The second one will be commemorating the 60th anniversary of the liberation of Auschwitz, if they can figure out how not to invite Putin.

Yeah.

That's the tough one.

Because it was the Red Army.

Well, that's what I suggested that they invite today's equivalent--

It's actually the 70th Anniversary.

70th, right. I'm sorry. Right, in '45. You're right.

I was in Poland and we did a cover story for that anniversary called the last days of Auschwitz. Where some of my colleagues and I, we interviewed lots of especially survivors, and getting their memories of what it was of course the marches and all that.

Right.

And it was amazing experience there.

Did you talk about [NON-ENGLISH]?

Yeah. I know [NON-ENGLISH].

Isn't he wonderful?

Yeah. He never stops talking. But he's wonderful.

Still?

Yeah, still. I mean--

My wife has described him as everyone's favorite uncle.

Yeah. Yeah. Yeah.

But I remember. I knew him already in the '80s. He came to visit us. We were living in Bonn. Anyway we sit down. You know, and three hours later you got up, and you hadn't said a word yet. And it was all fascinating.

Right, right.

Well, that was her description of Franklin Roosevelt, where you walk in and say hello, and you leave three hours later and you haven't said another word.

Yeah. And he's debriefed you effectively.

Right. Right.

I love-- I had dinner with him a couple of years ago. And he has not lost his-- woo!

Yeah, I haven't seen him for a couple of years. But, yeah.

He's in the government, but not really. And his son lives in London.

That's right. Yeah. Yeah. As [NON-ENGLISH] said, my son is afraid of anti-Semites, not that we're Jewish. But that they don't like us. Anyway, so it's an interesting dynamic if they can pull it off.

Yeah. They-- we'll see.

One other thing, just very briefly. I've read your book. I have to go back to it on Schwammberger. How significant do you feel that whole case was?

You don't ask a lawyer who tried a case how significant it is. But it was significant for two or three reasons. First time someone was removed from Argentina through quasi-judicial.

Quasi-judicial? I mean he was extradited.

Well, yeah. Yeah. Yeah. Yeah, but without a treaty.

Yeah. That's true. That's true. Yeah. It's a government decision.

Yeah.

Yeah.

Yeah. So I mean there was nothing illegal about it. It was extra legal. How's that? Because there's no treaty.

Yeah.

We're lawyers. We like things written down.

Yeah.

It was my first case. I mean this is not significant. But I don't think an American had appeared in a German court in something like this before. And just to make it even stranger, Demjanjuk was the second time an American appeared in a German court in the war crimes trial. And it was me. Where the hell is everyone else?

Because you handle the Demjanjuk case, his final case, in terms of his getting him out of the country. Right?

No. I, under the German system, the victims are entitled to representation.

Right.

That's how I appeared in Schwammberger. That's how I appeared in Demjanjuk. I represented two Sobibor survivors who testified.

In Demjanjuk?

In Demjanjuk, in Munich. Schwammberger was American.

I mean, have heard now.

Yeah, they were both natives of Poland.

Yes. Yeah.

And they were 12, 15 years old in Sobibor. And they were the ones who may have escaped. I mean it's vague, again, I'm not sure if they know what the truth is.

I've never had that terror to worry about, so I don't know. So we had American involvement. We had a new push by Ludwigsburg.

As a result of Demjanjuk?

I'm sorry?

As a result of Demjanjuk:

No, no, no, no, no, no, no, no, no. No.

Schwammlberger.

Schwammlberger. I'm still back to Schwammlberger. I went and deviated, but I'm back. I'm back to the main. Yeah. No, so you had extrajudicial. You had American participation. And you had actually Wiesenthal Center was involved because the Wiesenthal Center paid for some of the witnesses to travel to depositions in this country that were held in anticipation of the trial.

Yeah, Schwammlberger.

Schwammlberger, right. So the Wiesenthal Center was involved?

Right. And of course Simon wasn't involved. I mean when Simon showed up for the hearing, it was--

For the hearing?

In Stuttgart.

In Stuttgart.

No, I don't think Simon ever wanted to go to Argentina.

Yeah. Yeah. Yeah, I don't think that would be-- yeah. Make the Boys from Brazil a reality.

Yeah. Yeah. Yeah.

You know his view of Olivier?

Yeah? That's a portrayal of a ghetto Jew. I am not a ghetto Jew.

All right. Thank you so much, and hey, a pleasure to meet you.

Yeah, well this is not the first, and [BOTH TALKING] I hope it won't be the last.