Engagement and the German-Jewish Legacy

Aryeh Neier

I was an infant when I left Berlin and recall nothing of my life in Germany. My first memory is of the boat that brought me to England in 1939 and the images are so hazy that it seems possible that I have only imagined this recollection of that voyage at an early age. Any claim that I might have to a German-Jewish legacy is further diminished by the fact that my parents were not actually German Jews. They were born around the turn of the century in what is now Poland and went to Berlin in the years following World War I. Accordingly, the family sojourn in Germany spanned less than two decades. Moreover, as the principal language we spoke at home after we got to England was English, I grew up knowing only a smattering of German.

Despite such tenuous links, I tend to think of myself as an American (having migrated to the United States with my parents a couple of years after the end of World War II) with a German-Jewish heritage. It is not possible for me to assert a cause-and-effect relationship between that way of identifying myself and the particular way I have lived my life. I find myself unable to look back and say that I have followed a certain path for a single reason; there have been too many influences to sort out, and chance has played too large a part, for me to be able to attribute the choices I made with such precision.

At the same time, defining myself as of German-Jewish origin has made me unable to imagine a life in which I would not be engaged in dealing with what I think of as vital public issues. Even when I was in high school and college in the 1950s—at a time when American students were commonly known as a "silent generation"—I was deeply engaged in various causes. And, in the thirty years since I left college, there has never been a moment when I was not principally engaged in that way.

In my case, of course, my identification of myself as of German-Jewish origin had a special cast because I began conscious life as a refugee. I spent a year at a hostel for refugee children in England before

being reunited with my family in London, and I was always aware that I was an exotic species in the otherwise homogeneous schools I attended in England because I had been born in the country with which England was at war; because I was a Jew and, therefore, exempt from the compulsory prayers with which every school day began; and because I was a refugee. I was also conscious that my distinctive situation in those English schools was attributable to the contradictions in my background. That is, we had fled to England and I had become a refugee because it was no longer possible to be a Jew in Germany. German Jews, and the achievements of German Jewry, were on the way to extinction in Germany. Accordingly, thinking of myself as a German Jew meant thinking of myself as different from all my school fellows and believing that existence itself could be imperiled. That I have never been able to picture myself except in the middle of a struggle over vital issues has seemed to me, therefore, an inevitable consequence of my background and of the circumstances of my childhood.

The matter of my background has become a public issue from time to time, especially on the occasions during my fifteen-year tenure on the staff of the American Civil Liberties Union when I was called upon to defend freedom of speech for Nazis. It happened fairly frequently. I joined the staff of the ACLU in 1963, not long after the organization had successfully challenged New York City's denial of a permit to George Lincoln Rockwell to hold a demonstration in Union Square Park. Several hundred members of the ACLU had resigned in protest over the Rockwell case—the first of many in which the ACLU defended his free speech rights before he was assassinated by one of his Nazi followers in 1967. On one occasion in 1966, I had accompanied Rockwell and a rival who had formed an even smaller Nazi party to a hearing at which several New York State legislators were attempting to promote their own political careers by purporting to investigate Nazi influence. I testified at the hearing about the inappropriateness of such inquiries concerning beliefs, expression, and association and found myself reviled in some quarters because I, a Jew and a refugee from Nazi Germany, had taken on the defense of the First Amendment rights of American Nazis. I believe it was on this occasion that I first heard the expression "self-hating Jew" which was used with some frequency in subsequent years.

On another occasion, a couple of years later, I traveled to Toronto to take part in a television debate about whether the Canadian Broad-

casting Company should broadcast an interview with a Bavarian neo-Nazi leader, Adolph von Thadden. He had been scheduled to go to Toronto for the interview, but the protests were so vehement in that city, which has a large Jewish refugee community, that CBC canceled his visit to Canada. Instead he was interviewed at his home in Germany and the film of that interview was shown on Canadian television after I debated the president of the Canadian Jewish Congress over whether it was permissible to show it. When I arrived at the CBC studios, I encountered a large picket line outside denouncing me, again as a Jew and as a refugee from Nazi Germany, for taking on myself the defense of free speech for von Thadden.

Of all such controversies in which I got involved, none was more virulent than the battle in 1977 and 1978 involving a tiny neo-Nazi group's effort to demonstrate in Skokie, Illinois. Although this took place more than a decade ago, the story is still well known.

A self-styled Nazi leader, Frank Collin—who turned out to be the son of a Max Cohn who had himself been interned in Buchenwald and changed his name to Collin after migrating to the United States—sent letters to several suburban communities around Chicago expressing an intent to hold demonstrations. Most of the communities ignored the letters, but Skokie, with a large Jewish population that included hundreds of concentration camp survivors and their families, responded by saying it prohibited such a demonstration. Collin sought the help of the American Civil Liberties Union in taking the matter to court.

Much of the public abuse for defending this group of Nazis focused on the Chicago staff lawyer for the ACLU who represented Collin, David Goldberger. But as I was the national executive director of the ACLU, I frequently spoke out on the matter, and my own background as a refugee from Nazi Germany became an issue. Rabbi Meir Kahane—still a resident of the United States—and his colleagues in the Jewish Defense League conducted disruptive demonstrations inside our offices. JDL members also followed me home to learn where I lived and used the occasion of Hitler's birthday to present the receptionist in our office with an obscene gift for me. I was not much more pleased by the actions of some of those who supported the stand we took. On one occasion, a prominent television producer wrote and paid for full-page advertisements to appear in newspapers across the country that described my background, noted my role in the ACLU

and the ACLU's defense of free speech for the Nazis, and concluded with the line "That's what America means to me" and his signature. Fortunately, he decided to telephone me just before the advertisements were published to let me know they would appear and I was able to persuade him at the last moment to withdraw them.

Looking back on the Skokie battle, I am more persuaded than ever that it was the right thing to do. Though no great legal precedent was established, the case seems to me to have had a lasting symbolic significance. Though the Skokie matter was highly controversial at the time, and no doubt many still would argue that those identifying themselves with the views of Nazis do not deserve free speech and that their rights should not be defended by Jews (much less Jews who are themselves refugees from the Nazis), the actions of the ACLU in that case have also secured a high degree of public acceptance. In the process, the public conception of freedom of speech has been expanded; the understanding has grown that defense of civil liberties means defending those you don't agree with and, indeed, defending even those whose views may be anathema to their defenders; and the realization has spread that liberty can only be protected through adherence to principle.

Since engagement is what I consider the main legacy of my background as a Jew born in Germany and forced to begin life as a refugee, it never occurred to me to try to avoid battles such as the one over Skokie, or any of the hundreds of others that I have taken on in a career as a professional advocate for civil liberties and human rights. My understanding of my own legacy is that its tragic aspects derive to a certain extent from the reluctance or failure of many persons in many quarters to engage in struggles over matters of principle. Since I have the advantage of hindsight, I have no excuses for not engaging. It was a twist of fate that placed me in a spot where I was engaged at one stage in my life as the defender of civil liberties for Nazis. But I do not believe that I was deceiving myself when I asserted then, as I would assert today, that the defense of rights for all, even Nazis, is just what is needed to ensure that Nazism never again prevails.