

## 2016 INTERNATIONAL ADVOCATE FOR PEACE AWARD

### SIXTEENTH ANNUAL INTERNATIONAL ADVOCATE FOR PEACE AWARD HONORING BENJAMIN “BEN” FERENCZ

On April 11, 2016, the Cardozo Journal of Conflict Resolution presented its sixteenth annual International Advocate for Peace Award to Ben Ferencz. What follows is a transcription of the award ceremony, including Ben Ferencz’s acceptance speech.

LARA TRAUM: Thank you everyone for joining us today for the sixteenth annual International Advocate for Peace Award. I will tell you a little bit more about this award later on, but without further ado, I will introduce our dean, Melanie Leslie. [Applause].

DEAN MELANIE LESLIE: Thank you so much, and welcome. Thank you so much for coming to this event. It is a very, very special event for all of us today, and a great pleasure to welcome Ben Ferencz to our law school, once again—this time, to receive the 2016 International Advocate for Peace Award. We are deeply honored, Ben, to have you with us today, and so proud to be able to recognize you in this way.

Ben Ferencz has devoted his life and career to holding perpetrators of war crimes accountable for their acts, and to the cause of bringing an end to war. As a young man, Ben saw the devastation created by World War II as a soldier in the U.S. Army. Near the end of the war, he was assigned to a team tasked with setting up a war crimes branch to collect evidence of Nazi atrocities. As part of that work, he visited Nazi concentration camps as they were being liberated. From there, he and Telford Taylor went on to become the lead prosecutors of the Nuremberg Trials. They brought to justice Nazi leaders who planned, carried out, and/or participated in the Holocaust. These trials focused the world’s attention on perpetrators of war atrocities and created a new methodology for seeking international justice. The Nuremberg Trials introduced the concept of crimes against humanity into the public consciousness, and gave legitimacy to the idea that the world could prosecute

those in states who had committed atrocities against their own citizens and against the citizens of other countries.

Following the Nuremberg Trials, Ben continued to fight. He fought for the creation of reparations programs, first in Germany, and then in the United States. His wonderful book, *Less Than Slaves*, describes this tireless effort to secure compensation for the forced labor of concentration camp inmates. Ben is also one of the founding architects of the International Criminal Court, and he helped create the mechanism to hold governments accountable for war crimes. He is a champion of peace, and has made ending war his life's work. The Human Rights Movement owes much of its legal foundation to the work of Ben Ferencz, and the world owes much to him for what he has accomplished in his quest for peace. I would also like to acknowledge that Cardozo Law School owes much to Ben Ferencz for his consistent support of our programs devoted to international human rights issues. Much of the important work of the Cardozo Law Institute in Holocaust and Human Rights would not have been accomplished, and could not have been accomplished, without his meaningful support, and we are extraordinarily grateful for that.

His connection to Cardozo Law School is a personal one. Telford Taylor, as I mentioned before, his co-prosecutor, was a founding faculty member at Cardozo School of Law. Sheri Rosenberg, who we recently lost, was also a kindred spirit of Ben's, and her own life was dedicated to the elimination of genocide. I knew Sheri well, and before she died she told several people that she wanted to honor Ben Ferencz, to recognize these unbelievably important contributions that he has made to the cause of world peace. And, unfortunately, she did not live to see this day. But, I wanted to invoke her memory because I know she would be so thrilled that this day has come.

So, Ben, on behalf of every member of this law school and the greater Yeshiva community, I want to thank you for allowing us to honor your work, and for your generosity and support of our programs. Thank you very much. [Applause].

It is now my pleasure to introduce Professor Lela Love. She is not only a Professor of Law here at Cardozo Law School, but she is the Director of the Kukin Program for Conflict Resolution, and the Director of the Cardozo Mediation Clinic. Lela. [Applause].

PROFESSOR LELA LOVE: So, before turning to Mr. Ferencz, who is the wonderful honoree today, I want to do two things. First,

thank the *Journal of Conflict Resolution* whose award it is, and speak briefly about the relevance of Mr. Ferencz's work to our Dispute Resolution Program. So first, this is Cardozo's and my last chance to thank the *Journal of Conflict Resolution* for its amazing work this year—Bobby Ellis, who is here, our Symposium Director, and Lara Traum, who has been the incredible leader. Her work in terms of the details of the events she puts on, along with others like Bobby Ellis, while keeping to the purpose of the *Journal*, is remarkable. This school could not do what it does without our student leaders, and she is a star.

Today's award to Benjamin Ferencz, and I don't know if you know this Mr. Ferencz, is under the umbrella of our Dispute Resolution Program, which [is an] alternative dispute resolution [program]. And some people think that advocates of ADR, in their admiration of negotiation, mediation, facilitation, and other innovations, except for litigation, don't adequately appreciate law and courts. If that's true, and I hope it's not true, it would be myopic. Law and courts are a part of ADR, are a part of Appropriate Dispute Resolution, the spectrum of the processes, and importantly encompasses litigation. Litigation is, at the same time, the process that explicates, that creates our public norms and standards, and motivates people, quite frankly, in negotiation and mediation to keep talking to each other because they know what is going to happen if they stop talking; that is, the courts.

And a look at Mr. Ferencz's career, from a dispute resolution perspective, shows him to be a man of all seasons. He is obviously a brilliant litigator, not only prosecuting perhaps the most important trial of the century. He is also a tremendous negotiator, as Dean Leslie said—the reparations negotiations that have been so critically important. And finally, as a designer of the critical dispute resolution mechanism for our century, the I.C.C., the International Criminal Court, that role in figuring out new mechanisms is critically important. As I read about you, Mr. Ferencz, and hear your friends talking here, it seems clear that you are somebody who never gives up, who keeps trying and trying and trying. And I thought above all, as this award is entitled, you are the International Advocate for Peace. We are going to move now to seeing a video that highlights some of Ben Ferencz's life work. [Applause].

[After Professor Love's remarks, the audience viewed a video]  
[Applause]

LARA TRAUM: It seems silly for me to come up here and to explain why we are giving Mr. Ferencz the International Advocate for Peace Award. But, as the Editor-in-Chief of the *Cardozo Journal of Conflict Resolution*, it is my privilege to explain a little bit more about who we are, and how the awe-inspiring Mr. Ferencz captured our attention. The *Cardozo Journal of Conflict Resolution*, the publication arm of the Kukin Program here at Cardozo, is one of the most highly ranked legal publications of conflict resolution scholarship in the world. This year alone, we have published on everything from conflict resolution models in the Middle East, Hong Kong, and Japan, to online dispute resolution, the neuroscience behind mediation, even some musings on the Biblical origins of win-lose frameworks. In addition to publishing some truly important scholarship, and to facilitating an annual full day symposium, the Journal presents an annual International Advocate for Peace Award to internationally recognized leaders for their efforts in dispute resolution. These leaders have included individuals such as President Bill Clinton; Archbishop Desmond Tutu; Senator George Mitchell; Ambassador Stuart Eizenstat; Peter, Paul, and Mary; the list is both long and magnanimous.

As students, we spend a great deal of our academic careers reflecting on the past. We are tasked with becoming students of history, be it legal or otherwise, and spend many days and nights trying to deduce the innermost thoughts of justices, legislators, advocates, and other movers and shakers. What we forget, however, is that the individuals that we study are not merely a product of their time. We study them because they were ahead of their time. And identifying the annual recipient of the International Advocate for Peace Award, we at the *Cardozo Journal of Conflict Resolution* strive to recognize individuals whose methods of peace making were so cutting edge, so futuristic, that a divided world did not know how to respond other than to oblige.

This year, in reflecting on what it means to be an advocate for peace, we came across a quotation. The quotation read, "there can be no peace without justice, no justice without law, and no meaningful law without a court to decide what is just and lawful under any given circumstance." This quotation challenged the non-litigious hearts of a room full of aspiring mediators, and yet, something resonated for all of us. We realized that in a world where global conflict is marked by war and violence, a court of law might very well be the holiest of sanctuaries for preserving the sanctity of non-violent conflict resolution. That quotation, those words, reminded

us that courts of law fall within that tent of what ADR, Appropriate Dispute Resolution, is all about. Those words belong to Benjamin Ferencz.

Mr. Ferencz, your energy, your vision, and your humility, inspire us as students to pursue non-violent conflict resolution at all costs. You bore witness to some of the world's greatest atrocities, and yet, you responded with reason, and intellect, and fairness, and a strong belief in procedural justice. You remind us that in resolving conflict throughout the course of our own professional pursuits, we should preserve the humanity of a process that holds us together, and not be discouraged by the inhumanity that tries to tear us apart.

A personal aside, when I went to high school, in my high school we were each asked to commit to an Ephebic Oath, to leave our city no less but rather greater than we found it. And then upon some research, I realized that Mr. Ferencz attended that same high school many years ago, Townsend Harris High School, and he left our world no less but rather greater than he found it.

So, we at the *Journal* are proud to honor you. We are proud to honor you for your work as a prosecutor of Nazi war crimes at Nuremburg; we are proud to honor you for your role in negotiating the reparations agreement between Israel and West Germany; we are proud to honor you for your commitment to the International Criminal Court; we are proud to honor you for challenging the world to respond to devastation, carnage and cruelty, with law, civility, and integrity. You are a true International Advocate for Peace through the work that you have done, through the work that you continue to do, and through the future activists that you continue to inspire. It is my honor and my privilege to recognize you with the 2016 International Advocate for Peace today. [Applause].

Before we proceed to give you a physical award, I would like everyone to witness a more human side of Mr. Ferencz. We've heard about his history, but we haven't heard about his soul, and this clip will speak to that.

[After Lara Traum's remarks, the audience viewed a video]

**BENJAMIN TAYLOR:** To the organizers, I just want to say thank you. I am honored to be here. By the time I was born, in 1975, my father had been a friend and colleague to Ben Ferencz for thirty years. I know how much Ben meant to my father, they were life-long friends; I know how much my father admired Ben. In light of this, it is possible I owe [him] my first name. [Laughter]. But,

whatever I owe him for my name pales in comparison to what we all owe him as a champion of justice and a tireless advocate for peace. He has always put the greater good above personal interests. His accomplishments are very inspiring. It was the awe I felt in the presence of people like Ben, my father, and my mother, that led me to my decision to go to law school and pursue a career in public interest law. And it was here, at Cardozo, that I learned how to be a lawyer. Ben is not just an inspiration to aspiring young lawyers, he is an inspiration to anybody who wants to seriously consider the role that law can play in preventing violence and war. Ben, on behalf of myself, thank you for inspiring me to walk down the road that has taken me here. I know that I am speaking on behalf of a much larger group here when I say thank you for your ideas, and thank you for never giving up. [Laughter].

TOBY GOLICK: Hi, I am Toby Golick. We obviously have a Benjamin theme going on here—we have the Benjamin Cardozo School of Law honoring Ben Ferencz, and we just heard from my son Ben Taylor. So, we have a lot of connections. As you've heard, Ben worked with my husband Telford Taylor, Ben's father, at Nuremberg. And then they were law partners together in New York, and then Telford Taylor became one of the founding faculty members at Cardozo, where I taught for the last thirty years. Ben was born right after Telford started working here, so I think he has the honor of being our very first Cardozo baby. [Laughter]. So, it was probably inevitable that he chose to get his degree here.

I want to tell you a different story than the ones that you have been hearing. It's a story that my husband and Ben shared, an event that they shared. The story begins that it was a dark and stormy night. [Laughter]. Can you guess? [Laughter]. They were co-counsel at Nuremberg. They were waiting for a verdict, and they had decided to go to Berlin. Flying back from Berlin in a small plane in horrible weather, they noticed when they looked out of the window that one of the engines first didn't look very good, and then it stopped working altogether. And then they realized, having barely paid attention to thinking about where the parachutes are and so on, that the plane was crashing. So, there was nothing to do but to jump. So, this wasn't one of these brotherhood romance things [Laughter] about jumping out of a plane voluntarily. This was an involuntary jump into Berlin. An irony of the story is that when Ben enlisted he wanted to be a paratrooper [Laughter], and he had been rejected because he was too light [Laughter]. He [Ben] just said "they were afraid he would go up

instead of down.” [Laughter]. So, you have to imagine the scene of Ben landing in war torn complete rubble of Berlin. He landed in the Soviet sector. He had to explain to some pretty bewildered children that he needed a telephone. [Laughter]. This story is a great one. And I strongly recommend that you look at Ben Ferencz’s website where there is a site called Benny’s Stories, and it has this and many other stories. The title of the story is, and this is Benny’s fault not mine, the title of the story is “Benny’s from Heaven.” [Laughter]. By the way, my stepson John is here, and he was a survivor of that parachute jump as well, though he was *in utero* at the time.

So, Telford was a tall guy, as those who knew him might remember, and there really weren’t that very many people that he looked up to, either figuratively or literally. But, Ben was one of the people that he really looked up to. They were friends for life. I was so privileged that I got to know Ben a lot, not directly, but through things I heard about Ben from my husband. And he spent—we have so much respect for him—he spent his entire adult life, and remember, he was just in his late twenties when he was at Nuremberg, but he spent his entire adult life fighting for a kind of obvious, but hard to convince people of, idea that we should have law not war, and that war is stupid and that eliminating it is not impossible. It’s hard but it’s not impossible.

So, all of this all comes together here at Cardozo. And Ben has been the cement that has brought all these things together here, with his support of our Human Rights Program here. He understands the role of lawyers and law schools in training lawyers to help keep working to change the world. So, I cannot think of a more fitting recipient for this year’s award. Thank you. [Applause].

LARA TRAUM: Mr. Ferencz if you wouldn’t mind joining me up here. This is the very formal moment. It is my honor to present you with the sixteenth annual International Advocate for Peace Award.

BENJAMIN FERENCZ: Thank you very much. [Applause]. They even brought me a stool just to make sure that you would see me. [Laughter]. But, I can see a number of people and all of that. Well, this is quite a moving and touching tribute. Don’t you believe half of it, of course. [Laughter]. And I don’t know. I am really speechless in a way because some of the nice stories have been usurped here. [Laughter]. You’ll be interested to know that

that sign “here lies Tycho Brahe, he added an item” is on my office at home, in New Rochelle, here. One of my daughters put that on about fifty years ago. And that has also become a documentary film called *Watcher of the Sky* based upon something I learned from Benjamin Nathan Cardozo. I was a strong admirer of Cardozo. He was my most admired Judge, so [for] the beauty of his decisions, for the wisdom of his decisions. And a book came out, *The Writings of Benjamin Cardozo*. I bought the book of course, used; I couldn’t afford new books. [Laughter]. And one of the speeches was made about 1921, I had just been born in 1920, was made at the commencement of a Jewish organization, theological or something or other, I don’t remember the name. And in there he told the story of Tycho Brahe, and it was based upon a poem written by a British poet, which was in a book called *Watcher of the Sky*. And of course I got the book, and I read the Tycho Brahe story, and it was quite inspirational. But, the tip came from Benjamin Cardozo. So, there was always a soft spot in my heart for the law school, which was also named after him.

And to get more personal, when the war was over, the United States Army and I didn’t quite agree on a few things. [Laughter]. One of which, I had gotten a scholarship to the Harvard Law School based on my exam on criminal law, I knew a lot of criminals, I didn’t know the lawyers. [Laughter]. And I’d been raised in Hell’s Kitchen in an environment of crime. I lived in poverty most of my life. Anyway, I tried to get into various branches of the services, they mentioned the parachutes, grabbing, the paratroopers said that I would go up instead of down. I tried also to get into the Air Force in various capacities. They did suggest to me that I could get in as a pilot, a glider pilot, and their release said sign here. I was then in law school and a big training we learned was to read before I sign. [Laughter]. Nobody explained what a glider pilot is, and I said to the recruiting officer, I said, “Oh how does it come up?” I said, “What is it like?” “Oh you know it goes all nice and peaceful, you know.” “Yeah, but how does it come up?” [Laughter]. He said, “It doesn’t come up.” I said, “Excuse me I may be patriotic, but I am not that patriotic. [Laughter]. I want one that comes up too.” [Laughter]. As I was watching the landing in Normandy Beach, and the hordes of planes flying overhead each one were dragging two or three gliders, ninety percent casualties among the glider pilots. My wife said somebody up there is saving me for a purpose.



And there have been other incidents. After the war was over, I decided I was going home. The army had their own plans as to how you go home. That would mean hang around for about six months while they line you up according to points and so on. I had plenty of points, but they had procedures. And I was not strong on procedures. So, I stowed away on a boat and I went home. [Laughter]. I mean they said I will be home by Christmas; I went home by Christmas. [Laughter]. And the day after Christmas I was honorably discharged [Laughter] as a Sergeant of Infantry, and the honorable was really very questionable. [Laughter]. They gave me a Good Conduct Medal, which I absolutely refused to accept. I said that's a fraud. [Laughter]. The whole battalion, fifteen hundred men, they crossed my name out, and everybody got a good conduct medal except me. I don't know if I have time to tell you this story. I thought they were going to Court-Martial me and shoot me for cooking a chicken. [Laughter]. And I'll take a minute for the story since I have been so flattered I don't have to tell you about more serious things. [Laughter]. I was in the army of General Patton. General Patton had been known as a great American Hero, I am sure he was in a way. [Laughter]. He was a great hero: as the Germans retreated, [Laughter] he was chasing them all of the way. I was told he was a pretty good runner. I was getting a little bit nervous [Laughter] about some of the other positions if they—the Germans—counter-attacked. Anyway, I landed in New York as a stowaway; nobody knew I was onboard because nobody knew my name. After the first night I arrived, I figured I could go find a bunker that I could sleep in. And my honorable discharge said Good Conduct Medal. I said, "I didn't get a Good Conduct Medal." "Everybody gets a good conduct medal" they insisted nevertheless. So on my discharge the reference to a Good Conduct Medal is absolutely false. [Laughter]. Now, in addition to that, they had battles, and they gave me five Battle Stars. And I said, "What is that for? I was no hero. I was hiding under a truck." [Laughter]. They said, "You landed in Normandy?" "Yeah." "You crossed the Rhine and Pontoon Bridge?" "Yeah I did." "Battle of the Bulge?" "I was there." Well, that's it. So, I am the recipient of five great medals. I suppose I was a hero for not getting killed at least five times. [Laughter].

And another thing here, I was in *Time Magazine* the same year that she [Lara] was graduating of the Townsend Harris High School. That's also a mistake. [Laughter]. I never got a high school diploma. [Laughter]. And the reason I never got a high

school diploma was because one day the Dean, obviously must have changed since then [laughter], brought me in and he said, "You are not going to your class on gym." I said, "Everybody in the gym, all the teachers know me." I was on the boxing team; I was on the trapeze; I shinnied up the rope faster than anybody else. But I said, "The gym class is during lunch, I can't do both, so I chose to go to lunch and I would go to the gym later." [Laughter]. He said, "No you have to go or you will never get into college." But, that was a school for gifted boys. I don't know how girls got in, [Laughter] but, at the time it was for gifted boys; I didn't know why nobody ever gave me their gifts. [Laughter]. However, the Dean said you can't go to college. So, I went up to City College and I looked for a Dean, and there was an Irish Dean there. And he said, "What's your name," and I said, "Ferencz." "Oh come in Terrence me boy." [Laughter]. I said, "Will you accept me if I don't pass gym?" He said, "Of course." So, I went back to the Dean of my high school at the time and I said, "You lied to me." [Laughter]. He didn't like that very much. So, he said, "You will not get a diploma from this school." I said, "So keep it." [Laughter]. The truth is I never got a diploma from Townsend Harris. And, unfortunately for them, all of their solicitations are addressed to Townsend Harris alumni, and I reply, when I get my diploma you will get your pledge. [Laughter and Applause].

Along the same line, I came home with ten million other soldiers looking for a job. I got this telegram from the Army "Dear sir," they never called me sir in three years actually, "Please come to the Pentagon, I want to talk to you." I go to the Pentagon at my first chance of course. And I was interviewed there by a colonel, then Colonel Mickey Marcus. He was a Jewish East Side boy-tough; he had been a fighter too. He said, "Benny we want you to go back." I said, "Me, go back to Germany?" [Laughter]. He said, "Yeah, we need you." Now, in three years, you haven't been digging every ditch and every toilet and every filthy job you can give me, piling it on, saying you are a Harvard man, you can do better than that, do it again, and now you want me to go back there? I said, "In order for you to get me to go back to Germany, you have to declare war on Germany again and be the loser." [Laughter]. He said, "But we need you." He said, "Well, I will make you a full colonel." I was going to get promoted from Sergeant to Colonel. And I said, "Go back into the Army?" He said, "Yes." I said, "No way." "Well, you can go as a civilian rank of Corporal, this or that." "Does that mean I can tell all the lieuten-

ant colonels what to do?" He said, "Yes." Ah hah [Laughter], now you are talking.

Anyway, I was intercepted by a then Colonel Telford Taylor, whom I didn't know. And Mickey Marcus said Taylor wants to talk to you, Colonel Taylor, go talk to him. So, I talked to him. He was then assigned by the President and by Justice Jackson to have twelve subsequent trials following the International Military Tribunal trials. So, he said he wanted to interview me for that job. He said, "Look, I am going back and I am going to have twelve trials, I am staffing now." He said, "I am considering you to go back with me." He said, "But I have a problem." I said, "What's that?" He said, "I have checked your record and I find that you are occasionally insubordinate." [Laughter]. I said, "That's not correct sir; I am usually insubordinate." [Laughter]. I said, "I don't obey orders that I know are stupid or illegal. [Laughter]. But, I have been checking up on you." And I had—he was a Harvard law graduate, and I said, "I don't think you will give me any of those stupid or illegal orders. And you can't get a better man." He said, "You go with me." So, he hired me to go back with him to set up twelve subsequent trials.

One of my researchers, a nice young man from Switzerland, wasn't me personally, was going through the archives—I had assigned people to go to Gestapo headquarters, the foreign office, go through the German buildings that were still intact, more or less, and get whatever documents they had. I had translators, German staff. They would then look for things which related to the potential defendants we had. We then relay the documents down to Nuremberg. And if they had any other problems or questions, we had a back and forth quarrel. One of my researchers came up with [INAUDIABLE], which I am sure you all recognize means Reports from the Eastern Front, daily reports by so called special squads [SQUADS, EINSATGRUPPED], the Events on the Eastern Front. They were counted every day: where they were, who was the commander, how many Jews they killed, how many Gypsies they killed, occasionally they had others mentioned as well. I had a little adding machine, and with the adding machine I began adding them up. And when I added a million people murdered by these squads because they were Jews, I took the next plane down to Berlin, from Berlin to Nuremberg. I took a sample and I said, "General," by that time he had been promoted from Colonel to General, "We are going to have put on another trial." I said, "Look at this." He said, "We can't; the Pentagon hasn't approved; we kept a fixed number

of trials, and we don't have staff; everybody has been assigned; the other trials are already underway." I said, "I've got mass murder on my hands here; you cannot let these guys go." He said, "Can you do it in addition to your other work?" And I said, "Sure." He said, "Okay, you got it."

So, I became the Chief Prosecutor for the United States in what was the biggest murder trial in human history. I convicted twenty-two defendants selected by me with Taylor's approval. By their rank, I had six or eight Generals, and by their education, Ph.D.s. One of them had two Ph.D.s, "Dr. Rasch." He did the uglier job, he had thirty three thousand seven hundred and seventy-one Jews killed in two days. 29-30th of September, 1941. So, I became the Chief Prosecutor. I rested my case in two days. I convicted all of them. I was twenty-seven years old.

So, those of you who are looking towards ahead, how did you get the job? I told you how I got the job; it was an accident. [Laughter]. And you may think it was a great career. Well, I did have a second case. The Nuremberg Trial, the international tribunal had long since gone, the subsequent trials, led by Telford Taylor, were winding up, and I was looking for a job. There were no other trials contemplated. So, I decided to work on creating a permanent international criminal court. And I worked on that for fifty years. Did you want to know how I did that? I had no idea of course about how I would go about doing that. And so I began to study. I went to libraries, all the libraries I could go—New York Public Library here, the library of the United Nations in Geneva, the library of the United Nations in New York, and the law library. And I kept my notes. And they appear in six items: two volumes on defining international law, which was a big problem then and now, two volumes on the creation of an international court, which now exists, two volumes on enforcing international law, which we haven't even begun to work on. So, I did six volumes, on my own initiative, nobody paid me, I wasn't a professor or anything. Later, they grabbed me and said now you are an adjunct professor at night, at a law school near my home. However, I used that as my springboard for fifty years as I worked to create an international criminal court. And what do you know, I went to the meetings at the United Nations, I went to all of the committee meetings. Some of the people here in the audience also attended some of those meetings.

We have a court. And finally after imprisoning a guy for at least six years, they couldn't put him on trial. That first case, the

Chief Prosecutor Moreno Ocampo of Argentina called me up, “Ben we want you to do the closing statement. You read the opening statement in the Einsatzgruppen Trial.” A plea of humanity to law, the right of all human beings to live in peace and dignity regardless of their race or creed. Now comes the first case of the International Criminal Court, permanent court, now in The Hague. And who makes the closing statement for the prosecutor? Ben Ferencz. And of course, I repeat with the second case. Those are the only two criminal cases that I ever had in my life. [Laughter].

So, if you are expecting a busy career . . . . But things have changed [Laughter], there will be plenty of work to do. Eventually, Telford and I formed a sort of partnership in New York. He had the same problem I had; we had been gone for ten years. I had been gone for ten years because I stayed on to set up the restitution programs. And they were absolutely something novel. I mention this because you are young lawyers, I was a young lawyer and I had seen the suffering of the inmates as the liberator of the camps. Those horrors I don't care to repeat here, but you have seen some of them on film. And my next step was look, to win the war, which I did with maybe some help from Patton; but the next thing was to catch the criminals; and the next thing was to have them sentenced to death, which four of them were actually executed; and the next thing was to do something for the victims, they had always been ignored in the past. I said that's not right. On the principal of law—tort law—if you do harm to someone you have an obligation to try to repair the harm, there is nothing novel about that. And here they had taken these people and killed all the members of their family, they crippled them, and took everything else and nobody says anything about it. No, we have to get compensation, restitution. First, they needed a return of their heirless property. I was designated the, well myself. [Laughter]. The initiative did come from a group of Jewish organizations who had lobbied to the military, government, a law provision saying that property which had been stolen from Jews who have been murdered should be restituted instead of escheating to the state, and the proceeds used for the benefit of survivors. Absolutely logical principle. I had just finished the Einsatzgruppen trial. One of the Jewish organization representatives came and said, look we have this in law, we don't think anything much will come of it, but we have a moral obligation to try, and we think you are the man to do that. We have enough money to pay you a salary for six months, which was about a total of five thousand dollars, and we don't

think any money will come from this. But I think you are the man to try. And I did. I said I will do it. So, I designated myself the Director General, because I know the Germans would be interested in generals and directors [Laughter], and I set up from there.

We don't have time to go into it; you will find my books on the subjects on from that beginning of trying to recover the heirless property, which was a mission impossible. I will give you a little bit of a feeling of why it sounded simple to begin with. Okay, typical case. Mr. Schmidt bought the house of Mr. Cohen. Cohen went to Israel then to New York. War is over, and Mr. Cohen wants his property back. That's between the two of them. Mr. Cohen is no longer here. We don't know; nobody files a claim. Maybe he ended up in Auschwitz. I file a claim. Then, very interesting fact, a little complex but you're lawyers, there was a currency conversion. The Reichsmark was worthless; you couldn't buy a pound of bread with a million Reichsmarks. Zero, zilch. Germany set up a new currency. Reichsmarks were being converted by joining Deutsche Mark. If you had a hundred Reichsmark, you get ten Deutsche Mark, ten to one was the rule. So, if you applied the ordinary principle that Cohen had sold his property for a hundred thousand Reichsmarks, he would be required to return ten thousand Deutsche Mark. The guy who had sold him the house, the former owner, said look "I gave him a hundred thousand marks, you are offering me ten thousand Deutsche Marks." I said, "That is what the law requires." "You are a thief. I pay the mortgage. You Americans bombed the house, I repaired the roof. Who is going to compensate me for that?" I said, "That's not my problem." "Hitler should have killed you first." I was generating anti-Semitism in almost every case. I worked my way out of that, I wrote something on that. An illustration that looked like a simple moral and legal principle becomes absolutely impossible, because of changed circumstances, important ones.

We did the best we could. By the time I left Germany, dealing with restitution, I had a staff of twelve hundred people, and offices in nineteen different countries. The other two components were set up in a small office in Bonn in order to negotiate a new treaty with the West German government, whose Chancellor, devout Catholic Konrad Adenauer, had made a speech saying terrible crimes had been committed in the name of the German People, which he imposed upon them an obligation, legal and moral, to try to make amends. With that opening, we began negotiations. I am sorry I am taking more time than I have been allotted, but as long

as I still have your interest, let me tell you some things that I think you should know. We are going to negotiate with the Germans about compensation for the survivors. First, you need a treaty that has to be negotiated. In terms of a complicated treaty, it brought Israel into the action. The state of Israel had been created. First payment, we said, goes to Israel. What's the theory? Israel was not even in existence at the time the crimes occurred. This West German government was not in existence at the time crimes occurred. Where do you get liability there? You get it because it is the right thing to do. Israel gave refuge to all these people. If they hadn't, they would still be dying in the camps. You would have to be paying for them now. We did you a favor to move them out. They were ready to buy the theory because they were ready to buy the theory.

No precedent, whatsoever, never had happened in human history, that a country would compensate individual claimants. So, I had to have an office to lobby through the legislation. Then you had a million claims coming in. Jews had spread all over the world and they had heirs all over the world. How do you get to them? They had a complicated form they had to fill out; they needed legal aid. So, I sent legal aid officers all around the world. I had offices in Tel Aviv, Haifa, and Jerusalem. I had offices in New York of course, and other parts of the world. Wherever in the world there had been large congregations of Jewish refugees from Germany, we had a united restitution organization legal aid department.

When we had reached the point where I think there were about fifty billion, I don't remember anymore if it was dollars or marks, today it doesn't make any difference, paid out under these programs, I said that is enough. I don't want to raise my children in Germany. I had four kids born in Nuremberg. People say how did you manage that, I said the courts were often in recess. [Laughter]. So, I didn't want my kids growing up in Germany. They were starting to go to school age. So, I took them all home. And I was looking for a job. Well, I knocked around practicing law for a little bit. Telford and I had a similar experience. We'd go to a law firm and they'd say well what clients can you bring? [Laughter]. Well, my clients are all around the world, they all have a tattoo on their arm; they don't have anything else. I never accepted a penny from anybody who was a survivor of a concentration camp. So, what is your experience you bring? If we have to prosecute somebody for mass murder we will call you. [Laughter]. It wasn't easy. Telford was having similar problems; he went to a law firm,

they wanted to know what business he was bringing in. Telford was not a business guy. So, he decided to become a professor at Columbia, and he decided to work his way up in the world, came to Cardozo. [Laughter].

So much for some of these background stories. Then, what I decided to do was, my kids were by that time grown, finishing school, decide I am going to save the world. I am always around people like you who are fleeing the country rather than going to war. Those who went to war, a war which I thought was illegal, many who died, I said I am going to try and prevent war-making. And that is what I've been doing ever since. How am I doing? I'm doing great. Does that mean that we're going to end war? Not now, not yet. But, when I started there was no such thing as Humanitarian Law. Today, you read about Humanitarian Law, publications coming out, teachers specializing in that. Since that time, we are now already arresting heads of state for crimes committed twenty years ago. It's beginning in different parts of the world. The guys who murdered the Jesuits, we got a case running in the United States. We are, of course, catching Nazi leaders once in a while, and concentration camp guards, and deporting them. Small fry. But, but, but, what a change, what a change. We are recognizing the leader of de facto inhumane conduct, and the obligation, possibility, and capability. That is where you come in. Because it is the beginning of a process. I am delighted with the progress that has been made. And I know who is getting killed today; and I know how difficult it is to run the courts; and I know how they spend a lot of money on all that, and it is a prototype. But, there was a time when one computer would fill this room, now it just fits in your pocket. So, it will be the same with the law; it will change. But it takes a while to get there.

It'll take more time than I've got left. And so my friends, now as the dark shadow roams and the possibility that I may have to drop this banner, which I hold so high, someone here or someplace else will have to pick it up. I can't promise you an easy living; it's not easy. I can't promise you big financial success; it doesn't matter, you can make money someplace else, use your brain and imagination someplace else. But, I have never for a moment regretted it, my choice of career. The praise that I hear at a place like this is embarrassing to me. I said, who me? [Laughter]. So, I am glad to be here. I appreciate the efforts which have been made, deeply, because the name Cardozo Law always meant something to me when I practiced. And I want to express my appreciation and my



thanks to you, and to wish you all the very best of luck. [Applause].

LARA TRAUM: Thank you for those wonderful words. And thank you everyone for joining us. We will have a reception on the fifth floor in the faculty lounge. If you are a guest to Cardozo, you can ask a student or a faculty member, we will escort you there. Thank you. [Applause].

