

## SPEECH

### *In re* Justice Hugo La Fayette Black (1886–1971): My More or Less “Personal” Experience of Him

*George Anastaplo\**

#### PROLOGUE

Yet surely it is more honourable and fair, more righteous and gracious to remember good deeds than evil.<sup>1</sup>

– Xenophon

I should like, during this visit to the Notre Dame campus, to dedicate these remarks to the memory of Anthony Simon, a longtime South Bend resident and the son of one of my University of Chicago teachers (in the Committee on Social Thought), Yves R. Simon (who had himself been long associated with Notre Dame). I had been apprehensive, from the way Mr. Simon used to talk to me, that the considerable body of unfinished work he would have to leave behind would be immediately discarded after his death. But I did not appreciate—perhaps he did not, either—how persistent Anthony Simon would be in getting his father published (and, in some cases, republished in enhanced editions).

Particularly astute was Anthony Simon’s development of the Yves Simon/Jacques Maritain connection, which helped get editors interested in his father’s work as a Maritain disciple. Mr. Simon himself always spoke of Jacques Maritain as far above him in spiritual, if not also in intellectual, worth.

I do not believe I ever revealed to Anthony Simon that I had always had the impression that another of my University of Chicago teachers, Leo Strauss (in the Political Science Department), considered Yves

---

\* Professor of Law, Loyola University Chicago School of Law. These remarks were made at the University of Notre Dame on November 8, 2012, in Professor Michael Zuckert’s seminar on great United States Supreme Court Justices. Professor Zuckert’s publications include studies of the thought of Leo Strauss. All footnotes have been added to this Speech by the Editors of the *Loyola University Chicago Law Journal*.

1. XENOPHON, *XENOPHON IN SEVEN VOLUMES*, III, at bk. 5, chp. 8, § 26 (Carelton L. Brownson, trans., Harvard Univ. Press 1979).

Simon superior, as a scholar, to Jacques Maritain. But all of us could no doubt agree that Anthony Simon (who died in 2012), had no superior in filial piety with respect to a parent's scholarship.

## I.

I once met (in Chicago) Fred Korematsu of the notorious Second World War Japanese Relocation Case. I said to Mr. Korematsu on that occasion that Justice Black is believed by some to have written one of his best opinions in my case,<sup>2</sup> and one of his worst in his case.<sup>3</sup> Unfortunately, I added, the opinion he wrote in *Korematsu* was for the majority, while the one he wrote in *Anastaplo* was in dissent.

Some scholars also believe (or at least like to believe) that Justice Black came to regret the position he championed in *Korematsu*. He may have tried to limit it thereafter to the special circumstances of that controversy. Perhaps he even learned from that case that official claims of imminent danger may often be in need of skeptical examination, especially when they lead to measures that can even begin to remind victims of the ruthlessness of a Stalin or a Hitler—the kind of dreadful ruthlessness recalled in the Holocaust-related material appended to this talk.

It may be wondered, of course, whether this radical wartime disruption of the Continental Japanese-American communities might not have been good for them in the long-run. That is, those once largely isolated enclaves (mostly on the West Coast) may have been forcibly “Americanized” (to their ultimate advantage) by this experience, reinforced as it was by the remarkable exploits of Japanese-American men in the American Army in Italy.<sup>4</sup> We can thus be reminded that challenges which seem unfair and immediately disruptive can permit one to rise to the occasion, and thus to do and hence to be more than one might otherwise have been able to do and to be.

## II.

It has been reported that Justice Black's first impressions of my Illinois bar admission case were not favorable. Not that he would ever have supported my exclusion from the practice of law (once I had refused to answer questions about political affiliations after I had presumed to endorse the Right of Revolution invoked by the Declaration of Independence), but he was not initially inclined to offer

2. *In re Anastaplo*, 366 U.S. 82 (1961).

3. *Korematsu v. United States*, 323 U.S. 214 (1944).

4. See generally BILL YENNE, *RIISING SONS: THE JAPANESE AMERICAN GIS WHO FOUGHT FOR THE UNITED STATES IN WORLD WAR II* (2007).

2013]

In re *Justice Hugo La Fayette Black*

1273

more than his vote in dissent. He had been worn out, it is believed, by repeated futile efforts to counter Cold War passions.

Besides, he is said to have observed (perhaps to one of his law clerks) that “Anastaplo was too stubborn for his own good.” It can be wondered, therefore, what moved him to the extent he eventually was by my circumstances? His colleague, Justice William J. Brennan, Jr., is said to have told him (upon reading his 1961 dissenting opinion in my case), “You have immortalized George Anastaplo.”

Henry Kalven, Jr., who was one of the few members of my University of Chicago Law School faculty to support my position, included this comment on my case in his treatise, *A Worthy Tradition: Freedom of Speech in America*:

In the end, what is moving about Justice Black’s dissent is its special generosity toward Anastaplo personally. He comes very close to embodying Black’s idea of what a lawyer should be. Black quotes at length and with evident approval Anastaplo’s statements to the committee about the proper role of the bar in American democracy. Black sees him as rejected in reality because he believed too much in the principles of the Declaration of Independence. His final praise is put ironically: “The very most that fairly can be said against Anastaplo’s position in this entire matter is that he took too much of the responsibility of preserving that freedom upon himself.” Thanks to the dissent of Justice Black, the *Anastaplo* case has in a very real sense a happy ending, although Anastaplo is still not a member of the Illinois bar. He earns the distinctive reward of being enshrined in the pages of the United States Reports in a living opinion by one of the most cherished of justices.<sup>5</sup>

I can notice, in passing, that it seems fitting and proper that the only time I have been permitted to publish in the *University of Chicago Law Review* (from which one of my early articles about my bar admission case, which I recall to have been commissioned by its editors, was excluded because of faculty pressure) was when the Kalven family insisted that Volume 43 of the journal publish my eulogy of Professor Kalven (1914–1974).<sup>6</sup>

### III.

It was an impressive dissent by Justice Black in 1961 (a decade after my first rejection by the Character and Fitness Committee of the Illinois Bar). One did not have readily available in those days access to breaking news and to official documents to which we are accustomed

---

5. HARRY KALVEN, JR., *A WORTHY TRADITION: FREEDOM OF SPEECH IN AMERICA* 574 (1988) (quoting *Anastaplo*, 336 U.S. at 114).

6. See George Anastaplo, *A Little Touch of Harry*, 43 U. CHI. L. REV. 13 (1975).

today. The first I knew of the Supreme Court's decision in my case was when a *Chicago Tribune* reporter caught up with me as I was about to conduct an Adult Education seminar in the University of Chicago program I have been associated with for almost six decades now.

I believe I am quoted by the reporter as having said something to this effect, "I guess I'll have to mind my own business from now on." It can be questioned, of course, how sound that expectation was, since I continued to criticize the excesses of the Cold War—excesses that did not sufficiently recognize the weakness of the Soviet Union (just as, today, we do not recognize sufficiently the weakness of Terrorists).

It took several days, in April 1961, before the Opinions of the United States Supreme Court in my case arrived by mail. My wife and I could agree, upon reading the magnificent Justice Black Dissenting Opinion, that it had all been worthwhile (however difficult it must have been for members of my family, especially those still in the Southern Illinois town where I had grown up). The Majority Opinion of the Court, however, was itself obviously crippled by Cold War passions, especially by those East Coast passions exhibited in my 1952–1953 correspondence with a talented-but-trapped scholar, Sidney Hook.<sup>7</sup>

#### IV.

It can be wondered, of course, what had moved Justice Black to speak as he finally did in my case. Perhaps one clue is suggested by the experience of Justice George W. Bristow of the Illinois Supreme Court. In 1959, Justice Bristow dissented in my case before the state supreme court, which was split 4-3 against me (with that court dividing 7-0 against me the first time it had ruled on my matter in 1954).

Later, there was a faculty club luncheon at the University of Chicago at which Justice Bristow talked informally about the case with us (that is, with my wife and me along with the few members of the law school faculty on my side). I recall that Justice Bristow had been moved by the twenty hours of rehearings that I had had before the Character Committee in 1958 and especially by the vigorous efforts noticed there that I had had to make as a seventeen-year-old to be accepted during the Second World War as an Aviation Cadet (despite being underweight and having a heart murmur). It seems that the young Bristow himself also had had to make similar efforts to enlist during the First World War. And, it can be noticed, in passing, that Hugo Black had resigned

---

7. The correspondence, in its entirety, can be found at George Anastaplo, *An Instructive Encounter with Professor Sidney Hook of New York City* (Aug. 4, 2011), <http://anastaplo.wordpress.com/2011/08/04/an-instructive-encounter-with-professor-sidney-hook-of-new-york-city/>.

2013]

In re *Justice Hugo La Fayette Black*

1275

his post as Alabama district attorney in order to serve in that war.

It can also be noticed, in passing, that I never indicated, at any Character Committee hearing, that I had still been (when my bar admission controversy began in 1950) still a flying officer in the Air Force reserve, someone who was prepared to return to active duty if summoned to do so during the Korean War. I do not believe that Justice Black ever knew this, but he did know that Alexander Meiklejohn (evidently because of the influence of his son, Donald, who had been a college teacher of mine, and of his good friend, Malcolm P. Sharp, one of my law school supporters) had written on my behalf to the Character Committee. Those of us who attended the Alexander Meiklejohn memorial service in Washington, D.C. in 1964 were much moved that Justice Black had come to speak, leaving as soon as he did speak with the explanation that he had done something so unprecedented as to leave a Conference of the Court, adding that he had better get back lest his colleagues do some mischief in his absence.

#### V.

It was at a memorial service for Justice Black, in turn (in the United States Supreme Court in April 1972), that the Solicitor General mentioned in passing that the late Justice had carried on a correspondence with me after I had “retired” from the practice of law.<sup>8</sup> He made that correspondence (about which I had never said anything publicly theretofore, so far as I now recall) sound much more extensive than it may have been. This correspondence is evidently still available in the Hugo L. Black files in the Library of Congress.

Of course, it was remarkable that there was *any* such correspondence at all. Such things (even when not voluminous) can speak volumes, as is evident in the two-sentence letter to me, of June 22, 1961, by Leo Strauss (evidently after reading my valedictorian Petition for Rehearing in the United States Supreme Court): “This is only to pay you my respects for your brave and just action. If the American Bench and Bar have any sense of shame they must come on their knees to apologize to you.” I presume to add, in passing, that such a statement on Mr. Strauss’s part should make those critics hesitate who are inclined to disparage him as no more than a “neo-conservative” and the like.<sup>9</sup>

---

8. See 405 U.S. xxviii (1972).

9. This June 1961 letter from Leo Strauss was anticipated, in effect, during the final seminar of his Winter 1960 course at the University of Chicago, “The Problem of Socrates,” when he said: The argument [in Plato’s *Crito* for law-abidingness] made by the Laws—with a capital L—suffers from generality. The problem of obedience to the Laws cannot be so simply decided. On the other hand, and that is why Plato wrote the dialogue as he did,

I also add, in passing, that my bar admission case did permit instructive glimpses into the souls of those whom I encountered. Thus, the case never would have “got going” if the more sensible member of my original two-member subcommittee had not lost his nerve when his colleague was first moved to ask whether I was a member of the Communist Party—a question prompted by what I had presumed to say about the Declaration of Independence in response to the “Cold War” questions routinely being put to applicants at that time. That same man—a decent lawyer of talent—exhibited a similar lapse in character thereafter at a critical moment during an Adlai Stevenson presidential campaign in which he played a prominent part.

## VI.

One of *many* happy consequences of my bar admission case was that I came to know Roger K. Newman, a biographer of Justice Black. This relationship led, in turn, to my inclusion as an entry in *The Yale Biographical Dictionary of American Law*, which provides more than 700 concise, yet comprehensive biographies of leading figures in the history of American law, from the colonial era to the present.<sup>10</sup>

Three others from my law school class are included in the Yale volume. One is Robert H. Bork, on whose behalf I spoke and wrote when he was being considered for the United States Supreme Court. Another is Lawrence M. Friedman, of the Stanford Law faculty, who had some kind things to say about me in an article about my career in the March/April 2012 issue of the *University of Chicago [Alumni] Magazine*.<sup>11</sup> The third is Ramsey Clark, who served as Attorney

---

as a crude rule of thumb, it is sound teaching. People should really be law-abiding, by all means. There are cases where it is not possible to be law-abiding, but don't teach people that which is true in extreme cases, because that has a bad effect. That makes them extremists themselves and that's not good for any society. But there *are* extreme cases . . . I think any one of you can find examples—I hope fictitious examples where he would not obey the law. Mr. Anastaplo—I don't know if some of you know him—has not been admitted to the bar here because he stated this principle. He stated it, I think, very soberly, but it is, of course, an undeniable principle. It is also a principle which—how should I say it?—one shouldn't teach in the first grade of elementary school, because it is also a disconcerting point. Yes?

10. See THE YALE BIOGRAPHICAL DICTIONARY OF AMERICAN LAW, intro. (Roger K. Newman ed., 2009). I had an opportunity to make useful adjustments in the text of that generous entry when it was posted to my website. See George Anastaplo, *From the Yale Biographical Dictionary of American Law* (Feb. 4, 2010), <http://anastaplo.wordpress.com/2010/02/04/from-the-yale-biographical-dictionary-of-american-law/>.

11. See Richard Mertens, *One Door Closes*, U. OF CHI. MAG. (Mar./Apr. 2012), available at <http://mag.uchicago.edu/law-policy-society/one-door-closes> (“‘The big mistake, if it was a mistake, was in assuming that other people in other institutions had good sense and good will, and they didn't,’ concludes Lawrence Friedman, AB'48, JD'51, LL.M.'53, a former classmate and today a professor of law at Stanford University. ‘It was an age of intolerance and moral panic.

2013]

In re *Justice Hugo La Fayette Black*

1277

General of the United States, a determined (however mild-mannered) crusader who hopes to supply a Foreword for the five-hundred page running commentary (in the Thucydidean mode) that I have developed since the September Eleventh attacks.

Two other law school classmates of mine could well be considered for inclusion in a subsequent edition of the *Yale Dictionary*: Abner J. Mikva and Patsy Takemoto Mink. Among their distinctions is that they, as Members of the House of Representatives, placed in the *Congressional Record* so many articles of mine critical of our State Department's sympathy for the Colonels who took over Greece in 1967 that it made me seem much more influential than I really was in Washington. Doing so earned me the distinction of being (so far as I know) the only American declared *persona non grata* by the Colonels who were well on their way to the disastrous Cyprus miscalculation that has disturbed Greek/Turkish and NATO relations ever since.<sup>12</sup>

## VII.

I was able, over the years, to personally see Justice Black in action. Once was in the Supreme Court, of course. Then there was his appearance at the Alexander Meiklejohn memorial service. And also when he served as a moot court judge in Chicago.

But there was as well a meeting scheduled in his chambers after we had become correspondents. But, as I recalled during remarks I made at the Midwest Political Science Association meeting earlier this year, that meeting "had" to be cancelled. I explained in those remarks, "A Study of Naiveté," how the late (unlamented) Martin Heidegger chanced to interfere with that meeting.<sup>13</sup>

I did visit the Justices' chambers, and even their Conference Room, but this was after Justice Black was gone. The occasion of *that* visit was a luncheon invitation from Fellows and Clerks at the Supreme Court. They had somehow heard that I spend considerable time in my Constitutional Law courses actually reading the Constitution, and they were curious about what I did and why.

---

He was asking for trouble, and he got it. . . . I think it was admirable. He stood up for his principle. And he took the consequences.'").

12. See *Readers Sound Off*, U. OF CHI. MAG., Nov./Dec. 2012, available at <http://mag.uchicago.edu/university-news/readers-sound-7>.

13. George Anastaplo, *A Study in Naiveté—A Confession of Sorts* (May 8, 2012), <http://anastaplo.wordpress.com/2012/05/08/a-study-in-naivete-a-confession-of-sorts/>.

## VIII.

My correspondence with Justice Black had one interesting consequence that came to light when I had lunch (in California, I believe) with Professor Leonard W. Levy. I had reviewed the Levy First Amendment-related book, *Legacy of Suppression*,<sup>14</sup> about which I expressed serious reservations. Indeed, the reservations voiced by a few of us even led Levy to reissue his book in revised version.

On the occasion of our luncheon (the only time Professor Levy and I ever met, so far as I recall), he wondered why my review had been the *second* review of the first edition of his book, published in the *New York University Law Review*.<sup>15</sup> Although I do not recall having known of the earlier review, I was able to tell him what had happened. That is, Justice Black had acted as my literary agent.

The Justice had not liked *Legacy of Suppression*, considering it a serious obstacle on the path that he wanted to take First Amendment interpretation. When he received from me, in the course of our correspondence, my review (in manuscript) of Levy's book, he sent it on to Edmund Cahn (of the New York University School of Law faculty, to whom he was close), suggesting that Professor Cahn offer it to the *New York University Law Review*. And, evidently because of the interest shown both by a Supreme Court Justice and by an eminent Professor, the law review editors decided to publish a second review of the original *Legacy* book.

## IX.

A biographical sketch of Justice Black in a standard reference book can remind us of how we have tended to err in choosing Supreme Court Justices:

Black, Hugo (La Fayette) (1886–71) United States Supreme Court justice (1937–71). Born in Clay County, Alabama, he practiced law from 1906. He served in the United States Senate 1927–37, where he was a strong supporter of New Deal legislation. President Franklin Roosevelt appointed him to the Supreme Court [in 1937], where he helped reverse earlier court vetoes of New Deal legislation. In the 1960s he was prominent in the liberal majority that struck down mandatory school prayer and guaranteed the availability of legal

---

14. LEONARD W. LEVY, *LEGACY OF SUPPRESSION: FREEDOM OF SPEECH AND PRESS IN EARLY AMERICAN HISTORY* (1960). For other reviews of Levy's book, see sources listed in David A. Anderson, *The Origins of the Press Clause*, 30 *UCLA L. REV.* 455, 494 n.240 (1983).

15. George Anastaplo, *Book Review*, 39 *N.Y.U. L. REV.* 735 (1964) (reviewing LEVY, *supra* note 14).

2013]

In re *Justice Hugo La Fayette Black*

1279

counsel to suspected criminals. He became best known for his absolutist belief in the Bill of Rights as a guarantee of civil liberties.<sup>16</sup>

Much is to be said, that is, for *not* relying as much as we have done for decades now on lower court judges to fill vacancies on the United States Supreme Court. Indeed, does it not make sense that our greatest Justices have tended to be men who had significant *political* careers before joining the Supreme Court?

When Justice Black died, I called two of our children who were in college in the East, urging them to attend his funeral in the National Cathedral. Since they looked both young and respectable, they found themselves seated among various dignitaries up front, where they could wonder what they were doing there. But they soon concluded that *they* were the ones who really belonged there when they heard the concluding paragraph of the Justice's Dissenting Opinion in their father's case, drawn on as one of the passages the Justice evidently wanted to be recalled on that solemn occasion:

Too many men are being driven to become government-fearing and time-serving because the Government is being permitted to strike out at those who are fearless enough to think as they please and say what they think. This trend must be halted if we are to keep faith with the Founders of our Nation and pass on to future generations of Americans the great heritage of freedom which they sacrificed so much to leave to us. The choice is clear to me. If we are to pass on that great heritage of freedom, we must return to the original language of the Bill of Rights. *We must not be afraid to be free.*<sup>17</sup>

Indeed, the concluding sentence of that remarkable Dissenting Opinion, *We must not be afraid to be free*, has even served as the title of a book on the First Amendment published earlier this year by the Oxford University Press.<sup>18</sup>

Justice Black's fearlessness in First Amendment matters was evident even in his willingness to question whether all forms of non-political "expression" should be shown the respect to which freedom of speech was traditionally entitled. A different kind of fearlessness was seen in the risks he was willing to take in corresponding across a decade with a somewhat controversial youngster who had presumed to appear pro se (and, according to the Justice, competently) before the United States Supreme Court. There is, in that correspondence, a letter from the Justice to me (of September 2, 1969) that included these sentiments (I dare say, charming sentiments quoted by a military judge, Joshua E.

16. WEBSTER'S NEW EXPLORER DESK ENCYCLOPEDIA (2003).

17. *In re Anastaplo*, 366 U.S. 82, 116 (1961) (emphasis added).

18. RONALD K.L. COLLINS & SAM CHALTAİN, WE MUST NOT BE AFRAID TO BE FREE: STORIES OF FREE EXPRESSION IN AMERICA (2011).

Kastenberg, a Lieutenant Colonel) towards the end of a long law review article.

Maybe there is no need for me to do so, but I take great pride in the courses you have followed since your case in Illinois and at the Court [in 1960–1961]. You have acted with great dignity, and have, in my judgment, established the fact that you are not destined to be the great extremist which some people thought you were sure to become.<sup>19</sup>

---

19. Letter from U.S. Supreme Court Justice Hugo L Black to George Anastaplo (Sept. 2, 1969) (on file with Library of Congress, Manuscript Division, Papers of Hugo L. Black, Box 345) (quoted in Joshua E. Kastenberg, *Hugo Black's Vision of the Lawyer, the First Amendment, and the Duty of the Judiciary: The Bar Applicant Cases in a National Security State*, 20 WM. & MARY BILL RTS. J. 691, 784 (2012)).

## There Was No Place to Run

### EPILOGUE

We should be reminded from time to time of the dreadful things that can happen when decent people are not free to speak up effectively against governmental abuses. The Japanese Relocation Program in this country during the Second World War, bad as *it* was, was far less deadly than other twentieth-century programs of repression resorted to by ruthless regimes in Europe and Asia.

It has been estimated that fifteen to twenty million people died or were imprisoned in the sites established by the Germans throughout Europe between 1933 and 1945 as results of Hitler's regime.<sup>20</sup> It has been estimated that 800,000 people were executed in purges, and that millions more died in the giant Gulag prison camp system and elsewhere in Europe and Asia as results of the Stalin regime.<sup>21</sup> And, of course, there was a decade of large-scale atrocities by the Japanese in China and elsewhere.<sup>22</sup>

A sampling of the atrocities to which people may be subjected is provided in the conversation set forth below. This conversation of September 7, 2000 is one of thirteen conversations in a 600-page transcript of conversations recorded in 2000 between Simcha Brudno and myself, titled *Simply Unbelievable: Conversations with a Holocaust Survivor*.<sup>23</sup>

The first such conversation, from March 23, 2000, is included in *Reflections on Life, Death, and the Constitution*.<sup>24</sup> The second such conversation, from March 30, 2000, is included in *The Christian Heritage: Problems and Prospects*.<sup>25</sup> The third such conversation, from

---

20. See Eric Lichtblau, *The Holocaust Just Got More Shocking*, N.Y. TIMES, Mar. 3, 2013, at SR3.

21. *Russia: Communists in Tribute to Stalin*, N.Y. TIMES, Mar. 6, 2013, at A7.

22. See generally DICK WILSON, *WHEN TIGERS FIGHT: THE STORY OF THE SINO-JAPANESE WAR, 1937–1945* (1982).

23. On file with author. The tapes of these thirteen conversations were transcribed by Adam Reinherz, a former student at Loyola University Chicago School of Law. The current availability of these conversations in print has very much depended on both his diligence and his knowledge of all things Jewish. These conversations were recorded in Regenstein Library at the University of Chicago.

24. GEORGE ANASTAPLO, *REFLECTIONS ON LIFE, DEATH, AND THE CONSTITUTION* 251–78 (2009).

25. GEORGE ANASTAPLO, *THE CHRISTIAN HERITAGE: PROBLEMS AND PROSPECTS* 257–300

May 4, 2000, is included in Volume 35 of the *Oklahoma City Law Review*,<sup>26</sup> and has been published in a Spanish translation by Manuel Vela Rodriguez.<sup>27</sup> A fourth conversation, “Why the Jews?”, is included in Volume 35 of the *Southern Illinois University Law Journal*.<sup>28</sup> A fifth conversation is included in *Reflections on Slavery and the Constitution*.<sup>29</sup> Two more conversations will be included in *Reflections on Religion, the Divine, and the Constitution* (2013).

Simcha Brudno, a recognized mathematician, lived in Sauliai (Shavli), Lithuania, until he was deported to Dachau, Germany, in 1944. He lived in Israel after the Second World War, before settling in the United States.<sup>30</sup>

\*\*\*

### THERE WAS NO PLACE TO RUN

Interview with Simcha Brudno  
September 7, 2000

**Anastaplo:** You’ve asked me what I think of the Holocaust Museum, which my wife and I visited last week, in Washington, D.C. I was there for the American Political Science Association Convention. We were at the Museum when it opened, and we stayed three or four hours. That was not unusual. I understand people stay much longer there than they do at most museums. One goes to the top floor by elevator. And then one works one’s way down four flights, seeing the exhibits on the way. The most impressive part of the museum may be the building itself. There’s something about the architecture that I think conveys the

---

(2010).

26. George Anastaplo, *Abraham Lincoln, Lawyers, and the Civil War: Bicentennial Explorations*, 35 OKLA. CITY L. REV. 1, 85–111 (2010).

27. George Anastaplo, *Simplemente Increible: Conversaciones con un superviviente del Holocausto*, in SHOAH/SHOAH (Manuel Vela Rodriguez, trans., Anotonio Lastro & Francesc Morató eds., 2010).

28. George Anastaplo, *Why the Jews?*, 35 S. ILL. U. L.J. 401 (2011).

29. GEORGE ANASTAPLO, *REFLECTIONS ON SLAVERY AND THE CONSTITUTION* 269–99 (2012).

30. For more information on Simcha Brudno, see Josh Noel, *Simcha Brudno: 1924–2006, Survived Nazi Death Camp*, CHI. TRIB., June 13, 2006, [http://articles.chicagotribune.com/2006-06-13/news/0606130256\\_1\\_camp-mathematics-holocaust-experience](http://articles.chicagotribune.com/2006-06-13/news/0606130256_1_camp-mathematics-holocaust-experience). See also George Anastaplo, *The Holocaust and the Divine Ordering of Human Things*, in THE BIBLE: RESPECTFUL READINGS (2008). On the systematic murder of Jews in Lithuania, see generally ELLEN CASSEY, *WE ARE HERE: MEMORIES OF THE LITHUANIAN HOLOCAUST* (2012). On a comparable program across Europe directed at the Jews of Greece, see MARK MAZOWER, *SALONICA, CITY OF GHOSTS* 375–92 (2006).

2013]

*Epilogue: There Was No Place to Run*

1283

starkness, the grimness of it all. The architect did an unusually good piece of work there. The exhibits themselves were interesting. I thought that they had far too much material there for people to see. People found it interesting because they realized that there *was* a lot of material, but I don't think they found it interesting in the sense of being able to understand any aspect of it by concentrating upon one thing or another. There was an awful lot of pictures, both still pictures and moving pictures. I think they would do better if they said more about fewer things. But it is obviously effective. Most people that go through—I talked to somebody who has worked there for a couple of years—are very much impressed, even moved, by it. For awhile, it had the biggest museum attendance in Washington. I think it's tapering off some now. The victims that are talked about are mostly Jewish, although there are some others that are indicated, like the Gypsies. The Russian prisoners of war are also given some space. One of my principal objections is that they did not do enough to show or suggest what the Germans were really thinking of. What *was* the craziness that was somehow moving them? They showed Hitler, of course, and they showed some speeches, and they also showed the Depression that was there. I was reminded, when I saw the pictures of German breadlines and people giving out soup, of what it must have been like in the concentration camps: people line up and they would march by and some soup is put into their bowls. So, what was happening in the camps was somehow an echo of what had been happening in Germany. But, still, I wasn't helped to get into the mind of the Germans. Of course, one may never be able to get into "the German mind," but it seems to me that more could have been done here. The other major objection I had was that at the end of the exhibit there was a video screen—like the television screens which they have throughout the museum showing various things—and on this screen, at the very end, as you come out after you have been there, say, three hours and you are on the last lap, they show scenes from the Nuremberg Trial. The screen used is roughly one foot by one foot and they have a screen next to it that shows scenes from the Adolf Eichmann trial [1961–1962]. They may have had two or three others afterwards showing things like that. Now they'd had earlier newsreels of Eisenhower and others, such as Bradley and Patton, going into the camps. That had obviously been for them something very grim.

**Brudno:** I saw the face of Eisenhower, it's really –

**A:** Have you ever seen the movies of the Germans who were forced to go through?

**B:** No, no.

- A:** Eisenhower issued an order that people from the towns surrounding a camp were obliged to go through the camp. He said that he wanted everybody to see this, so that nobody can ever deny that it had been there. He wanted them to see it because he considered them, in some ways, involved in it. Now, one problem I am left with, is this: I believe there should have been much more done at the end of the exhibit with the major Nuremberg Trial [1945–1946], because I believe it’s healthier for people generally to see that some of the leaders were brought to judgment for all this, how it was done, what was said about them, and even what they tried to say in their defense. I think it’s important that it be made clear that it wasn’t only a war that put them down, it was also a judgment that was in some ways judicial. I think it’s important to have that sort of thing spelled out for people. Those leaders had an opportunity to reply—it is useful to see what they said, how they tried to justify themselves.
- B:** I agree with you completely that the German side has not been analyzed enough. I agree with you completely. So I myself, when it happened, also wondered how the Germans would justify themselves, even if they win the war. How would they justify before their own allies what they had done?
- A:** I think it’s significant that the German leaders never made public during the war what they were doing in the camps, even while they were winning. They never said to their people, “We want you to know that we are now carrying through on our policy to get rid of the Jews.” They always kept it a secret.
- B:** They did say that Warsaw was *Judenrein*. I saw it in the paper in Lithuania.
- A:** Yes, it was free of Jews.
- B:** They could say that.
- A:** They *could* say that, but they were not saying, “We have killed them all.”
- B:** They never used the expression “kill.”
- A:** That’s right.
- B:** “Liquidate.”
- A:** They would use the word “liquidate”?
- B:** They liquidated the Russian prisoners of war. That I saw in writing.
- A:** Did you ever see in writing that they liquidated the Jews, or the Gypsies, or any other group?
- B:** No, I never saw that in writing.
- A:** You never saw that?

2013]

*Epilogue: There Was No Place to Run*

1285

**B:** No.**A:** That's what I mean. For some reason they couldn't say *that*.**B:** But they did write that they liquidated the Russian prisoners of war.**A:** That may even look to some people like killing an enemy, like killing them before they became prisoners or something like that. But the fact is, they did have this systematic destruction of the Jews, which was in some ways in conformity with their overall hatred of the Jews, and yet they never said that they *were* killing them. And the question is, Why not? It has something to do with what *could* be said.**B:** It was everywhere a secret, yes.**A:** The mass killings were secret, although people suspected a lot of terrible things were going on. It wasn't so secretive that you didn't have some idea of what was happening?**B:** They didn't kill the Jews in Germany, they always sent them out to be killed. Now I'll ask you a personal question. Suppose you were in a ghetto, how would you behave?**A:** It's impossible to tell. You have to look at all the circumstances to see what the possibilities are, who else you're responsible for, things of that kind, what the leadership, if any, is doing, and what you think of that leadership. I've seen some leadership, even in academic circles, that I wouldn't trust with anything serious. On the other hand, you've seen other people about whom you think, "They're responsible, they try to do the best, and so forth." Of course, one of the things, to go back to your ghetto, is something we've already talked about, and that is why the stronger Jews in Lithuania, young men or young women, didn't go east. Obviously, they knew the Russian lines were only a hundred or so miles away.**B:** They would be turned in by the local population, that's all. You have to eat on the way.**A:** How many days would it have taken to get to the Russian lines? How much food can you carry with you, traveling by night? Those are the kinds of questions one would have to consider in deciding what it would be prudent to try to do.**B:** There was no chance.**A:** Now, you have explained to me that what the Russians had done during *their* Occupation of Lithuania [1940–1941] made it less attractive to run to the east during the subsequent German occupation.**B:** Definitely.**A:** But, on the other hand, whatever the Russians had done, it soon

became clear—it must have become clear to you after awhile, especially when you were about to be moved west with the Germans—that whatever the Russians had done it was not as bad as what the Germans were doing. Is that right? Is that fair?

**B:** That is right. But I talked with a guy in concentration camp, and he said it's good they are taking us away from the ghetto; a German concentration camp is better than falling into the hands of the Russians and being a slave. So there are always people who think different. He said this in a concentration camp. He did not want to be a slave all the rest of his life. Now, if we fall into the hands of the Americans, we have a chance.

**A:** Yes, if we live so long.

**B:** He was sure. Mostly people were sure they would survive.

**A:** Really, you think so?

**B:** Yes.

**A:** Where, in Dachau?

**B:** Everywhere.

**A:** Everywhere you were?

**B:** Most of the people were full of hope, the majority.

**A:** They believed that they would survive what the Germans were doing?

**B:** The majority always thought this against all the evidence. They were full of hope.

**A:** What was your opinion?

**B:** I was very pessimistic.

**A:** What did your evidence show about what the chances of survival were?

**B:** To me it looked zero. I was very pessimistic. I didn't think that after what they'd done they would leave witnesses.

**A:** What could *you* have testified to, personally, about atrocities? Were you a witness to anything?

**B:** I didn't poke my nose. I never poke my nose.

**A:** Well that's not quite so. You did that here and there?

**B:** No.

**A:** Yes, you did. In Stutthof you did some poking.

**B:** I did what?

**A:** You tried to find out what was going on with the ovens, for example.

**B:** This was curiosity, curiosity. Curiosity is deep, inside –

**A:** That's what I mean by poking your nose into things. You call it

2013]

*Epilogue: There Was No Place to Run*

1287

curiosity.

**B:** I never saw a person get killed, in all the Second World War. If I was confronted by it, I looked the other way.

**A:** When you thought somebody was going to get killed?

**B:** When the stragglers during our last march from Dachau were stood up to be shot to death, I just looked aside. I heard the shooting.

**A:** You say you didn't *see* anybody get killed?

**B:** I didn't see –

**A:** Well, you *heard* people getting killed?

**B:** I heard it.

**A:** If you had been a blind man, you would have been a witness to killings, right?

**B:** I don't know.

**A:** Well, you heard –

**B:** I haven't seen it. I haven't seen it.

**A:** [Laughing].

**B:** I really refuse. Horrible scenes affect me till this day. I have a weak heart. It is just so inhumane that I really can't stand it.

**A:** You have a weak heart, you say. How long have you had a weak heart?

**B:** Well, it's obvious I left concentration camp with a weak heart.

**A:** You went in fairly strong?

**B:** I must have. Look, I'll now quote you, Anastaplo –

**A:** Yes.

**B:** I disagreed with him when I told him that doctors recommended a pacemaker for me. I asked him, Anastaplo, if he would like a pacemaker. And he very innocently said no, that he had very strong genes from his parents. I felt like telling him, "Perhaps I also had very strong genes from my parents."

**A:** Yes, but I didn't have the ghetto and camp experiences.

**B:** This *is* the conclusive thing.

**A:** Of course, of course.

**B:** I must have started with strong genes, otherwise I could not have done what I did.

**A:** That's right.

**B:** Now, back to the Germans. The German side has not been underlined. I think it's definitely my duty to underline it, because I read every day the German paper. And this is why I was so pessimistic. I saw exactly what the Germans thought about us.

**A:** About whom? The Jews?

1288

*Loyola University Chicago Law Journal*

[Vol. 44]

- B:** They thought that we really don't exist. When they said that Warsaw was *Judenrein*, I thought, What chance have we got?
- A:** And when you saw –
- B:** Absolutely nothing, where there had been a tremendous community of Jews. So it means that the problem of Jews didn't exist.
- A:** You saw the Warsaw *Judenrein* announcement in a German paper?
- B:** I saw it in a German paper.
- A:** Which paper?
- B:** The paper issued in Riga, for Lithuania, Latvia, Estonia, and Belarus.
- A:** Of course, it was in German?
- B:** It was in German. I read it almost every day.
- A:** While you were in the ghetto?
- B:** While I was in the ghetto.
- A:** So, when you saw this announcement –
- B:** I knew that a Jew means to them absolutely nothing.
- A:** What did you think had happened to them?
- B:** No doubt, they had been killed. I didn't have any doubt.
- A:** You didn't have any doubt about that?
- B:** I didn't have any doubt.
- A:** And did you talk about it with others?
- B:** Nobody talked about it.
- A:** Nobody ever said anything about it to you?
- B:** No.
- A:** Anybody among your friends?
- B:** Look, the killings started right away when the Germans entered. The killing was done then by Lithuanians.
- A:** Yes, I remember.
- B:** So the assumption was the Lithuanians were wild animals. I couldn't accept it then, I can't accept it now. The sorting out, that I told you, the first selection –
- A:** Yes.
- B:** Right away, I couldn't accept it morally that people are sorted out to die. This is against good instinct.
- A:** What I'm trying to learn is whether you ever talked with other people about what had happened to Warsaw.
- B:** There was no use in talking. No, no, I didn't talk.
- A:** Others also knew about this?
- B:** Everybody who read the papers could know it.
- A:** That the Germans had been killing these Jews in Warsaw?

2013]

*Epilogue: There Was No Place to Run*

1289

- B:** That there were no Jews in Warsaw anymore.
- A:** And that meant they were dead, mostly?
- B:** Can you translate it any other way?
- A:** Well, some of them could have been taken away for work?
- B:** Some of them *were* taken.
- A:** So not all of them were killed, but most of them –
- B:** The fact that the Jews don't exist anymore in Warsaw meant that the problem of Jews has been already solved by the Germans. The Jew doesn't exist. He doesn't deserve to exist. The only thing that I assumed is that perhaps they will need us as a workforce, not as Jews. We were still muscle power. That's all.
- A:** And you had that to offer?
- B:** That's the only thing that I assumed from the beginning 'til the end. And I am sorry that I turned out to be right, that that was the only reason why they let us live.
- A:** But you're not sorry you survived?
- B:** Sometimes I am.
- A:** Why?
- B:** Because I don't have a clean conscience, because the others were sorted out to die and I didn't react. It's not so simple as Anastaplo says –
- A:** Yes, but –
- B:** Those people who have no feelings can say, "Oh, I survived, hooray, hooray, hooray!"
- A:** Wait a minute. I'm not saying that. But I do say, and I have said several times, that from all the accounts you've given, there was never any situation where you could have done anything to save others who were killed.
- B:** Unfortunately –
- A:** I don't know why you're always talking about a bad conscience.
- B:** No, no.
- A:** So far as I can tell, nothing you did contributed to anybody's death, or that there was anything you didn't do which could have saved *them*.
- B:** I don't know, the only thing that comes to my mind, look –
- A:** No, no, you're not supposed to argue with me, remember? Because your doctors tell you –
- B:** I'm just giving you the facts. No, God forbid, I'm not arguing with you at all.
- A:** Okay.

**B:** I know that I am capable of dividing my last piece of bread.

**A:** Yes.

**B:** I know, for certain, I'm capable of dividing my last piece of meat.

**A:** Yes.

**B:** The bread is only theoretical, but there was a case when we had only meat, and I divided my last piece of meat. I know I am capable of doing that.

**A:** Yes.

**B:** But to go with somebody who is most likely to die, I couldn't, I just couldn't.

**A:** Well, there wouldn't have been any sense to it. That's the thing I've been arguing with you about that episode you described.

**B:** I should have gone with my friend. I still think I should have gone with him.

**A:** Let's not talk about that any more.

**B:** This is a weak spot in my heart.

**A:** You think it's a weak spot, and I think it's something that you're –

**B:** I wanted to survive, gladly I wanted to survive.

**A:** Of course, and there's nothing you could have done for him if you had gone with him.

**B:** That's not clear. That is the only thing that is not clear.

**A:** All right.

**B:** Let's drop the subject.

**A:** You spoke earlier, even today but earlier as well, about being pessimistic.

**B:** Very pessimistic.

**A:** Most people were hopeful?

**B:** Optimistic.

**A:** Did it make a difference in the result whether someone was pessimistic or optimistic?

**B:** Unfortunately, no.

**A:** So, one or the other wasn't more beneficial?

**B:** No. I personally think it's much better to be optimistic, because it made their own lives easier while they were alive.

**A:** Okay.

**B:** They died, all the same, but while they were alive it helped them.

**A:** Well, did your pessimism make you more careful?

**B:** Yes. I was all the time on the alert, no doubt.

**A:** Did their optimism make them less careful?

**B:** I think, yes.

2013]

*Epilogue: There Was No Place to Run*

1291

**A:** So, in some ways, it may well be that what you call pessimism was useful for survival in the situation?

**B:** Yes, maybe.

**A:** Maybe?

**B:** In my case it definitely was.

**A:** I mean, just for example: friends of mine have laughed about the fact that whenever I am going somewhere and I ask for directions, I don't ask just one person. I'll ask one person and then when he's out of the way, I may ask somebody else a different way, to make sure.

**B:** Fine.

**A:** Because I'm aware of the errors that people are susceptible to, and so forth.

**B:** Fine.

**A:** Now, in a way, you could say that's pessimistic.

**B:** Yes, it is pessimistic, but you do the absolute right thing, because your aim is to arrive –

**A:** – to arrive, to succeed in what I'm trying to do.

**B:** Exactly.

**A:** So in that sense we don't disagree.

**B:** Fine.

**A:** Aside from the pessimism-optimism distinction, were there many people in the ghetto that became what you would call, in layman's terms, crazy?

**B:** We couldn't afford to go crazy.

**A:** Tell me about that.

**B:** That's what I have explained to you. Crazy people were killed outright.

**A:** Anybody who was obviously crazy –

**B:** I mean incoherent, incoherent.

**A:** And that would be so in the ghetto as well?

**B:** I told you, the same company that killed Jews killed also the lunatic asylum.

**A:** Lithuanians, you're talking about?

**B:** Yes. They killed also the lunatic asylum.

**A:** Which you had there in your town?

**B:** No.

**A:** You didn't have a lunatic asylum?

**B:** No, but there was a lunatic asylum in another town, and the same company killed also the lunatic asylum.

**A:** How do you know that?

**B:** It is in the line where they sort out whom they killed, and for what.

**A:** Oh, I see. You mean in that report which I have a copy of?

**B:** It's very important to have it in German. They killed also all the crazy people.

**A:** Now, in the ghetto, there would be sometimes people who were crazy, but friends and relatives concealed it from others?

**B:** No, it was impossible to conceal. Anyone who would go crazy, that's it. So nobody could afford to go crazy.

**A:** You mean that people somehow controlled their craziness?

**B:** Oh ho, oh ho!

**A:** Yes?

**B:** Oh, yes.

**A:** People who would otherwise have been crazy?

**B:** Oh, yes.

**A:** How do you know? I mean, did you see something like that? How can you be fairly sure of that?

**B:** I'll go even further: tempers never rose.

**A:** You mean people would not blow up at somebody?

**B:** They didn't blow up, they kept their –

**A:** Everything was what, suppressed?

**B:** Very controlled, very controlled.

**A:** Very controlled, dealing with whom?

**B:** Dealing with the Germans.

**A:** How about among themselves?

**B:** They might be different, as if they had power –

**A:** Yes.

**B:** But with the Germans, absolute meekness.

**A:** Or with the Lithuanians also, who were in the police or in death squads, would they also be careful dealing with them?

**B:** I don't know.

**A:** You don't know?

**B:** I never met the death squads.

**A:** It's the Germans you met, of course.

**B:** The Germans also were afraid of going crazy.

**A:** The Germans?

**B:** The Germans and the Lithuanians.

**A:** Oh, you mean the Lithuanian Germans?

**B:** No, no, the German Germans.

**A:** The soldiers you mean?

2013]

*Epilogue: There Was No Place to Run*

1293

- B:** Yes, it was very clear, hanging in the air, a cloud: “Don’t go crazy.” The craziness scare was everywhere. Lithuanians were scared because the Lithuanian lunatic asylum had been killed. There were not even any Jews there. First, the Lithuanian lunatic asylum, for Lithuanians and Latvians.
- A:** And they were all killed, so far as you know?
- B:** They were all killed. Everybody knew it. It was in the air: “Don’t go crazy.”
- A:** When the Jews in your ghetto were together, when they were inside the barbed wire or inside the gate, among themselves, they *could* have temper tantrums?
- B:** They could and did.
- A:** They could express themselves freely?
- B:** In high tones.
- A:** In high tones? You mean in loud voices?
- B:** Loud voices.
- A:** Would you also see craziness?
- B:** No, no. Real craziness couldn’t survive. But a guy could go to the top of his voice and shout.
- A:** What sort of thing would he shout to people?
- B:** For example, the duty of the leaders was to make sure that everybody should be in line or something, and so they would shout, you know, “You’re not in line and da-da-da.” All kinds of little bullshits.
- A:** You mean conforming to the discipline that was required?
- B:** And there was shouting amongst the leaders themselves.
- A:** Between the leaders?
- B:** Yes. I looked at it like a tempest in a glass of water. I had a friend who was very much against the leaders, talking about how horrible the things were that they did. I would say to him, “If we weren’t in these conditions, they wouldn’t do this.” And he said that’s no excuse to do such things. I never went after them.
- A:** Now, I want to see a little more about what kind of things people did do, or what kind of mental condition they were in, when they were in the ghetto awhile.
- B:** They all had a great illusion, that they’ll survive and that’s it. I personally couldn’t understand why our ghetto was waiting for Russian soldiers to die to free us. We had no right, even morally, if we did nothing for ourselves. But everybody assumed [in 1944] that the Russians would come and free us. That’s it.
- A:** But the Germans moved you out just before that happened?

1294

*Loyola University Chicago Law Journal*

[Vol. 44]

**B:** The Germans moved us out.

**A:** Now what could you all have done before that, do you think, looking back at it now?

**B:** Here comes again the question about running away?

**A:** Yes.

**B:** I told you I personally tried twice, unsuccessfully. There *were* parties who ran away, a very small number. There were five people that I saw go out and they built themselves a dugout. After a week they were brought back, very nice, because they didn't have anything to live by, so they were begging alms from surrounding –

**A:** From Lithuanians?

**B:** Lithuanians, and they turned them in. As simple as that. They were not punished. They were just brought back in the ghetto. Being in the ghetto was punishment enough. And then I talked to other people, healthy people. And I asked, "Why don't you run away to the forest?" And the expression was, "As long as we can sleep still in a bed and change linen, why should we go and live in the forest?" I had also my personal suspicions, and these are completely subjective, that it was more about sex. They thought as long as they can have sex in the ghetto, why go run away in the forest where –

**A:** Some of the men, you thought –

**B:** Married people, married people.

**A:** Are you talking about –

**B:** – married people –

**A:** – having affairs with whom?

**B:** No affairs.

**A:** Just having their wives?

**B:** If they are having their wives, why should they go out in the forest? It will not be so available?

**A:** And you think that kept them there?

**B:** That's only my subjective opinion. Please don't make me generalize.

**A:** But you believed them?

**B:** Because of the way they said, "As long as they can change the linen in their bed."

**A:** I see.

**B:** I translated it. It's only my personal –

**A:** I understand, I understand. You weren't there watching them.

**B:** I wasn't even married. But that was my impression.

**A:** Now, when these people would be talking to each other, did you

2013]

*Epilogue: There Was No Place to Run*

1295

ever come across the term, paranoia? You've heard of it?

**B:** Then I didn't know it.

**A:** But now you know it? Paranoia is a fear –

**B:** Yes, I understand fear, without the ground. Nobody could talk about paranoia because the fear was real, so there was no question of paranoia. But there were people who they would call panic-makers.

**A:** You mean by saying things?

**B:** A guy came from the pits where they shot Jews.

**A:** Where Jews had been shot?

**B:** I was together with him in the pit mines, so he told me exactly the story. Did I tell you the story, no?

**A:** Go ahead.

**B:** Maybe I told it?

**A:** Well, tell me. I'll tell you if –

**B:** So he was taken with all the others, only in underwear. And they were going towards the dugout to be shot. He had been before in the Lithuanian army and he figured out the dugout is not so big.

**A:** You mean the trench?

**B:** The trench. So he jumped over it. So they started chasing him. But he was a good soldier so he camouflaged himself. He was hit, so he bled a little.

**A:** Yes.

**B:** There was a little blood. He says those people who did the shooting were drunk like hell. So they went on the other side. They looked. They found a little blood. They decided that they had killed him. They were not interested really. And he stayed there 'til midnight. At midnight he got up. He knocked at a farmer's door. He got clothes, and he came and told the community. He was told, by the community leaders, not to open his mouth because he is a panic-monger, that he will make a panic among the people. They don't want it.

**A:** Now, were the leaders saying to themselves that there was nothing they could do about this?

**B:** That I don't know. I don't know.

**A:** What do you suppose?

**B:** I don't know what they said to themselves. They were leaders and their duty was to save as many as they could. They tried their best.

**A:** They were afraid that if this man talked about this it would make it more difficult for them to do what they could do, is that it?

**B:** I will be more explicit. When the children were taken away [in

1943], all I wanted was that not one of my fellow Jews should be aware of what is going on so they don't lose their temper. Suppose one guy decided, "To hell with it," so he would attack the commandant, you know?

**A:** Yes, you mean when the children were being taken?

**B:** Yes. Nobody lost his temper.

**A:** You didn't want them to lose their temper?

**B:** I personally didn't want them to lose their temper. I was very egotistical. Everybody kept his temper.

**A:** Even though they knew the children were being taken away?

**B:** They saw it. A guy lost his father and his son. There was the incident of the man going to the Jewish representative, and my mother says, "Oh, he is going to buy himself out. Perhaps with diamonds or something?" That shook me up and drove me crazy. But nobody lost his temper, and people were optimistic. People hoped that these children were being exchanged for German prisoners of war. You know, there is always optimism. The optimism was unbelievable. Till the last moment, optimism, optimism, optimism.

**A:** Now, were there people that were afraid of things that did not exist?

**B:** What things?

**A:** I don't know. That's what I'm asking.

**B:** The most horrible things were real.

**A:** I know, that's what makes –

**B:** There was nothing to be left to the imagination.

**A:** Well, for example, did anybody ever imagine that the food being served to them was poisonous?

**B:** No, nobody was suspicious of that.

**A:** Nobody said, "Don't eat this food, they're really poisoning us"?

**B:** No, no.

**A:** They never said that?

**B:** 'Til this moment that you have said it, it never dawned upon me.

**A:** Until I suggested this –

**B:** It never dawned upon me.

**A:** It never dawned upon you that they were poisoning you, and weakening you, and killing you, by the food and water they were giving you?

**B:** No, it never even dawned upon me.

**A:** Why didn't it, do you suppose?

**B:** Why should it? Which normal person would assume it? In novels,

2013]

*Epilogue: There Was No Place to Run*

1297

in romance, you give somebody poison, but why to us?

**A:** But they were killing you all in other ways?

**B:** Other ways, yes, so why do they need poison?

**A:** I'm trying to learn whether people were imagining things that weren't so.

**B:** It was all very real, very real.

**A:** You never found yourself thinking, or saying to somebody, "Look, you're wrong about that. That's not what's happening with this"?

**B:** No poison. Nobody even assumed it for one second. No.

**A:** Because later on poison gas *was* used.

**B:** Yes, but that was to kill outright.

**A:** So you never had that?

**B:** No, I never heard of that.

**A:** When you were in the ghetto for those three years, the ghetto was really like a prison? Is that right?

**B:** Yes.

**A:** Is that a fair way of putting it?

**B:** You can call it a prison but, you know, families did live together.

**A:** I remember your telling me that you always felt, when you came back into the ghetto, that you were going into –

**B:** I felt that way. But, I'll tell you again, many people thought of it as a refuge, which I cannot understand. This is what I want to ask you, what was your impression after you saw the ghettos [in the Holocaust Museum]? Did it look to you that it was tolerable?

**A:** It looked very grim.

**B:** I am sure you would behave like me, you would also not tolerate the situation.

**A:** I saw, for instance, a room made up like the barracks with the beds that you talked about, the three rows of beds. The top row of bed was up to the top of my head, you know?

**B:** But that was in concentration camp?

**A:** Yes, in the camp.

**B:** No, but I am talking about the ghetto. The ghetto was very grim. And if people accept it, I cannot, 'til this day. When I think if I had to relive it, and I was still strong and everything, I would not be able to accept and fit myself into the ghetto society. I would not be able, even now. I wouldn't. People were fighting for hierarchy in the ghetto society. People were trying to impress others. I couldn't, I just couldn't. It looked to me negative.

**A:** People in the ghetto would dress up and walk around. You told me

that.

**B:** This shook me up completely.

**A:** You mean that they would care. But wasn't that a way for them to remain healthy?

**B:** I don't know. I refuse to go into it because maybe I am crazy and they were right. So I refuse to go in it. I couldn't, that's all.

**A:** Well, did your mother and your father dress up?

**B:** No, my father died right away.

**A:** Well, he was there several months in the ghetto, before he died?

**B:** But during those months, we really didn't know what the ghetto was. I never suffered any hunger as long as my father was alive. I never even thought about being hungry. There were people who thought this is normal.

**A:** You don't recall, as you were talking to people, saying to yourself, "You know, this man is crazy."

**B:** No, I never thought "crazy." I thought they have an illusion and I am not allowed to shatter their illusion.

**A:** The illusion about being –

**B:** – about being liberated. I knew definitely that I am not allowed to shatter their illusion. I never tried to say, "Oh, we have no chance," or something like that. But the danger was real.

**A:** That's what I mean. So you weren't paranoid. And I'm wondering whether people imagined things that were even worse, people who *were* paranoid.

**B:** There were people who preferred to work in the ghetto, not to go out. I couldn't understand it.

**A:** Were there people who preferred to work in the camp at Dachau rather than go out to work?

**B:** There was not such a thing in the camp.

**A:** There must have been some work in the camp that some people had to do all day?

**B:** There was, there was.

**A:** Like the cooking, for example.

**B:** Cooking, yes. Them I understand. When it comes to food, I understand very well.

**A:** There were people who did other work in the camps?

**B:** There were people who did work, yes.

**A:** But you didn't like such work. You preferred to go out of the camp to work?

**B:** Yes, but those people who worked in the camps, they were special

2013]

*Epilogue: There Was No Place to Run*

1299

privileged, always special privileged.

**A:** But you yourself did not consider that a special privilege, to work in the camp?

**B:** I felt ugly, dirty about any cooperation with the Germans. You had to be crazy to cooperate with them. That was my own personal feeling: I didn't want to cooperate with them.

**A:** There were some who did want to?

**B:** Oh, yes. Oh, yes. And it helped them survive.

**A:** Could the Germans have done what they did without that cooperation?

**B:** No, they needed cooperation, they always needed inside cooperation.

**A:** By inside cooperation you mean the cooperation of their prisoners?

**B:** Yes.

**A:** The Jews or whoever?

**B:** The Jews, yes, and also in what they did to the Russian prisoners of war. They didn't know who is a Jew, who isn't. They didn't look to see if a guy is circumcised or not. But other prisoners turned them in. Other prisoners said, "He is a Communist. He is a Jew." Other prisoners turned them in.

**A:** Among the Russians?

**B:** Yes. Among the Russian prisoners of war.

**A:** I see. And they would also turn Jews in, the Russians would?

**B:** Oh yes, oh yes.

**A:** Why would they do that?

**B:** Don't ask me. I just give you the facts. They would turn in Communists and Jews.

**A:** To the Germans –

**B:** To the Germans.

**A:** Who held them all as prisoners? But did you believe then, "If we don't cooperate, they can't do this to us?"

**B:** No, I didn't believe it. Somebody must cooperate. It's obvious. Somebody must cooperate.

**A:** What do you mean by "must"?

**B:** The food has to be distributed, right? Somebody has to get the food.

**A:** No. I mean going back to the ghetto even?

**B:** In the ghetto, somebody has to cooperate.

**A:** If there had been no cooperation, if the Jews had all said, "We're not doing anything that you tell us to do."

**B:** So what. They would be killed. All of them.

1300

*Loyola University Chicago Law Journal*

[Vol. 44]

- A:** They would have *all* been killed?
- B:** All would have been killed, no doubt.
- A:** And they *would* have been able to kill them?
- B:** They did it.
- A:** Without cooperation?
- B:** They did it. Wherever they could, they did it.
- A:** Well, you remember when we began talking about this how interested I was in the question of that train trip where you had in each freight car two guards and fifty prisoners?
- B:** I told you that it was no problem to overcome the two guards, absolutely no problem.
- A:** Yes, so that's cooperation, too?
- B:** Call it passive cooperation.
- A:** Well, you stayed where you were supposed to stay –
- B:** Because we had no place to run. Please let me explain to you again the hopelessness of the situation. There was no place to run. It was not the running away that was the hardship.
- A:** There was the hardship of where to go?
- B:** You have to eat. This is a consideration that most people don't think of, because they never have been hungry.
- A:** One reason I'm returning to this is that I've been reading some Israeli materials coming out of the Eichmann trial. One of the things there that the Israelis placed a great emphasis on was that they were very upset about the amount of cooperation that the Jews showed. One of the instances they use is this: here you have a handful of Germans moving—now let me finish—moving a large number of Jews into those cars that are going to go to get them killed. I'm not talking now about your situation, I'm talking about the situation where they are going to go to be killed. And you've seen these pictures of people jammed into those cars. And the Israelis now are asking, and they asked this during the Eichmann trial of some survivors, "Why did you let them do this? You know that you were many more than them. Of course, some of you would be killed, but some of you could kill them?"
- B:** This is a hard point, a moot point I would say, because when the Lithuanians were taken to go to Siberia, they did not resist either.
- A:** You're saying that the Lithuanians behaved then the way the Jews behaved later?
- B:** Yes, yes.
- A:** But they didn't know they were going to be killed?
- B:** They were going to be taken to Siberia. Whenever you are taken

2013]

*Epilogue: There Was No Place to Run*

1301

away from being a human being you should resist. This is my point, you don't have to wait till the last moment.

**A:** Well, the Israelis were –

**B:** But see what's happening in Israel right now. People are accusing the government of giving in to pressure by retreating from parts around Jerusalem. And they say this is exactly like the behavior of the leaders in the ghetto. They see it that way.

**A:** Are they saying that?

**B:** Yes, they are saying it. I'll tell you what I've got against all these ghetto ceremonies, all of them. It makes the ghetto look plausible. It makes it look like a guy can say, "I can live in such conditions. It's not so horrible." And this is the wrong message to all of humanity and to the younger generation. No, it's unacceptable.

**A:** Now, the ghetto is different from the shtetl, right?

**B:** Ghetto is ghetto.

**A:** No, but how is it different?

**B:** Shtetl was where people lived in peace before the war.

**A:** And it's not like the ghetto?

**B:** No, no.

**A:** There was no shtetl in your town, was there?

**B:** Shtetl means a little town, so you can't say a shtetl in a town. Shtetl was shtetl. The whole town would be Jewish.

**A:** So that was not what you had?

**B:** No, definitely not.

**A:** Were you ever in the shtetl?

**B:** If you want to know the truth, never.

**A:** But that's essentially different from what the ghetto was?

**B:** Of course, of course. The ghetto was closed in behind barbed wires. This is the minimum condition.

**A:** So it was like a prison?

**B:** Yes.

**A:** A low security prison?

**B:** That depends.

**A:** Well, it's not like Alcatraz?

**B:** That's a true statement.

**A:** It was more like what? I mean people could get out if they tried to?

**B:** People *could* go through the barbed wire.

**A:** But it was very difficult to figure out where to go, as you say?

**B:** You had to have a place to go to. There were guards around the ghetto and, of course, like human beings they would fall asleep.

1302

*Loyola University Chicago Law Journal*

[Vol. 44]

- A:** Were there ever any instances that you know of that Lithuanian men were concerned about young women in the ghetto whom they wanted for themselves?
- B:** I never heard of it.
- A:** In other words, you never heard of any young man saying, “Rachel, there in the ghetto, is somebody – ”
- B:** The other way. There was a young guy who had a Lithuanian girlfriend and she saved him.
- A:** He got out?
- B:** Yes, she saved him.
- A:** She hid him, is that it?
- B:** Yes.
- A:** And they lived together afterwards, or do you know?
- B:** They lived together afterwards and, of course, being human beings, they later divorced. But, on the spot, she saved him.
- A:** She saved him, but you never heard of any young woman in the ghetto being saved by a Lithuanian who wanted her as his wife or as his girlfriend?
- B:** No, I never heard it at all.
- A:** So did that ever happen?
- B:** No. I’m sorry to disappoint the American audience. They think that sex is everything. In Lithuania, it wasn’t.
- A:** It was hardly anything, so far as this was concerned?
- B:** I wouldn’t say hardly anything. Sex is sex.
- A:** People were not taking risks because of it, or being saved by it.
- B:** Not that I know of. I know a unit, a German unit, that tried to save two pretty Jewish girls. They had been in Paskof, a little city. When the German army retreated this unit took with it these two girls. They were part of the unit; they were washing, cleaning. They came to the German border, and the Germans say, “Jews cannot enter Germany.” So these two girls were sent to our ghetto. Shavel was their family name.
- A:** Now, there is something that I’ve asked you about before, but I’m not sure we went very far with it. What kind of humor was there in the ghetto?
- B:** Oh, there was humor, stories.
- A:** There was?
- B:** Oh, yes. For example, you know what SS mean? *Essen*, what does it mean in Yiddish? “To eat.” The Jewish mother always told her boy, “SS, eat, eat, eat, eat.”

2013]

*Epilogue: There Was No Place to Run*

1303

**A:** Eat, eat, yes.

**B:** The joke was, you know, “So, why cannot the child eat because of SS?” There was a lot of this kind of humor. Hitler, Stalin and Churchill all go to God to ask to be saved.

**A:** Yes.

**B:** Stalin is up to here –

**A:** Up to his chin?

**B:** – in the water, and he is saved. Churchill is up half –

**A:** Up to his waist?

**B:** – and he is saved. Hitler is only up to his knees.

**A:** Yes.

**B:** And so I ask, why is Hitler only up to his knees? Because he is already standing on the head of Mussolini.

**A:** [Laughs] I see, I see.

**B:** There were all kinds of jokes, some of them in good taste, some of them in bad taste. People entertain themselves, they tell jokes about everything. But the number of people who thought seriously was very small. Those who thought seriously were as pessimistic as I was.

**A:** Now, I thought it would be useful to collect here some information, just in case I don’t have access to you for one reason or another, when I start doing something with all of this.

**B:** Go ahead, go ahead.

**A:** Now, you came to this country –

**B:** In 1960.

**A:** And you came in as a permanent resident?

**B:** No, I came as a programmer.

**A:** As a programmer in –

**B:** Tallahassee.

**A:** For Florida State University?

**B:** Yes.

**A:** And you were there how long?

**B:** Two years.

**A:** Two years, and from there you went to?

**B:** MIT.

**A:** MIT, and you were there?

**B:** Eight years.

**A:** Now, your title at MIT was what, do you remember?

**B:** I don’t know—a programmer.

**A:** Hired by what department, do you remember?

1304

*Loyola University Chicago Law Journal*

[Vol. 44]

**B:** They had a PEPR project.

**A:** A what?

**B:** PEPR, Precision, Encoding, Pattern Recognition.

**A:** And then from there?

**B:** I came to Chicago.

**A:** And you have been here ever since?

**B:** Ever since, yes.

**A:** Except for one visit to Israel?

**B:** I also visited Canada here and there.

**A:** Now when did you become a permanent resident, officially?

**B:** In 1965 I became a citizen.

**A:** You became a citizen in '65?

**B:** Yes. I got a green card right away when I first came. There was no problem.

**A:** What is your work mostly in?

**B:** All my life, applied mathematics. Call it "applied mathematics." That's good enough.

**A:** And what do you specialize in?

**B:** There's no specializing. Applied mathematics is to apply mathematics everywhere.

**A:** To anything?

**B:** To anything.

**A:** And you've done that?

**B:** I personally believe not enough mathematics is applied. A lot of problems can be solved with mathematics that are not solved yet. Mathematics is still not as deep inside physics as it could be.

**A:** So you see yourself as an applied mathematician?

**B:** No, I don't define myself, because to me all mathematics will be sooner or later applied. I don't believe that there is this real high mathematics that some speak of.

**A:** Now, I want you to be immodest for a moment.

**B:** I am always immodest.

**A:** How are you regarded as a mathematician by your peers?

**B:** I don't know.

**A:** You don't have a sense of that?

**B:** I don't know.

**A:** Well, do they think you are just an amateur?

**B:** I don't mind.

**A:** I'm not asking you what you care about.

**B:** I try only to impress certain mathematicians that I think are high

2013]

*Epilogue: There Was No Place to Run*

1305

caliber.

**A:** Yes.

**B:** I did impress them. Don't forget, to publish something – you know, you have published in your life –

**A:** Go ahead.

**B:** – you have to go through reviewers. It's not so easy.

**A:** Now where have you done your publishing?

**B:** In all the prestigious journals [Chuckles].

**A:** [Chuckles] Okay, that's what I mean.

**B:** And I have been hired in Chicago because the guy that was the most impressed by me was impressed because I was published by the London Philosophical Society.

**A:** The London Philosophical Society?

**B:** Yes.

**A:** And what did you publish there?

**B:** Mathematics, what I have done.

**A:** I know, but it had a title.

**B:** It is about the fourth problem, you know.

**A:** About *what* problem?

**B:** Okay, I will explain to you. A to the fourth, plus B to the fourth, plus C to the fourth, plus D to the fourth, equals E to the fourth. Numerical examples, I found a new method to search them with a computer. I found a new example, so I published it.

**A:** And this was published in what journal?

**B:** The London Philosophical Society Journal.

**A:** And when do you think that was?

**B:** I am so old that I –

**A:** Roughly?

**B:** When could it be? It must have been '62, I think.

**A:** I'm trying to get this information because –

**B:** I'll give you my CV.

**A:** Do you understand what I am asking? Or why I am asking you this?

**B:** I'll give you my CV.

**A:** It could well be that somebody else could be using these tapes –

**B:** By all means.

**A:** At a time when neither of us is here, right?

**B:** But I prefer to do it while we are here.

**A:** Yes, of course.

**B:** I'll give you my CV.

- A:** So you published that and then somebody here was impressed?
- B:** No, no.
- A:** I thought you said somebody here was impressed by your –
- B:** Just by the fact that I published where I did.
- A:** That’s what I mean.
- B:** Not because of the substance, God forbid. People don’t pay any attention to the substance.
- A:** But the fact that you had published in that journal?
- B:** The London Philosophical Society.
- A:** And he suggested you come here because of that?
- B:** He was one of those who had to agree to my coming here.
- A:** He had seen that thing?
- B:** He had seen it, so he says, “Yes, yes.”
- A:** If you publish there, you’re all right?
- B:** Yes.
- A:** This journal is a refereed journal, probably.
- B:** Of course, of course.
- A:** Look, some idiot may be listening to this, if I may put it that way. He needs to be told things that you and I may know. So if some of my questions are naive, it’s only because I want to get the information out.
- B:** Okay. And then I published in *Mathematics of Computation*. Several things. And then I published in *Number Theory*.
- A:** And you have your name attached to these things?
- B:** What do you mean my name is attached? Wait, wait, wait. I published in *Number Theory*. I published it with Kaplansky, who has been the head –
- A:** Kaplansky, who was here?
- B:** Yes, Irving Kaplansky.
- A:** I remember him.
- B:** He was the head here of the Mathematics Department [of the University of Chicago]. I remember I had done, of course, all the mathematics and I said I wanted him to publish with me, and he says, “But you have done all the mathematics. They’ll say, ‘Junior has done all the work and Senior wants the credit.’” I say, “Don’t worry what people will say.” It turns out it’s very good because people don’t judge by the substance, only with whom I’ve published –
- A:** – and where?
- B:** And where, right. So I published in the most prestigious journals.

2013]

*Epilogue: There Was No Place to Run*

1307

Where else have I published? My God, I remember only these three places.

**A:** When I looked you up, I found there was some formula or some operation that had your name attached to it?

**B:** Oh, yes, yes, this is the Brudno Pencil.

**A:** The Brudno –

**B:** Pencil.

**A:** P-E-N- –

**B:** P-E-N-C-I-L. This is a mathematical expression.

**A:** Like the pencil you write with?

**B:** This is a ray of results that looks like a pencil. You know, along this pencil there is a solution, outside the pencil there are no solutions. This is a mathematical expression, a pencil, a phrase. So, the Brudno Pencil.

**A:** And that Pencil, what does it say?

**B:** It helps to say itself: A to the sixth, plus B to the sixth, plus C to the sixth, equals D to the sixth, plus E to the sixth, plus F to the sixth. Numerical examples, how to find infinite many. And how I attacked it is because I found in the Bible of number theory, Hardy and Wright, one numerical example. And if somebody doesn't know it, he can check.

**A:** Now, where would they check?

**B:** Then, ten to the sixth, plus fifteen to the sixth, plus twenty-three to the sixth, equals nine to the sixth, plus nineteen to the sixth, plus twenty-three to the sixth, nineteen to the sixth, plus twenty-two to the sixth. He can check it out.

**A:** He can check it out where?

**B:** On a calculator. What's the problem?

**A:** All right, even though I don't see –

**B:** So, that was the example and what's said in the book is an isolated curiosity.

**A:** And now what book was this again?

**B:** Hardy and Wright.

**A:** Hardy, H-A-R-D-Y?

**B:** Yes.

**A:** And Wright?

**B:** Yes.

**A:** And the name of the book is what?

**B:** It's, I think, *Elementary Number Theory*, or *Introduction to Number Theory*. I have the book someplace.

1308

*Loyola University Chicago Law Journal*

[Vol. 44]

**A:** But they say, this is just a curiosity?

**B:** A curiosity.

**A:** An isolated curiosity?

**B:** Of course. I found them, yours truly.

**A:** You did find *them*?

**B:** I did, infinite many formulas.

**A:** Infinite many of them, you say?

**B:** An infinite many formulas even, not only one formula.

**A:** And where did you publish that?

**B:** Where was that published?

**A:** You did publish that, obviously?

**B:** Yes, I think also in *Mathematics of Computation*.

**A:** And that's been used by others? What has been done with it, do you know?

**B:** It will be used in physics. I'm dead sure it will be used in physics.

**A:** You mean that the physicists will have to use it?

**B:** Sooner or later, if not already. Somebody told me, there is something that's called "Hard something," and they – . I'll explain it to you theoretically why I think so. These three numbers, suppose, if they have been squared equaled, then it's a circle.

**A:** Uh huh.

**B:** But in a circle you have many things that have three squared equaled to one squared. The radius is very well defined and da-da-da-da. This to the sixth, the three numbers to the sixth are not equal to one other number to the sixth.

**A:** Uh huh.

**B:** But this three to the sixth and the other three to the sixth, they are not in a circle but something between a cube and a circle. It's very smooth, it's not a circle; it's more like a cube.

**A:** Do you mean that it's not a circle or that it's not a globe?

**B:** It's not a circle, it's a distorted circle. It's not an ellipse, it's –

**A:** You are comparing it to a cube and a cube is –

**B:** It's more like a cube.

**A:** A cube has a volume?

**B:** No, no, a cube is square, squares of all sides, right?

**A:** But that's a volume, you see?

**B:** Yes.

**A:** And a circle, you're comparing a –

**B:** No, no, no, I meant not a circle, I meant a ball.

**A:** A globe or a ball.

2013]

*Epilogue: There Was No Place to Run*

1309

**B:** A ball, a ball with the cube.

**A:** That's why I was asking.

**B:** And now, these three points are rational points.

**A:** All right.

**B:** Therefore, there is something invariant, that is legal only in three dimensions. In two dimensions it doesn't exist. Therefore, God willing, people will really be able to think in three dimensions. It will appear.

**A:** Now, on the other hand, you had occasion to compare yourself (I don't think on tape) with Chandrasekhar.

**B:** Oh, no, no. This I tell as a joke.

**A:** I know, but let's hear it.

**B:** Okay. Why did Chandrasekhar get the Nobel Prize and I didn't.

**A:** Yes, that's right. Why *did* Chandrasekhar get the Nobel Prize and you did not?

**B:** Because right here, at the University of Chicago, I go to listen to the Physics Colloquium lectures.

**A:** That's across the street. That's where we first met?

**B:** Yes. And Chandrasekhar, after half of the lecture just got up and left.

**A:** Okay.

**B:** And I had to listen to the whole lecture to decide that this is bullshit, but he knew it already.

**A:** [Chuckles] So that's why he got the Nobel Prize and you didn't?

**B:** I kept thinking, maybe, maybe he'll say something, maybe at the end. But from the beginning 'til the end, there was no substance.

**A:** You did recognize, as you were going along, that he hadn't said anything serious?

**B:** But I hoped, I hoped –

**A:** That's your optimistic side coming out? Now, just some details. We got your birthday on here, of course. How tall are you?

**B:** Five six.

**A:** Five six. And your weight, roughly?

**B:** One sixty.

**A:** And you have had for a long time both this height and weight?

**B:** I hope I am not going down in height.

**A:** You think your heart was weakened from the ghetto and the camps?

**B:** Oh, I have no doubt, no doubt.

**A:** But when you came out you were good enough for the Israeli Army?

1310

*Loyola University Chicago Law Journal*

[Vol. 44]

**B:** The Israeli Army would take everyone because they needed soldiers.

**A:** Now, how long did you serve, active duty?

**B:** I was from 1948 until, I think, late in 1949.

**A:** Two years almost?

**B:** Less than two years.

**A:** How did that army service compare with life in the ghetto, or life in the concentration camps?

**B:** A lot of things that I thought were special in the camps I found out also exist in the army.

**A:** You mean –

**B:** The regulations—the “thou shall not, thou shall not, thou shall not, thou shall not”—existed in both.

**A:** Yes.

**B:** And while I was in the camps there were exercises like in the army, you know, to salute and to walk in line. They did the same exercise to us in the camp. So there is some common ground.

**A:** Some, some.

**B:** And the camp in Stutthof, where I have been, *had* been an army base. And I underline it always, the arrangements for shaving were as good as in an Air Force base I visited.

**A:** In this country?

**B:** Yes. In Stutthof there was a round thing where you can shave. Ten people maybe can shave. So it does have a common ground, no doubt. It was very important for them to teach us how to take off our hats.

**A:** Who?

**B:** In concentration camp.

**A:** How to take off your hats?

**B:** Yes.

**A:** By the way, when I was in the Holocaust Museum, I saw some uniforms. I could not tell whether they had pockets. [Chuckles] I actually tried to look at them, and I asked my wife to look at them too, but it was very difficult to tell whether they had pockets. They were inside a glass case.

**B:** They had no pockets.

**A:** You believe they didn't?

**B:** They didn't have any pockets.

**A:** I'm not saying they did. I'm only saying I could not tell whether they did or not.

2013]

*Epilogue: There Was No Place to Run*

1311

- B:** I'm telling you, the official uniforms did not have pockets.
- A:** The reason why I was asking about this is because it really emphasized the extent to which one had no life of one's own.
- B:** Yes. There's another thing that the army has along with concentration camps. You become a number. In Stutthof, I was 53,349. My number in Dachau was 92,126.
- A:** 92,126?
- B:** My number in the Israeli army, 140,279.
- A:** 140,279?
- B:** Yes.
- A:** Six digits?
- B:** Six digits. So I was a number and the feeling of being a number is a bad feeling for me.
- A:** Even though you *are* a mathematician?
- B:** Right.
- A:** Now, what were the principal differences. You've been talking about the similarities?
- B:** My generals, my superiors, were not interested in my dying.
- A:** They were not out to kill you?
- B:** They were not out to kill me.
- A:** They really cared for you somewhat?
- B:** It was in their blood interest that I should survive and defend them.
- A:** Right.
- B:** But in the concentration camps they didn't feel that way.
- A:** So that was the main difference, you believe?
- B:** It's quite a difference.
- A:** Yes, it's quite a difference. And the food was better?
- B:** Ah hah, ah hah.
- A:** Is that right?
- B:** Oh, yes.
- A:** And the living quarters were better?
- B:** Ah hah. Ah hah.
- A:** And you could go out, in and out of the camps, somewhat?
- B:** Sometimes you were confined.
- A:** Yes, but at other times you could leave and then come back?
- B:** Yes.
- A:** So there really was a world of difference?
- B:** Ah hah.
- A:** Did you have any idea of how the Israeli army, man for man, compared with the German army?

1312

*Loyola University Chicago Law Journal*

[Vol. 44]

- B:** Oh, it's very good that you asked such a question, very good. The German army was definitely stricter, no doubt.
- A:** It was better disciplined, or what?
- B:** No, just more formal ordering. But as far as daring and bravery, the Israeli army was as brave as the German army.
- A:** It was?
- B:** Oh, yes. But maybe the Germans enjoyed the army more than those in the Israeli army.
- A:** Enjoyed being in the army? That's the impression you have?
- B:** That's the impression.
- A:** From the Germans you saw?
- B:** From the Germans I saw.
- A:** In Lithuania? That's where you really saw the army, in Lithuania?
- B:** I read, not long ago, Phillip and Hein. I think they have written about the German army. They said the German army started the war with Russia not with enthusiasm but with a fair sureness of winning it. I beg to differ. They started it with much enthusiasm. They enjoyed the war, I'm sorry to say. Do you accept that?
- A:** What, that the German army –
- B:** – enjoyed the war.
- A:** I don't know, I never saw any of them close up to say.
- B:** But haven't you seen in the American army people that enjoyed the war?
- A:** Well, I believe I told you, at the beginning of our conversations (before we began taping) that the Second World War was for me a great liberating experience.
- B:** Fine.
- A:** For you it was a horrible experience.
- B:** Fine. So there were in the German army also a lot for whom it was a liberating experience.
- A:** Now, I don't know how liberating an experience I would have felt it to be if I had ended up on the Russian front.
- B:** The Russian front was just pure joy for them.
- A:** You think even then?
- B:** Up 'til they went to Moscow.
- A:** Until they got to Stalingrad, too, I guess.
- B:** I don't know. Moscow opened a little their eyes. They were dead-sure that they would win. They had no doubt that they would win the war. Matter of fact, the German papers said that there is no doubt that we will win the war. There were no reservations. The

2013]

*Epilogue: There Was No Place to Run*

1313

whole building of the Russian army was like a house of cards, you know, one kick and the whole thing –

**A:** You mean, they believed the Russian army would fall apart?

**B:** They marched forward in Russia without any resistance.

**A:** And this increased their confidence?

**B:** Yes. They enjoyed it. Don't listen to others who say otherwise. And their enthusiasm for war is not to be compared with the enthusiasm of the Jews. The Jews just don't have such enthusiasm, even though there *are* crazy Jews who enjoy war.

**A:** But if I may go back to the ghetto and to the camps, with another question. I know you had the opportunity, and I imagine that you probably took advantage of it, to think about what slavery is like.

**B:** It was worse than slavery.

**A:** That's what I want to talk a little bit about.

**B:** Consider one law: that you are not allowed to have children. The slaves never had this law.

**A:** That's an important distinction.

**B:** That's decisive.

**A:** You were not allowed to have children in the ghetto.

**B:** Therefore –

**A:** Let's stop and look at that for a moment.

**B:** This is the last generation.

**A:** Yes, the Germans were saying already, "Even if you live, there won't be anybody after you."

**B:** I made a list of the important things. The 7th of February 1942, Jewish women are forbidden to have children and are allowed abortions. Abortion in Lithuania had been illegal until then.

**A:** February 7th you say?

**B:** They are allowed to have children up until the 6th of August.

**A:** And when did the rule come in?

**B:** February 7th.

**A:** So they were allowed to have them if they were already pregnant? Is that it?

**B:** I guess so. I don't know. I guess that's what's written in my book.

**A:** Yes, I see. But it was clear that after a certain date, say, August, they were not to have any more children?

**B:** That's right.

**A:** And that was enforced?

**B:** That was enforced. So right here is a difference between that and slavery.

1314

*Loyola University Chicago Law Journal*

[Vol. 44]

- A:** Yes, because slave owners wanted children. All right, what other differences? Generally, the slave owners did want to preserve their slaves.
- B:** Not only that, the slaves were sold like cattle and everything but still treated –
- A:** Sold like cattle, you say?
- B:** Yes, but when they went to work, there was singing at work.
- A:** There was no singing at work by you and your people?
- B:** Very good. In some cases there were Germans who insisted and taught us the songs to sing.
- A:** On the work parties.
- B:** Yes. I myself never was in such a party. I'll sing for you right now.
- A:** In Dachau you're talking about?
- B:** Not in Dachau.
- A:** Where?
- B:** It was in the ghetto. I'll sing you the song.
- A:** You heard people singing?
- B:** Yes. [Sings] And the translation is, "The Jews come up 'til here, up to the Red Sea. The waves are closing in, and the world is relaxed again."
- A:** They had a song about the Jews coming to the Red Sea and trying to cross?
- B:** No, please don't put in what wasn't there. The waves are closing in and the world is free, relaxed again.
- A:** What they're saying is –
- B:** I don't know what they are saying. I'll give you exactly the words.
- A:** Look, if they are closing in, that means the Jews must be *in* the water –
- B:** Draw your conclusions.
- A:** – while they are crossing over.
- B:** Draw your conclusions. I'm giving you exactly the words. They forced us to sing this.
- A:** But I'm trying to get the thought of this. The Germans are saying that if that had happened when Moses was going out –
- B:** They didn't say that, please don't put –
- A:** Aren't they suggesting that?
- B:** They're not suggesting anything. Please don't put in what they're suggesting. You want to put in your interpretation? Fine. Don't put in what isn't there.
- A:** Okay, I'm interpreting –

2013]

*Epilogue: There Was No Place to Run*

1315

**B:** Oh, fine, your interpretation is as good as anybody's.

**A:** Let me interpret it and see if you see anything wrong with the interpretation. The interpretation is that the waters are closing in on the Jews instead of on Pharaoh's army.

**B:** Yes.

**A:** The waters are not closing in, while the Jews are standing outside of the sea. There the waters couldn't be closing in on them.

**B:** Yes.

**A:** They are obviously closing in on Jews who are crossing over?

**B:** Yes.

**A:** And the suggestion is that if that had happened instead of the Jews getting across, how much better the world would be now.

**B:** But it's in the present tense.

**A:** Sure, but you can do that with poetry.

**B:** If you want to.

**A:** And who would sing this?

**B:** The German were teaching the Jews who were marching to sing the song.

**A:** And you heard them singing this?

**B:** Yes.

**A:** What tune is that?

**B:** I'm singing exactly what I remember.

**A:** I know, but where does it come from?

**B:** I have absolutely no idea. [Sings.] You can see, it's a nice melody. It's a dirty song about Jews and they forced us to sing it.

**A:** You never had to sing it yourself?

**B:** I, no.

**A:** And did they have Jews singing other songs?

**B:** I don't know.

**A:** Did you ever hear Jews singing other songs?

**B:** I don't know. There were probably other songs.

**A:** How often would this be?

**B:** I don't know, it was only one colony, one working place.

**A:** You remember it from hearing it once?

**B:** The guys that worked there were singing it.

**A:** I know.

**B:** The man in charge was crazy and they assumed this is a crazy song. The melody is good. And they said you should march with this song.

**A:** It doesn't sound too bad if you don't understand it, especially if it is

in a foreign language.

**B:** Fine, fine.

**A:** Now this would be in German?

**B:** Yes, of course. The assumption was that all the Jews know German.

**A:** Did they?

**B:** Most of them, Yiddish is very near to German.

**A:** They would understand this?

**B:** Oh, yes.

**A:** All right, so it's far worse than slavery?

**B:** Far worse.

**A:** Because, in the first place, there are no children.

**B:** No children.

**A:** And, of course, they'd gotten rid of children, to start with. Right?

**B:** The law about not having children was before they killed all of the children.

**A:** When did they remove all of the children?

**B:** The 5th of November, 1943. You asked me to give you what I had said already about that. And here I bring it finally to you.

**A:** And I can copy this?

**B:** Yes, of course. And then you can ask me questions. That was the worst day in my life.

**A:** When the children were taken away?

**B:** Yes, of course. I explained to you that the worst thing is because I couldn't react. That was the thing, that was the worst.

**A:** That's because there was nothing you could do.

**B:** Even though it all happened in front of everyone.

**A:** Will you please tell me again what the date was?

**B:** The 5th of November, 1943.

**A:** And you yourselves were all taken away when?

**B:** We were taken away in July 1944.

**A:** That was seven months later, eight months later?

**B:** Yes.

**A:** So there were eight months there with no children?

**B:** That's right.

**A:** There were families –

**B:** But no children.

**A:** Women, men –

**B:** – and no children.

**A:** Old men and old women, were also gone?

2013]

*Epilogue: There Was No Place to Run*

1317

**B:** Yes.**A:** As were the sickly and the insane.**B:** They were all gone.**A:** Now, then there were seven or eight months of a community –**B:** – yes, without children.**A:** That must have been very strange.**B:** It was very strange. And when I came to Israel and I saw, all of a sudden, little boys, it looked to me like a new world. It was very strange. I had had the opportunity to live in a very strange community in the ghetto. Later, in concentration camps, I was in a community without woman. For seven months, I didn't even see a woman.**A:** When you went out on a work party, you must have seen women.**B:** No. The women in Germany weren't working.**A:** Wouldn't you go through a town, or walk down a street?**B:** What town? No, everything was outside of towns.**A:** You wouldn't walk through a village to go to the work party?**B:** No, the working place was outside of the town.**A:** So you wouldn't see women at all?**B:** That had a very bad influence on me. It had a bad influence.**A:** It had a bad influence?**B:** Of course.**A:** Not seeing any women?**B:** You came to the realization that you have to exist in a world without women. Before, I couldn't even imagine such a thing.**A:** Just as earlier, there was a world without children.**B:** I couldn't even imagine such a world either.**A:** What happened to those mothers in that ghetto without their children?**B:** What should have happened?**A:** I don't know.**B:** The excuse had been that the mothers could not go to work because they had to take care of the children. So the children were taken away, and now they can go to work.**A:** Were mothers saying that earlier, that they can't work because they had children to take care of?**B:** Yes.**A:** And the Germans then said?**B:** They didn't *say*, they *did*.**A:** Did they suggest that they did this so that now the mothers could

work? They didn't put it that way, did they?

**B:** They put it that way. The Germans were not ashamed of what they had done.

**A:** They didn't say they had killed them; they just said that they had taken them away.

**B:** They did say that the children had interfered with their mothers being able to go to work.

**A:** The mothers, when they lost their children, what did that do to them?

**B:** They went to work.

**A:** But there must have been women who were simply devastated to have this happen to them.

**B:** There were, as far as I know, only two—I heard about another two women—who went with their children.

**A:** Who insisted on going with their children?

**B:** Yes. The majority didn't.

**A:** Two of the leaders also went?

**B:** Yes.

**A:** And they were never heard from again?

**B:** Of course not.

**A:** You never heard either from those women that went?

**B:** No, no. Of course, they were all annihilated.

**A:** And you never heard of the children?

**B:** No.

**A:** Where were they taken?

**B:** To that horrible place in Poland.

**A:** They were taken there?

**B:** Yes.

**A:** You know that?

**B:** Yes.

**A:** How do you know that?

**B:** First, I know because, on the spot, some German blurted out the name. I had never heard even the name of the place.

**A:** The first time you even heard the name?

**B:** Three days afterwards, I heard.

**A:** From a German, in your town?

**B:** Not in my town, a German who worked with a Jewish guy that I know.

**A:** He said what to him? He didn't say that they were being taken there to be killed?

2013]

*Epilogue: There Was No Place to Run*

1319

- B:** They were taken there. That was all. I heard the name. That's all.
- A:** And they must have been killed?
- B:** That I didn't know. I can say now that they must have been killed. Then, I didn't know. They were taken to the place so and so. See, it's hard even now for me to pronounce, Auschwitz.
- A:** What does that name mean?
- B:** I don't know.
- A:** Does it have an innate meaning in German?
- B:** I don't know.
- A:** So that was the first you heard of it?
- B:** That was the first time I heard the name. It didn't mean anything to me.
- A:** Did you keep hearing about it afterwards?
- B:** Oh, yes. Oh, yes.
- A:** At Stutthof, you heard about it?
- B:** Yes.
- A:** And at Dachau, you heard about it?
- B:** Oh, yes.
- A:** Was it ever in the newspapers?
- B:** I never saw the name, never.
- A:** Did you see the name of other places where people were being killed?
- B:** No, no, no.
- A:** Did you ever see anything in a German newspaper saying that the Jews were being systematically killed?
- B:** No, no, no.
- A:** Never?
- B:** No.
- A:** You only saw the report that there were no Jews. "There are no Jews in Warsaw. There are no Jews here. There are no Jews in Latvia." Right?
- B:** Yes.
- A:** You did see that?
- B:** Yes.
- A:** But you never heard them saying, or read them saying, "We have killed so many more."?
- B:** Killed! Forget "killed." The nice word was "liquidated." They liquidated the Russian prisoners of war—*that* I saw.
- A:** You never saw them saying that they had liquidated the Jews?
- B:** I never saw them saying that.

1320

*Loyola University Chicago Law Journal*

[Vol. 44]

**A:** Why didn't they say it?

**B:** Are you asking me?

**A:** I'm trying to get you to speculate.

**B:** I don't know.

**A:** Well, you know something about the Germans.

**B:** It doesn't sound good.

**A:** [Chuckles] It *doesn't* sound good.

**B:** Yes. What, are you laughing? It's true.

**A:** Well, it sounds horrible, really.

**B:** But they were not afraid to say "liquidating the Russian prisoners of war." That was accepted. I have to underline for you that the Russian prisoners of war were treated worse than Jews. First, of course, they didn't have to be told not to become pregnant, because they were all male. So forget about that. Second, they were being starved to death, which to me is worse than being gassed or being killed. But this is only my personal opinion. I and Isaiah the prophet say that it is better to die from the sword than from starving.

**A:** From the sword than from starving?

**B:** Yes.

**A:** Isaiah says that, does he?

**B:** [Recites Hebraic quotations] This is a clear-cut case. And then the second case is when I went to Dachau proper. Dachau was surrounded with barbed wire. Inside Dachau there was a compound surrounded by barbed wires for Russian prisoners of war.

**A:** You mean within the camp?

**B:** *Within* the camp.

**A:** A camp within a camp?

**B:** And the important thing was that most of them didn't have trousers. They had already exchanged their trousers for food. And the only thing they could offer for exchange was salt. I don't know 'til this day where they got the salt. But they were ready to give salt and get bread. They were starving. This is the second proof.

**A:** Did you see this camp within the camp?

**B:** I saw it with my own eyes, definitely. I told you that most of them didn't even have trousers.

**A:** Wait a minute, now. In your own camp, there was this camp within a camp?

**B:** In the camp of Dachau, Dachau proper.

**A:** Where you were?

**B:** No, in Dachau proper, the center of Dachau.

2013]

*Epilogue: There Was No Place to Run*

1321

**A:** So you went to Dachau proper after you left your camp?

**B:** Yes.

**A:** After you left your work camp.

**B:** Yes, this is before the end.

**A:** Close to the end?

**B:** Close to the end of the war.

**A:** There were still Russian prisoners then?

**B:** I told you. They sorted out able-bodied people to go with them. These people were Jews, Germans, and Russians.

**A:** They still had Russian prisoners of war in the camp within the camp in Dachau?

**B:** Yes. Now I'll prove to you that the Russians were treated worse than Jews: when we would have to relax during our march, on one side of the road were the Jews and the Germans, on the other side of the road were the Russians, who were considered worse.

**A:** Germans were willing to be on the same side of the road with Jews but not with the Russians?

**B:** Yes. This is a very serious distinction.

**A:** I see what you're saying. And did you ever get a reason why they were treating the Russians even worse?

**B:** No reason. Nothing, nothing.

**A:** Did you ever figure out anything?

**B:** No, it's craziness. Don't look for any sense to it. It's craziness.

**A:** Then we're back to the problem we touched on, at the beginning of our conversation today about the Holocaust Museum.

**B:** More, more, more.

**A:** You want more tea?

**B:** Yes, because I am talking so much.

**A:** Well, there *is* some in there, you see.

**B:** The good old days when I could talk an infinite amount are over.

**A:** [Chuckles]

**B:** No, seriously.

**A:** Remember, at the beginning, I raised a question about the need to explain what the Germans were thinking?

**B:** It's craziness, please.

**A:** But when you say it's craziness, then you can't talk about them, what they're thinking.

**B:** No, no, no. I know exactly what they're thinking. They were very frustrated. Frustration comes first. That's what I have to underline here. They were very, very frustrated and they could do nothing.

They couldn't let it out against authority because the Germans' authority was very strong: Father knows best, Father is morally right. You really have no defense against your father. It's not like here in America, where dad knows nothing. There, dad did know, and dad was very moral. They could look up to their dads and worship them, because their dads were moral. But they were frustrated and they could do nothing against those in authority.