

RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY

NEW BRUNSWICK

AN INTERVIEW WITH ARYEH NEIER

FOR THE

RUTGERS ORAL HISTORY ARCHIVES

INTERVIEW CONDUCTED BY

SHAUN ILLINGWORTH

NEW YORK, NEW YORK

JULY 10, 2015

TRANSCRIPT BY

JESSE BRADDELL

Shaun Illingworth: This begins the third interview session with Aryeh Neier for the ACLU Oral History Project at Rutgers University's Oral History Archive on July 10, 2015 in New York, New York. Thank you very much for having me here again.

Aryeh Neier: Glad to do it.

SI: Last time we left off, we were talking about how you left the organization and the job as National Executive Director. You then, the next year I believe, published a book, mostly related to the Skokie case. [Editor's note: *National Socialist Party of America v. Village of Skokie* was a famous case in 1977 regarding the right to free speech, in which an ACLU lawyer named Burton Joseph successfully defended the right of members of the National Socialist Party of America--formerly the American Nazi Party--to march through Skokie, Illinois, which had a large Jewish population. In 1979, Mr. Neier wrote *Defending My Enemy: American Nazis in Skokie, Illinois.*] Can you tell me about how that came about and why you felt strongly to write on that subject?

AN: Well, the Skokie case had attracted a great deal of attention and I was eager to put forward my reasons for wanting to take on the defense of free speech for the American Nazis. I wrote the book at great speed. I knew all the information; didn't have to do any research. I think it took me less than three months to write the book. It was just something I wanted to do and felt it would be a good thing to do.

SI: It was more personal motivation. Was there anybody from the ACLU saying, "Well, we should explain this?"

AN: No, no. This was strictly my effort and I didn't start working on the book until after I left the staff of the ACLU.

SI: Which was about a year and a half after Skokie?

AN: I left at the beginning of October 1978. The Skokie case had actually endured, I think, for about fifteen months, from March or April 1977 to about June 1978. It wasn't that long after the end of Skokie that I left. In fact, I think I probably announced my departure before the Skokie case was entirely resolved, but at that point it was fairly clear what was going to happen.

SI: Once you left the ACLU, did you want to just spend some time, almost like a sabbatical?

AN: Yes, very much so. A few months earlier, in 1978, I had received a call from Robert Bernstein who was the Chairman and CEO of Random House Publishers. He wanted me to join him in creating a Helsinki Watch Committee. He did this because he was, at that point, also the chairman of the Association of American Publishers. In that connection he had travelled to Moscow to sign a copyright agreement with the Soviet Union. While he was in Moscow he visited some of the Russian authors that Random House published and those gave him an awareness of political persecution in the Soviet Union. So he came back eager to do something. There had been a Moscow Helsinki group established in 1976; the members--or most of the members--were being imprisoned at that point and so Bernstein wanted to launch an effort in the United States to assist them. He asked me to join him in this. I agreed to do so. I had known him fairly well because on behalf of the ACLU, we had been active in a couple of cases jointly with Random House. They had published books by former CIA agents and the CIA had tried to

cancel the books. The ACLU represented the former CIA agents. Random House represented itself in the litigation. We had dealt jointly with those free speech cases, and so that was the basis on which he called me. I helped him put together a Helsinki Watch Committee and we got initial funding for it. Then, after I announced my departure from the ACLU, he and others associated with this effort, asked me if I would become the director of the Helsinki Watch. I said, "No." I said I was tired because of my fifteen years at the ACLU. I was looking for something equivalent to a sabbatical. I made an arrangement with New York University. I became a visiting professor of law at New York University and also a fellow of a newly established humanities institute at New York University. Then I got another call, I think the day after the newspapers carried the story that I was stepping down as ACLU Director. I got a call from the head of a foundation called the Twentieth Century Fund. Their practice was to commission books on public policy issues. It's now called The Century Foundation. The President of what was then called the Twentieth Century Fund asked me would I like to do a book for them. I said, "Yes." We worked it out. I gave them a proposal for the book. They gave me a grant for the book. That led to a book I published somewhat later called *Only Judgment*. In the interim, I did the *Defending My Enemy* book very quickly. So I spent the time at New York University teaching at the law school, serving as a fellow of the Humanities Institute--none of that took very much time. The work on the book didn't take very much time. I travelled quite a lot during that period. I had been invited to go to South Africa because there were newly established public interest law centers in South Africa. One of them was being established at Witwatersrand University. It's known as Wits. The dean of the law school, John Dugard, was stepping down and was becoming the director of this public interest law center. He asked me, would I come to South Africa to advise them on how to operate this public interest law center, and I did. I went to South Africa for a month. It was also during this period that I made my first trip to Asia. The Indian Consul in New York invited me to go to India at the expense of the government of India to lecture at the University of Calcutta and to the Bombay Merchants' Association. I travelled to India for three weeks. I went to a human rights conference in Italy during this period. I did quite a lot of travelling and spent my time on a fairly relaxed basis for essentially about two and a half years following my departure from the ACLU. Ronald Reagan became President in January 1981. Reagan immediately made clear that he was going to repudiate the human rights policy associated with Jimmy Carter. So I went back to Robert Bernstein, who had asked me to head the Helsinki Watch, and I said, "Now I'm ready to do that on the basis that we would build on the Helsinki Watch, which was focused entirely on the former Soviet Bloc countries." I said, "I'm happy to do that, but I also want to build it into an organization that would deal with human rights on a worldwide basis." Bernstein and the others associated with the group agreed. In early 1981, I became the executive director. I had been vice-chair before I was on staff and I retained the title vice-chair, but effectively, I was the executive director of the new organization, which evolved into Human Rights Watch.

SI: How did your time at the ACLU prepare you for Human Rights Watch? They are two very different organizations in many ways.

AN: They're very different and yet, I brought to the effort to deal with human rights internationally a lot of what I had learned at the ACLU. It turned out that some of the people with whom I was particularly associated at the ACLU, had also made a transition into working on human rights internationally. At the ACLU, one of the people with whom I had collaborated

was a woman from Mississippi named Patricia Derian. I had been very impressed with her and persuaded her to run for the board of the ACLU and also for the executive committee of the ACLU. She had been a housewife in Mississippi. She had started as a nurse, married a surgeon who was a professor of medicine at the University of Mississippi in Jackson, and she started to become prominent in civil rights when Jackson, Mississippi closed its public schools in order to prevent desegregation. As a Jackson, Mississippi housewife at that stage, she led an effort to keep the schools open. That led to her prominence in the civil rights period. When the Democratic Party disaffiliated the Mississippi Democratic Party because it was all white and seated an integrated democratic party at the Democratic Convention in--I guess, this must have been 1972--she became the National Democratic Committee Woman for Mississippi. She was the white National Democratic Committee woman and a black pharmacist from Clarksdale, Mississippi was the National Democratic Committee Man. So she also became a factor in Democratic Party politics. When Jimmy Carter ran for President in 1976, he got to know her. When he became President, she had been active in civil rights in the United States; and she was on the ACLU board. He wanted to launch a human rights policy. President Carter made her the first person to hold the post of Assistant Secretary of State for Human Rights. She was the foremost public official in the United States with a responsibility for dealing with human rights internationally. At that moment, there wasn't much of an international human rights movement, but she was one of the people I immediately started working with. She had been my colleague from the ACLU and had become prominent in human rights internationally as well. There were a few other people who also made that transition from promoting rights domestically to promoting rights internationally. I became the Director of Human Rights Watch and built the organization, and was employed as director from 1981 when Reagan was inaugurated until 1993 when I shifted to the Open Society Institute.

SI: During that time period, was there any kind of work done in tandem with the ACLU?

AN: Yes.

SI: I know later on there would be like the Guantanamo Bay issue that Human Rights Watch would work on.

AN: Yes, there was some. Not a huge amount. But I changed the Human Rights agenda in the sense that the human rights agenda, up to that point, had focused only on politically motivated abuses of human rights. So if somebody was a political dissident and was tortured, that was a human rights case. But if in ordinary police practices some place, the police tortured criminal suspects, human rights organizations, up to that point, had not gotten involved. But I had the background of the ACLU and I wanted to pursue, in the international field, a civil liberties agenda. I focused some of the work of Human Rights Watch on issues like police abuses, prison conditions for ordinary prisoners, women's rights and a number of others issues, which were also part of the civil liberties agenda. Concern with those issues became characteristic of the work of Human Rights Watch. Over time, Human Rights Watch influenced others in the international human rights field. Today that's the that way virtually all human rights organizations operate, but that had not been the case in the 1970s. It really came as a result of the work of Human Rights Watch.

SI: Was that difficult to sell to people, this expansion of the idea?

AN: There were difficulties. The Ford Foundation had been, at the outset, the leading financial supporter of Human Rights Watch, but at that point, the Ford Foundation staff people dealing with human rights were former staff people of Amnesty International. They were very much focused on the traditional human rights agenda and didn't like our expansion of the field. At one point, the Ford Foundation cut its funding for Human Rights Watch. The issue was our entry into the women's rights field. That was the proximate cause. Today, the Ford Foundation couldn't be more supportive of women's rights as a component of a human rights effort, but that wasn't the case thirty years ago.

SI: After you left the ACLU, did you still remain involved in terms of offering advice to former colleagues? Did they ever call you in for any issues?

AN: To a limited degree. I had known for a long time my successor at the ACLU, Ira Glasser, but I was not close to Ira Glasser and I disagreed with him on a number of issues. I remained close to the Chairman of the ACLU, Norman Dorsen and then when Norman was eventually succeeded as Chairman by Nadine Strossen I remained close to her. The phone call I took just before you came was from a long time ACLU colleague, a woman named Ramona Ripston. Ramona retired a few years ago. She was the director of the Southern California ACLU. She had started working for me at the ACLU many years earlier. I think I first hired her in 1965 at the New York Civil Liberties Union, fifty years ago. Ramona was somebody I was close to and she stayed in touch with me all during this period. It varied according to individuals within the organization. There were people with whom I had a close relationship and others with whom I did not have that relationship.

SI: To follow up on some issues related to your time at the ACLU, I happened to interview Burt Neuborne recently and talked about these lunches at the NYCLU. They sound like very free flowing idea sessions and that sort of thing. He was there. Was Bruce Ennis part of that?

AN: Yes.

SI: You and Ira Glasser. It got me thinking about how many people you hired that you made that had a huge impact on the organization.

AN: Yes. Bruce Ennis and Burt Neuborne, I think, were among the most talented people who I hired. Ruth Bader Ginsburg was another of the very talented people I hired at the ACLU. There are a number of very effective people.

SI: Is there a style that you try to follow in terms of hiring?

AN: I took hiring very seriously. It seemed to me that if you got somebody truly outstanding, it made an enormous difference. I remember the hiring of Bruce Ennis. I think Bruce came initially because he was a friend of Burt Neuborne who was already on the staff and that's how I initially came in contact with him. Bruce told me, when I first interviewed him that he had seen me debate William Buckley on television. He had liked that very much and he was eager to work for the organization because of my debate with Buckley. What happened in the case of Bruce was I had gotten funding at the New York Civil Liberties Union to create a project, Civil Liberties and Mental Illness, dealing with commitment of the mentally ill to institutions and rights in that process and so forth. There were a certain number of lawyers who were working in

that field at that moment and I interviewed everybody I could find who had worked in that field. None of them impressed me. I finally decided that it would be better to try to find somebody who would be very creative and very effective, but who would have to learn the field, who wouldn't come with a background in the field. Bruce was one of the people I had interviewed because of his general interest in working for the organization, and I had been very taken with him. Before hiring him, he had no background whatsoever in dealing with the issue of civil liberties and mental illness. He spent the first few months on staff delving into the field and learning about it. But after that, he had a transformative impact on the field. Bruce died a number of years ago, but if you look back at the significant legal developments in that field, Bruce was the key person in virtually all of them. He turned out to be one of the best people I ever hired in any capacity. I put him absolutely at the top of the list. Finding somebody of that talent is very important. Now, in the women's rights field--when we created the women's rights project at the ACLU again, I wanted to know who was out there, who had acquired some experience in that field. I was told about this woman who teaches at Rutgers, who had done some work for the New Jersey ACLU on women's rights, and she's good. I got in touch with Ruth Bader Ginsburg. It turned out to be a moment when various law schools had all decided they needed to have a woman on their faculty. So there was a bidding war for her. Harvard Law School wanted her. Columbia Law School wanted her. She was particularly interested in Columbia because her husband was a partner in a New York City law firm and she had to commute to Rutgers. She much preferred to be able to work in New York City. She wasn't interested in Harvard on those grounds. She was very interested in the Columbia offer, but I talked to her about working at the ACLU and we worked out an arrangement where she spent two-thirds of her time at the ACLU and one-third of her time at Columbia Law School. In fact, she taught one course there and used her students at Columbia Law School as her assistants in the litigation she was handling for the ACLU. In that case I found somebody who did have the experience in the field and turned out to be an outstanding choice, but Bruce didn't have that experience.

SI: That reminds me. Another thing I was reading about Justice Ginsburg's early ground breaking work was the fact that it focused on a number of the cases where the people bringing the case were men not women.

AN: Well, Ruth's approach was she thought it was necessary to challenge sexual stereotypes. Very often it would be the case that the men were in circumstances where bringing litigation with them as the plaintiffs would serve that purpose of challenging the sexual stereotype. One of her prominent Supreme Court cases, involved a man who was the husband of a woman in the military. There were spousal housing benefits, but the housing benefits for male spouses of women in the military were not the same as the housing benefits for women who were married to males in the military. Another case in the US Supreme Court involved a man whose wife had died and it was a question of Social Security survivor benefits. He needed the benefits for childcare purposes, but the benefits available to a male survivor were less under Social Security than the benefits available to the female survivor. Another case involved the age at which one could purchase beer in Oklahoma. Women could purchase 3.2 beers, I think, at eighteen. Men had to be twenty-one to purchase that beer. But there were also cases where women were the plaintiffs. The first US Supreme Court case in which Ruth took part was *Reed v. Reed*. That involved an Idaho law, which provided that where there were potential executors of an estate

who were male and female, preference should be given to the males to be the executors. She argued that case on behalf of the woman who was excluded from being the executor. But the approach was this challenge to sexual stereotypes and whether it was males or females who were the plaintiffs, she could make that argument.

SI: Did that cause any issues with the board or the funding groups?

AN: No. The board was very supportive. On the ACLU board there had been a couple of women who were very long time advocates of women's rights and had always wanted the ACLU to get more deeply involved in women's rights. They were delighted with the fact that she was hired. Ruth paid tribute to them. The two women who had been the long-term members of the ACLU board were a woman named Dorothy Kenyon, who had once been a judge in New York, and a woman named [Anna Pauline] "Pauli" Murray, who was an African American. Ruth put their names on briefs that she filed with the US Supreme Court. They really didn't do any of the writing of the briefs, but Ruth was eager to pay tribute to them and put their names on the briefs.

SI: In general, in looking at the various projects that were either set up or further bolstered during your time there, and this relationship with the foundations that were funding them, there were a lot of positive effects, but others have brought up that it did segregate the action at the ACLU in terms of lawyers are only working on one issue, things like that. Do you think it was a weakness or had a negative effect?

AN: I think it strengthened the organization. While I had been the director of the New York Civil Liberties Union, we had established a tax-deductible. I had succeeded in getting foundation support for a number of projects at the New York Civil Liberties Union. The first was a project dealing with police practices. I think the second was the civil liberties and mental illness project and the third was a students' rights project. Then, when I became the national executive director of the ACLU, the national organization had also just established a tax-deductible entity and I wanted to exploit the opportunity that provided. So as soon as I became the Executive Director of the national ACLU, I set about trying to establish a number of projects in specialized areas to use that tax deductible entity to get foundation funds to be able to expand the work very significantly. That succeeded. I was able, in fairly short order, to significantly expand the work of the national ACLU through those projects. What it did mean is that when the Board of Directors of the organization dealt with the budget, it essentially dealt with the general funds coming into the organization. You couldn't quite use the same budgetary approach to those special projects because they were funded by earmarked grants from foundations. So if you got an earmarked grant it wasn't as though you had the flexibility to shift the funding to some other activity. A certain degree of flexibility was eliminated by that because the funds were earmarked for those purposes. I only set up those projects with the board discussing each of the projects in advance and agreeing that they wanted to move in that direction. So, it altered the budget process, but it didn't diminish the board's control.

SI: Another topic I wanted to ask about during your time as National Director was your approach to the affiliates. We talked, in one of your interviews, about your work in the early '60s building up various affiliates. Once you were the national director, what did you see needed to be done with the affiliates? What was your overall view of how best to use those?

AN: I think the affiliates are the distinctive feature of the ACLU. It meant that one had the capacity to deal with issues everywhere in the country, that there were local people who were organized to protect civil liberties and they could respond to a local matter and provide protection. Much of the time, they did those things entirely on their own without the involvement of the national office. It also provided the capacity that when we were dealing with an issue on a national basis we could have an impact all around the country through the state affiliates. So trying to strengthen the state affiliates was a crucial part of the work as far as I was concerned. I spent quite a lot of my time on the road travelling to the affiliates, visiting all of the affiliates, and in many cases, visiting them quite frequently. I mean there were places, which I only went to once. [For example] I went to the Hawaii affiliate only once and the Alaska affiliate only once because they were very far away and you had to take a long trip just to get to that affiliate. You couldn't go see three or four affiliates in the immediate vicinity, which is the way I tended to deal with other parts of the country.

SI: Were there areas that you saw a need to build up in particular?

AN: Yes. We were not well developed in the Mountain States and before we had established affiliates in a number of the Mountain States. I established a Mountain States Regional Office. We had an affiliate in Colorado, but I put the Mountain States Regional Office in Colorado as well because Denver had the best transportation connections to all of the Mountain States. Among other things, [I] hired a specialist in Indian rights as a lawyer for the Mountain States Regional Office. [Editor's Note: Aryeh Neier is referring to Stephen Pevar, who served as Regional Counsel for the Mountain States Office and later, Senior Staff Attorney for the ACLU.] We were better developed in the south than we had been in the Mountain States region, but there was also a need to continue to build up the ACLU in the south.

SI: You mentioned in the early '60s you had established a Regional Southern Office in Atlanta.

AN: Yes, in '64.

SI: By that time had that office gone away and local state based chapters--?

AN: We maintained the Southern Regional Office. Throughout my tenure at the ACLU, the Southern Regional Office was maintained. I think, in a fashion, it's still there in this respect. I think the only staff member who worked for the national ACLU during my tenure who is still at the ACLU is a lawyer named Laughlin McDonald. Laughlin was an attorney from South Carolina, who had been associated with the Southern Regional Office in Atlanta and litigated on voting rights, election law issues, jury discrimination, et cetera. The national ACLU, I think today, maintains an office in his hometown, Columbia, South Carolina, basically as a vehicle for Laughlin McDonald to continue that sort of work. I think he's partially retired (...?), but I think he's still active in a certain amount of litigation on those issues. I think he's the only one from my day--he started work for the ACLU in 1967, so forty-eight years ago. By the way, you had asked earlier about relations with the National ACLU after I left the ACLU. My relations have been particularly close to the national ACLU since 2001 and since the current executive director came in, Anthony Romero. I have maintained very close relations with him. I'm scheduled to have dinner with him this coming Tuesday evening. I see him all the time. I talk to him all the

time. He uses me as a kind of advisor, or counselor, on a constant basis. So I've had the closest relations, really, during the last fourteen years since he became the Executive Director.

SI: That brings up another thing I wanted to ask about. One of the topics that has been covered in other interviews is the very open spat between Ira Glasser and Anthony Romero.

AN: I've been very much on Anthony Romero's side.

SI: Do you have any comment on that whole issue?

AN: Well, first, I'll tell you how I think the quote, "spat," came about. I think Ira had been supportive of Anthony as the choice to be the executive director. Anthony had been at the Ford Foundation before that. Then the relationship turned sour very quickly. I think the reason it turned sour is that when Anthony became the executive director, he made a number of staff changes and that included dropping a few people who were particularly loyalists of Ira Glasser. Anthony did not think highly of their performance and, I think, Ira was furious that the people who were particularly close to him were dropped from the staff. I think that was the cause of the spat. The relations grew embittered and Ira had cultivated a relationship with a woman at the *New York Times*, Stephanie Strom, and was influential in getting her to do a number of stories that were antagonistic to Anthony. So that got to be a very bad relationship. I thought extremely well of Anthony. He came in as executive director, six days before September 11, 2001. September 11th posed a huge challenge, very many civil liberties problems. I thought he rose to the challenge and dealt with those issues extremely well. He made a couple of mistakes. I didn't think they were immense mistakes, but he didn't come out of the organization. I came to the executive directorship of the ACLU having been the director of the New York Civil Liberties Union for a number of years before that and having worked for the national ACLU before I became director of the New York Civil Liberties Union. Ira Glasser came to the national directorship having been the director of the New York Civil Liberties Union. So when you have that experience in the organization, you avoid certain mistakes. You learn how to do things. Somebody coming in from the outside without a background is, I think, more susceptible to making mistakes, but they weren't big and they could readily be overcome. I thought his handling of September 11 and the civil liberties crisis after it was immensely important. I was also very critical of Ira Glasser's performance in two main respects. One respect, but that hasn't really changed, is he became deeply entrenched in the argument that money is speech and is a great supporter of the Citizens United decision by the US Supreme Court. I think that's all wrong. I am very much opposed to that. People like Burt Neuborne and John Shattuck and Mort Halperin and I and Norman Dorsen have submitted briefs to the US Supreme Court, opposing the ACLU's position on campaign finance issues because we think that position is all wrong. But Ira was a hundred percent committed to that position and the ACLU became entrenched in what I thought was a complete mistake so far as civil liberties is concerned. Then the other issue is the period of Ira Glasser's tenure at the ACLU precisely coincided with the huge increase in incarceration in the United States, and the ACLU did nothing to challenge mass incarceration as it was taking place. It was oblivious to what was going on. I think that is the organization's biggest failure in the years since I first became associated with the organization. That has all changed under Anthony Romero. He has attempted to address that issue and mass incarceration has leveled off in the United States and declined slightly. The woman Anthony put in charge of the work on that, Vanita Gupta, is outstanding. She was hired away from the ACLU and she is

now the Assistant Attorney General of the United States in charge of the civil rights bureau and she's trying to deal with that issue from her government position. He couldn't have found a better person to put in charge. If I think of the good hiring I have done, I would put Anthony's hiring of Vanita Gupta and his placement of her in a top position on a level with the best hiring that I did. So I have been very supportive of the way Anthony has dealt with the ACLU. Anthony has immensely strengthened the affiliate structure. There are now affiliates in every state, staffed offices in every state, attorneys in every state. He really went out looking for funding, specifically to strengthen the affiliate structure.

SI: So just to go back to your own career, in 1993, you made the transition from the Human Rights Watch to what became the Open Society Foundations. Why did that take place and what attracted you?

AN: There were a couple of reasons. I had gotten tired after fifteen years of the ACLU mainly because to do a job like that you have to spend a lot of your time raising money. Human Rights Watch had become bigger and bigger, and that also involved an immense amount of fundraising. So the temptation to shift to the other side of the table where I would give money away rather than have to go hat in hand looking for money was extremely attractive. At a certain point, I was having a dinner with George Soros and I told him that I had grown tired of the fundraising and he said he had gotten to the point where he couldn't manage the Foundations himself, and over dinner we agreed that I would shift from Human Rights Watch to become President of the Foundations. The other factor that was involved at that moment is that the war in Bosnia had gotten under way in April 1992. I started here in September 1993. The war in Bosnia had a strong effect on me. The Cold War had recently ended. The Berlin Wall had come down. It looked like great headway was being made on behalf of human rights. Then you have, in Europe, something [that] involved ethnic cleansing. It really was having a genocidal impact in Europe. What could you do about Bosnia? We got deeply involved at Human Rights Watch, but George Soros had also been very affected by it and he had put up fifty million dollars to try to be helpful with respect to Bosnia. He had asked me to serve on a small committee that would be in charge of those expenditures with respect to Bosnia. The temptation to be able to command sums like that, to address issues like Bosnia, was very attractive. So that was the other significant element.

SI: You became involved in the War Crimes Tribunal.

AN: Well, what happened was, as I said, the war in Bosnia started in April '92. There had been the war in Croatia previously, starting in June 1991. Early on, it became clear that there were really terrible things going on in Bosnia. The way in which international humanitarian law, the laws of war, were interpreted, up to that time--the law has changed since then--but up to that time, the concept of war crimes only applied to international armed conflicts, not to internal armed conflicts. In my work at Human Rights Watch, we had dealt with a great many internal armed conflicts--the wars in Central America, the war in Angola, the war in Mozambique. There were many other internal armed conflicts. Bosnia involved three internationally recognized states: Serbia, Croatia, and Bosnia. Therefore, as a matter of international law, the crimes that were committed in Bosnia met the test of war crimes. In a report, which we published in July 1992, about three months after the war started, I wrote for that report, a call for the establishment of a war crimes tribunal. By chance, that report was published immediately before the question

of camps became an issue with respect to Bosnia. What happened was that on August 1, 1992 a journalist named Roy Gutman working for *New York Newsday*, published a story, a very detailed story, on two camps that he had identified in Bosnia. The stories reminded many people of the Nazi death camps. The US State Department holds a noon press briefing and, that day at the noon briefing, journalists asked the State Department spokesperson, could he confirm what was written in Roy Gutman's stories about these camps. He said, "Yes." That made Gutman's story about the camps in Bosnia news worldwide. That is, the State Department had said that there were these camps and they functioned in the way in which Roy Gutman described them in those stories. Suddenly, everybody was looking for a response to the camps, because the camps meant Nazis, they meant war crimes. What could you do? So we had just issued this call for a war crimes tribunal not knowing about the camps. We didn't know about them before Gutman's story. But a lot of people then grabbed the idea of a war crimes tribunal and it caught on. By October, the UN created a war crimes commission. By December, the US Secretary of State, then Larry Eagleburger, called for a war crimes tribunal. By February, the UN adopted a resolution calling for the establishment of the Yugoslav war crimes tribunal and by the next May a detailed plan for the war crimes tribunal was adopted by the UN. For UN procedures, that was lightning fast. Our call for the war crimes tribunal probably had a crucial impact in leading towards its creation, but it was an accident of timing. It was just before everybody became aware of the camps and that's what really led to it.

SI: In continuing your work here at the Open Society Foundations, have there been any joint projects or places where you worked closely with the ACLU?

AN: Yes. When Anthony became the director--and we'd given some small grants before that. When Anthony became the director of the ACLU, our funding for ACLU projects increased significantly. At a certain point, I suggested to Anthony that we stop giving project grants and instead roll them into a single million dollar a year grant to the ACLU. But after that, when the ACLU demonstrated its capacity to deal with mass incarceration, we have given a 100 million dollar ten-year grant to the ACLU. I'm sorry it's not 100, no. I'm confusing it with the Human Rights Watch grant. That's 100 million dollars. The ACLU grant is 60 million over ten years.

SI: Are there any other aspects of your work with the ACLU either during your time there or afterwards that stand out that you want to talk about?

AN: Well, I've been very happy to see Human Rights Watch and the ACLU collaborate on a number of things. I've always been eager to foster that kind of collaboration. When I stepped down as the Open Society Foundation president, the Open Society Foundations established a fellowship in my name jointly with the ACLU and Human Rights Watch. So the fellow spends a year at Human Rights Watch and then a year at ACLU. That's a permanent arrangement. Another effort in connection with the ACLU, I particularly fostered ACLU contact with civil liberties organizations in other countries. A number of times I've arranged for staff members of civil liberties organizations in other countries to do internships at the ACLU, which has fostered a relationship. That has led to the creation of--it's now several years old--an international network of civil liberties organizations. It has a number of funders. The Open Society Foundations are a funder. The Ford Foundation is also a funder of this international network of civil liberties organizations. Its members include organizations in the United Kingdom, and

Hungary, and South Africa, and Egypt, and Argentina, and a number of other countries. That's also something I've worked on.

SI: I am just personally curious, when you are typically involved in Human Rights Watch and other areas you must be travelling around to these different affected areas. Is there a time when you felt endangered or are you always a part of some official delegation?

AN: No. I wasn't part of an official delegation. I don't feel as though I was ever in great danger. There were a few times when things were a little hairy. In my early years at Human Rights Watch, I used to travel to the Central American countries quite a lot. In El Salvador, there'd be times when you'd be in a vehicle and you'd get stopped at a military checkpoint, and people who looked as though they were fourteen years old, carrying big guns, would come into the vehicle to search you. That was an unsettling and unpleasant experience. One time in El Salvador, I had gone to a camp for internally displaced persons and a military raid on that camp took place while I was there. The military was always looking for guerrillas who might be mixing with the displaced persons. So those raids on the camps for the displaced were unpleasant things. In El Salvador also, I flew on tiny planes, which held four people to get to parts of the country where the military had bases, but were basically controlled by the guerrillas. It was always unsettling. My wife was always relieved when I got back from those trips, but I was never in very real danger. In connection with Bosnia, when I was going to Sarajevo during the war, and I went many times, one went in on UN relief planes and you wore helmets and flak jackets. When I would go on the relief planes, like some other people, I would take the jacket off and sit on it because if somebody was firing, the bullets would come up at me. I got stopped at military checkpoints in Bosnia a number of times. As I say, that was always unsettling. I found one person who was extremely experienced in doing that sort of thing and I used to like to travel with him when I went to Sarajevo because I felt more comfortable having him guide me on how to behave at various points than deciding myself how I should behave. That's the closest I've felt to danger, but no specific instance where I was in really significant danger.

SI: Well, thank you very much for your time today. I really appreciate it. If there is any other written follow-up, I will let you know but you have been very open and candid during these interviews and I really appreciate it. Thank you.

AN: I enjoy doing it.

SI: Great.

-----END OF TRANSCRIPT-----

Reviewed by Molly Graham 1/29/2016

Reviewed By Aryeh Neier