

RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY
NEW BRUNSWICK

AN INTERVIEW WITH ARYEH NEIER
FOR THE
RUTGERS ORAL HISTORY ARCHIVES

INTERVIEW CONDUCTED BY
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Shaun Illingworth: This begins an interview on September 4th, 2014 with Mr. Aryeh Neier, in New York City, New York, with Shaun Illingworth for the ACLU Oral History Project. Thank you very much for having me here today. To begin, could you tell me where and when you were born?

Aryeh Neier: Yes. I was born on April 22, 1937, in Berlin, Germany.

SI: Can you tell me a little bit about your family's origins there?

AN: Yes. My parents, who are Jewish--who were Jewish, they're both long dead--were from a part of Poland that didn't exist as Poland at the time that they were born. Poland had been carved up by three empires: the Russian Empire, the Austro-Hungarian Empire, and the Prussian Empire. The village they came from was very close to the point where the three empires met. They grew up there. My father was born in 1899, and after the First World War he left that area and went to Berlin to study. My mother, who had been his sweetheart in that village, left sometime later to join him in Berlin and they got married in Berlin. My father was a teacher; he had been employed by the university in Berlin. Ultimately, however, [he] was purged because he was Jewish and then was employed as a teacher by the Jewish community in Berlin. That's what he was doing at the time that I was born in 1937, which was four years into the period in which Hitler was the chancellor of Germany.

SI: Did you have older siblings?

AN: I have an older sister. She is eight years older than I am.

SI: I noted in your book that you said that you don't really have any memories of Nazi Germany?

AN: I have no memories of Germany; I was two years old when I left Germany. I have a memory which I'm not even sure if it's a real memory or something that I've imagined. The first thing I think I recall, but as I say, I'm not sure about this at all, is the boat going to England. We arrived in England on August 16, 1939, which was two weeks prior to the start of World War II in Europe.

SI: Once your family got to England, you spent some time in a hostel for refugee youth.

AN: Yes, what happened was that we were admitted to England when war was clearly on the horizon. As I say, it started two weeks later. Initially, the British were, on the one hand, generous in allowing refugees to enter the country. On the other hand, they worried that among the refugees there would be spies and saboteurs. They went through a process of essentially getting the refugees to identify each other, and that way [they could] make sure that these people were genuinely refugees. That focused on my father, as the male in the family. My mother then needed to support herself [and] couldn't care for her child at the same moment as she supported herself, and so I was put into a hostel for refugee children. I spent eleven months in that hostel. At a certain point, my father had finished this process

of being screened, and eventually was able to get some work and was able to pull the family together again. That's when my parents took me out of the hostel.

SI: It sounded like that was a pretty traumatic experience for you.

AN: Yes. I mean I only have fragmentary memories of the hostel, but I have a very clear memory of misbehaving and being made to stand in a corner with a bench angled, blocking my exit from the corner while other children went out to play. I have another clear memory of the day that I left the hostel, of having a new striped shirt and then after breakfast, before my parents picked me up, throwing up over my new striped shirt. My recollections of the hostel are not pleasant, not favorable. They really are the only unpleasant memories that I have of my childhood in England.

SI: Was your family ever able to come to the hostel and see you?

AN: They were able to come to the hostel. My sister, as I say, is eight years older [than me] and she was going to a school--something of an elite school. She had traveled to England by herself at the age of ten, as part of the *Kindertransport*. A British woman had sponsored some of the girls who arrived in this way and had placed them in an elite school, and so [my sister] was able to visit me. First my mother was able to visit, then when my father cleared the screening process he was also able to visit. Then, when he was able to get an apartment where he could put the family back together, that's when they took me out of the hostel.

SI: You were obviously young, so you were in the process of learning English. Do you remember having any difficulty with adjusting to life in wartime England and cultural differences?

AN: In the hostel, I'm told--I don't have any recollection of this--that I stopped speaking. By the time I left Germany, [at] two and a half years old, I was speaking a certain amount of German but essentially that disrupted my speaking in German and I learned English.

SI: The war had further effects on you and your family; you lost your home during the bombings in London. What was that experience like?

AN: Well, British houses were built with very well-constructed basements. We called it the "cellar," and when there was an air raid, the two ways you responded [were] you would either go to the cellar, or if it was going to be a night of attacks, you went into what we would call the subway, [or] "the Underground." The Underground in London is very much deeper than the subways in New York [City]; you have to go down lengthy escalators in most stations in order to get to the stations, so the stations were very safe places during the bombing attacks, and there was a period when we would go down into the stations. You spent the whole night there, under those circumstances. My mother, in particular, loathed the Underground, and ultimately refused to go anymore into the Underground. So we went when there was a bombing raid into the cellar of the house, which was, as I say, very well-

built. The house was destroyed by a bomb; we had had a top floor flat in the house, so the flat was gone, but nobody who was in the cellar was harmed by the destruction of the house. Everybody was fine, because the cellar was so well-built. What happened to people who lost their homes--but also [to] a lot of people who didn't lose their homes--is [that] they were evacuated from London. The way that worked is that you went to one of the train stations in London--there were four major train stations in London, going to different parts of the country and you boarded a train. At each stop of the train, some local person came on the train and said, "We can take so many." Where you ended up was really quite random. Our turn, we took what was called the "London-Midland-Scotland" line, which left from Euston Station in London. Our turn to get off was a town called "Kettering," which is a Midlands town in England. It's only about seventy or seventy-five miles from London. The town, like the county seat nearby, Northampton, was known as a boot and shoe manufacturing center. If anybody heard you were from Kettering, they thought you were somehow involved in making shoes. The shoemakers were actually quite skilled craftsmen, and it was a rather pleasant town, but our turn came at Kettering. Of course, there wasn't a house for us to move into, and so initially we were housed in the school in the town. Initially, it was my mother, my sister, and myself; they evacuated the women and the children before the men. My sister was at the school and she was playing in the schoolyard with local children, and made friends with a girl in the schoolyard. The girl approached her parents and [asked if they could] take in my sister, and the parents agreed. My sister then said she could only go if her mother and her brother would also go. This was a lower-middle class house; the father of the family was a bicycle repairman. We moved into the home of the bicycle repairman, and when my father was able to join us, he also joined us in that house. A local councilman--of all things, his name was Mr. Goode--Mr. Goode, G-O-O-D-E--sort of took it unto himself to be concerned with the welfare of the refugees. My father did not ride a bicycle, and Mr. Goode helped him get a job, but the job was too far away without riding a bicycle, so Mr. Goode arranged that we would move to another home that was closer to the milk-bottling factory where my father initially worked. This was a more prosperous home; it was the home of an insurance agent. An English household of that period was organized so that there would be a large front room and the front room was hardly ever used. It would be used if there was some significant occasion, but other than that the center of the household would really be the dining room, the backyard, and so forth. We were housed in the large front room of that house until we were able to get--and again, Mr. Goode helped on this--get a place of our own in that town. I don't have a recollection of how long we were in these places.

SI: Did you remain in that town until you emigrated to the U.S. in '47?

AN: No, my father got a teaching job in that town and then there was a better job available in the county seat, Northampton, which was about fourteen miles away. I remember that it was what we referred to as V-J Day, "Victory over Japan Day." [Editor's Note: V-J Day was declared on August 14, 1945, in the United States and August 15, 1945, in the Pacific.] V-E Day had been the great celebration because the war in Europe was over, and then V-J Day came, and it was actually on V-J Day that I went with my father to Northampton to

look at places that we could live in Northampton, in connection with the job he got there. [Editor's Note: V-E Day was declared on May 8, 1945.] We moved to Northampton and we stayed in Northampton until we came to the United States.

SI: As America got involved in World War II and GIs started flooding into England, did you have any interactions with Americans?

AN: Yes, my father was active in the Jewish community in Kettering and then the Jewish community in Northampton. The Jewish soldiers among the Americans were then dealing with the local Jewish community; if there was Passover or something like that, they would come for a Passover celebration with the local Jewish community. My sister, who was much older, eventually started a relationship with an American soldier and eventually married him. I dealt with a lot of the soldiers; I had earlier also dealt with Czech soldiers. There was a Czech battalion, or whatever it was, that was based in England for a period. Czechoslovakia was occupied by the Nazis but there were those who wanted to fight against the Nazis, and they had come to England for training, and so on and so forth. I encountered the Czech soldiers and then later on--I think this is probably starting at about 1944--the American soldiers.

SI: Were you able to start school when you were in England?

AN: Yes.

SI: What was the schooling there like for you?

AN: It was, I think, probably quite a good school. Incredibly competitive. The schools were far more competitive, or fostered competition, to a much greater extent than would be true for elementary schools in the United States. Our class would be divided into four teams, and everything you did academically and athletically was scored, and the score went on charts in front of the classroom for your team. You could always tell how the different teams were doing. I was part of the Thomas à Becket team, and we had the color green. There was a blue, and a yellow, and a red team. Red, naturally, was the [Oliver] Cromwell team. When you got a grade, or when you did something athletically, it was not only your own score but your score for the team, which greatly enhanced the competitive aspect of the school. It was a school with a moderate amount of corporal punishment. If you misbehaved, you wore short pants and the teacher would rap you on the back of the leg with a ruler, that sort of thing.

SI: In your book you said that there was initially a Jewish community in Northampton, but then Holocaust survivors came in after the war. How did that change the dynamic of this community?

AN: When we moved to Northampton, which was immediately at the end of the war, shortly after that there was a phenomenon known as "The Boys." There were a few girls among them, but I never met any of the girls. These were boys up to the age of about eighteen, who had survived the concentration camps, or the death camps, and in a few cases

had even survived a kind of feral existence, living in the woods and surviving, and they were brought to England. There was subsequently a book entitled *The Boys* published by the British historian Martin Gilbert, so some of what I know about this I know from that book rather than from what I knew as a child. I think altogether there was something like seven-hundred of these boys who were brought to England. Our town, I think, had fifteen or seventeen of them. My father was a teacher, so he taught the boys, and my sister also participated in the teaching. She taught them English. I was younger than the youngest of the boys who came, but nevertheless I made friends with them, played soccer with them, and so forth.

SI: Can you tell me about making the journey from England to the United States? What relocating was like?

AN: We came to the United States because my sister married an American soldier. She became a GI war bride. That meant she was able to travel before the rest of the family, and since my parents had lost the rest of their family in the war, they weren't going to be separated from their only daughter, so they followed her to the United States. We came to the United States a few years after, and my father found teaching in a Jewish school in New York. I went to high school in New York, and instantly became political. My high school years exactly coincided with the four years that Senator Joseph McCarthy was at his height. That is, McCarthy had become a figure on the national scene in 1950, and his fall took place in May 1954, a month before I graduated from high school, with the Army-McCarthy Hearing. [Editor's Note: The Army-McCarthy Hearings, which ran from March to June of 1954, were televised nationally. The witch-hunt tactics Senator Joseph McCarthy displayed in pursuing alleged Communists in the US Army led to the demise of his political career. In the 1956 Presidential campaign, Republican incumbent President Dwight D. Eisenhower defeated Adlai Stevenson, II, the Democratic Party's nominee.] So the '50-'54 was the McCarthy period in the United States, and I was in school then. I was in Stuyvesant High School, here in New York City. Do you know about Stuyvesant? Do you know anything [about it]?

SI: I know approximately where it is, and a little bit about it.

AN: It's a very competitive school. Getting in is purely test-taking. So I went to Stuyvesant, and in those days it was not where it is today, which is near Battery Park City. In those days it was on 15th Street, between First and Second Avenue. The school was overcrowded, so we had split sessions. Your first two years of high school you attended in the afternoon, from one o'clock to five-thirty or six o'clock, and the last two years from eight o'clock in the morning until twelve-thirty, one o'clock. In my last two years in high school, I was active in the body in the school that discussed political issues. It was called the "history club," and we invited outside speakers to the school, [and] we debated the political issues of the day. We were very caught up with McCarthyism during that period but we were also interested in international issues. I became the president of the history club, so I would go and invite speakers to the school. I remember inviting Raphael Lemkin, who had drafted the Genocide Convention and lobbied for its adoption. I invited him to the

school. I had to go see him at the United Nations and talk to him about coming to the school, and arrange for him to speak at the school; I did things of that sort during the period. I was already very much concerned with both domestic civil liberties and international relations, from essentially my high school period, but especially the last two years of high school.

SI: What do you think led you down that path? Was it your parents encouraging you?

AN: I could hardly avoid being political. I had been a refugee in England; I was conscious of the war, conscious of Nazi Germany, [and] conscious of what was happening in different places in the aftermath of war. My reading focused a lot on political issues. Political issues were very hot at that period because of the developing Cold War and because of the McCarthyist period in the United States, and I got completely caught up by those issues.

SI: Did your family support you in this, or did they caution you not to get involved in political issues?

AN: I wouldn't say they were either supportive or opposed to it, [but] they were very much aware of it. It meant that when we did the split session, when I went to my third and fourth years of high school, in the mornings, that in the early parts of the afternoon, we had all these extracurricular activities and in that period I was always active in something. In my senior year, I had to limit that a little bit because I got a very nice afterschool job and earned some money. [I] got a particularly attractive job.

SI: What did you do?

AN: In high school you were required to take what was called a "shop class," but in Stuyvesant, "shop" had a broad definition. The class I actually took was cartography, and one time the teacher said to the class that there would be a part-time job available for somebody at the American Geographical Society. I applied for it and I got the job at the American Geographical Society, which was all the way uptown at 156th Street and Broadway, which had a splendid collection of maps and atlases and so forth. The job they assigned me was in the library of the maps of atlases. Particularly, I would help people who were looking for a particular map or a particular atlas find what they were looking for. A lot of PhD candidates who were doing various kinds of research, looking for historical maps or things of that sort, I would help them in finding the maps. I thought it was an absolutely splendid job, and I was able to work at it full-time in the summer.

SI: Did your parents encourage you to think about college, or was that always something you had aimed towards?

AN: It was always assumed that I would go, but they didn't have any money; they were refugees, so I needed to finance my education. There weren't as many scholarships [back then], but there were certain things. There was a state scholarship that was available through a competitive exam, so I got the state scholarship which provided a cash stipend on an annual basis. I attended the Cornell Labor Relations School, because the Labor Relations School was a state school at Cornell and therefore it was free tuition. I worked in

the summer while I was at school, [and] I worked after class. Between what I earned, the free tuition, and the state scholarship, I financed my college education. I chose the Labor Relations School because of the free tuition.

SI: In the 1950s there were stories about the Ivies being anti-Semitic, or about having a lot of ingrained anti-Semitism. Did you find any of that at Cornell?

AN: I would say that I encountered it from a couple of the graduates of a prep school who shared a floor with me in the dormitory my freshman year. I think that was the only example of that, and it wasn't very explicit or overt. I never became a member of a fraternity, but fraternities were very much divided along religious lines. There were fraternities where all the members were Christian, and there were fraternities which were entirely Jewish, and it was not customary for them to be integrated in any way. There weren't a great many black students at Cornell, [although] there were some. There were some students from other countries. My freshman year, the only year that I lived in a dormitory, one of the other people I had on my floor was a student from Yemen, which was unusual in that period. We had a fair number of Latin American students at Cornell in that period, especially in the architecture school. Predominantly, it was a white American student body, and it was Christians and Jews. Obviously, predominantly Christians, but quite a large number of Jews.

SI: You also continued in college with extracurricular activities aimed at international relations.

AN: Yes, I became the organizer of something we called the "Cornell Forum," which existed for a long time and for all I know still exists today, which brought speakers to the campus. There had gotten to be an uproar at a number of college campuses over speaker bans during that period, [and] one particular ban aroused my interest. The Communist Party newspaper was *The Daily Worker*, and at the time of the Hungarian Revolution in 1956 the editor of *The Daily Worker*, a man named John Gates, published an editorial basically supporting the Hungarian Revolution and saying that the Communist Party in the United States should break free of the Soviet Union and the Soviet Communist Party, and that what we needed was an American Communist Party. But because Gates was a Communist, even though he was sort of rebelling against Soviet control, he was banned from speaking on college campuses. Because he was banned, I thought, "Well, we ought to have him come and speak at Cornell." I went to see him at *The Daily Worker*. Shortly thereafter he was fired from *The Daily Worker*. While I met with him, one of the people who was clearly a Soviet loyalist sat in and observed him, but nevertheless I invited him to come and speak at Cornell. At Cornell, there was no difficulty about speaker issues. I had put together a prestigious faculty advisory group in case I ran into any difficulty, but I didn't run into any difficulty. It wasn't necessary; he spoke there and it went forward without incident. There were other [such instances]. In those days, Pete Seeger used to travel around college campuses and some campuses would bar him, but he had no difficulty performing at Cornell.

SI: At this time--tied in with the Hungarian Revolution--you also started getting involved with Norman Thomas and the [National] Student League.

AN: What happened [was that] this was a moment that was immensely influential in my life. Norman Thomas had been scheduled to speak at Cornell, and he spoke in a very large auditorium that was jammed [full of people]. His speech coincided with the Hungarian Revolution, and after his speech there was a reception for him at a house on the campus, and I went to the reception. He talked for a long time at the reception about the Hungarian Revolution, and what made it dramatic was that when Imre Nagy had become the Prime Minister of Hungary and had started taking his independent stance, he appointed a woman named Anna Kethly to be Foreign Minister of Hungary. With the Soviet invasion looming--and I don't recall what moment [it] took place--but with the Soviet invasion looming, Anna Kethly flew from Hungary, from Budapest to New York, to present the case of the Imre Nagy government at the United Nations. She went directly from what was then called Idlewild Airport to the office of Norman Thomas, her social democratic colleague, to talk to him about what was going on in Hungary. It was the very next night that Norman Thomas spoke at Cornell, and then he talked that evening, after his formal talk, about what was happening in Hungary, and I was riveted by that. As a result of that, I got in touch with student groups at a couple of other universities who were organizing events related to the Hungarian Revolution. They were members of a sort of social democratic group that had been very connected to Norman Thomas, called "The Student League for Industrial Democracy," and I affiliated the Cornell Forum with that and became active in that organization. A year later, I was elected president of that organization. After I got out of college, I went to work for the League for Industrial Democracy, the parent group. Not long after I went to work there, the executive director got into a fight with the board of directors, and the executive director was forced to resign. It was a small staff, it was a staff of seven people. The board looked for somebody to serve as acting director while they sought a replacement. I was the youngest person on the staff, but they asked me to be the acting director, and a few months later they asked me to be the executive director. So, within a few months of graduating from college, I was the executive director of this small organization.

SI: What were the day-to-day activities of The League for Industrial Democracy?

AN: We sponsored forums in different places dealing with civil rights issues, [and] dealing with international issues. We were social democrats; we were in favor of civil liberties and civil rights in the United States, but we were very anti-Communist, and we pushed both agendas at the same moment. We got our funding principally from a number of the social democratic labor unions in that period. A number of the principal figures in the labor unions were themselves members of the organization, [and] had been active in the student branch of the organization. We organized additional student chapters, and I did this. I changed the name of the Student LID, because I thought it sounded hopelessly 1930s-ish. I picked the new name: it was "Students for a Democratic Society." I ultimately lost control of that to one of the people I hired and then fired, Tom Hayden, but initially it was intended to be a sort of civil rights but anti-Communist kind of effort.

SI: How much time elapsed between the when organization's name changed to SDS and when the schism developed between you and Hayden?

AN: We changed the name to SDS in 1959.

SI: That was just one year after you graduated and started working there.

AN: Yes. I had gotten money from the AFL-CIO [American Federation of Labor and Congress of Industrial Organizations] to expand the student organization, and I had used that money to hire two student organizers. Hayden was one of the two who I hired with the AFL-CIO money, and within a year of that we were going in different directions. It took a little while longer than that before the Port Huron Statement was adopted and SDS began to acquire the very radical reputation that it acquired later on. [Editor's note: The Port Huron Statement was a manifesto created by the SDS in 1962, and which outlined radical left proposals for reform on topics ranging from political parties to labor movements. Tom Hayden was its primary author.] In 1960, before we were really split, we did hold a big event at the university campus that Hayden had graduated from, in Ann Arbor, Michigan at the University of Michigan, to organize support by Northern students for the people who were leading the sit-ins in the South. The sit-ins started in February, 1960, and we wanted to create a sort of Northern student movement, to take up the work of the people involved in the sit-ins. That's really when the split was starting to take place.

SI: This was your first time working with a board in this sort of organization. How would you characterize your relations with the board, in your work?

AN: I would say it was a somewhat mixed picture; I got along with most of the board members, but not all of them. I had some abrasive moments, but on the whole it went reasonably well.

SI: How large was the board?

AN: It was a relatively large board, but there was an inner circle of the board that mattered more than the whole board. So there could have been thirty people on the board, but there weren't thirty people in that inner circle; that was much smaller.

SI: Did you find it challenging, being so young in this position and having to deal with the board and other staff members who might've been older than you?

AN: I was very much learning on the job, and I think I had a sort of cocky attitude. I'm not sure that I felt as challenged as I should've felt.

SI: Aside from the development of SDS, what other initiatives do you remember from that period?

AN: That was the most significant initiative of that period.

SI: Tell me how you left the organization and then went to *Current* magazine.

AN: I had known the journalist who put together *Current* magazine. I thought he was doing something interesting [and] I was having difficulty with SDS, so when he offered me a job I accepted.

SI: How long did the magazine last?

AN: It lasted for quite a few years, but I stayed there--I went [to work on the magazine] in 1960 and left in 1963 to go to work for the ACLU. The fact that the ACLU job [was] becoming available was sort of a dream for me.

SI: Tell me how that came about. You were initially hired as a field development officer.

AN: It was "Field Development Officer," [but] it was effectively field director. I was the field person for the organization. The initial title was "Field Development Officer." The organization had established state affiliates in more than half the states, but there were close to half of the states where it didn't have state affiliates. Some of the state affiliates [who] were sort of metropolitan affiliates, rather than state affiliates, were considered to be underperforming. My job was to assist those that were underperforming, and to help create affiliates where they didn't exist. I organized the Texas Civil Liberties Union, [and] the Oklahoma ACLU. I brought together the metropolitan New York Civil Liberties Union, which represented New York City and the suburbs, with another branch which was called the "Niagara Frontier Chapter," around Buffalo, and built a state affiliate. I did the same in Pennsylvania, with a greater Philadelphia affiliate and a greater Pittsburgh affiliate, and created a Pennsylvania affiliate. The two affiliates I was assigned to work with most because they were underperforming were greater Philadelphia and Michigan. So going to Philadelphia and going to Detroit, those were the two places I went to most often, but it was all over the country during that period. I also took certain initiatives. I started work for the ACLU in June 1963, and I subsequently, in 1964, proposed that we establish a Southern Regional Office. I brought together the leading attorneys who were active in the ACLU in the different southern states, and we agreed on forming a Southern Regional Office that would be based in Atlanta, and that started operating in October 1964. I was in that position for a year and a half. In that period, the man who had been the executive director of the New York Civil Liberties Union, which was this metropolitan area Civil Liberties Union before the merger led to it becoming statewide, said he was going to retire. He had been a businessman active in what was called the "Federal Council of Churches," which was the predecessor of the National Council of Churches. On their behalf during World War II, he had been active on behalf of the Japanese-Americans. On that basis, he had collaborated with the ACLU and then came to work as the director of the New York Civil Liberties Union. He was going to retire, and very much to my surprise, he approached me and said that he would like me to succeed him as director of the New York Civil Liberties Union. He also said to me that he wanted me in the position, but [that] he couldn't stand what I would do to his organization, so he was going to move away from New York and cut off his relationship with the New York Civil Liberties Union. He did that, he moved to the west coast of Florida, and basically our communication thereafter was the exchange of Christmas cards or one or two other communications. Before he retired, however, he

suggested that we should overlap for three or four months, which we did at the beginning of 1965. During that period, he introduced me to his friends. His friends were very often the public officials he had to deal with, and his relationship with them struck me as unusual. He would have lunch with the police commissioner, and they were great friends, but then a particular matter would arise and he would call up the police commissioner and he would say, "I'm going to denounce you as a son-of-a-bitch today," and the police commissioner would respond in the same fashion, and then [say], "Let's have lunch." That was his relationship with a lot of officials. He did his job by [a] sort of personal lobbying; that was his style. He did it with the mayor, he did it with the police commissioner, he did it with the governor, he did it with the key members of the state legislature, the commissioners of various departments, and so on. It was one hundred percent personal lobbying by this man named George Runquist.

SI: What kind of relationship did you have with him prior to him tapping you?

AN: Very little. I did engage in this effort to bring together the New York and the Niagara Frontier [chapters], actually. A memory that I have is that I started working for the ACLU in June 1963, I was at LaGuardia Airport in November 1963 to catch a plane to Buffalo as part of this process. While I was at the airport at LaGuardia, I heard about the shooting of John F. Kennedy. I remember calling the woman who was the director of the Niagara Frontier Chapter and saying, "Should I come to Buffalo?" and she said, "Yes, come, everybody will want to go some place this evening to talk about what's happened. The meeting will go forward, but we'll talk business for a little bit but then everybody will talk about what's happened," and that's what took place. That was when I was engaged in this effort to merge those and create a statewide organization. So I didn't have an immense--it wasn't one of the affiliates that I had been most focused on, but I was focused on it in that merger aspect.

SI: So as far as you know, Rundquist just observed how you operated and decided you were the best successor for it?

AN: My style couldn't have been further removed from his. I was never going to be as capable of having a beer with an official and making friends with that person in that fashion, and then eventually getting around to some business. That was not going to be my style, but that was his way of doing things.

SI: Before we get into your years at the New York Civil Liberties Union, I wanted to ask a few more questions about the field organizing. When you were in an area like Texas or Oklahoma, where you basically had to create an affiliate from nothing, how did you go about doing that?

AN: There were always people who were members of the ACLU and in some degree active in the ACLU. Where we did not have an affiliate, we always had somebody who was effectively the representative of the organization who would communicate with public officials on behalf of the organization. There were always lawyers in the state who would be available as volunteers to take up particular cases, so there was no formally organized

affiliate, but there was in existence a--there were people there with some association with the organization. It was a matter of drawing together those people and creating a more formal organization, and proposing that certain people should serve on an initial board of directors for the organization, and determining a budget and financing for the organization, and where an office would be located, and what the activities of the organization should be. In the Texas case, what happened was that when Kennedy was assassinated--as I say, I was on my way to Buffalo. When I got back to New York City, the staff convened and one of the views expressed was that it would be important for somebody to go to Dallas and to work with the ACLU people in Dallas, to deal with civil liberties matters arising out of the Kennedy assassination. One of the issues was the huge amount of television focus on who was involved in the shooting, and all of that. This was before [Lee Harvey] Oswald was actually assassinated, and it was agreed that I should go to Dallas. I ended up spending two weeks in Dallas at that point, and dealing with a range of issues that had come up in Dallas. I got to meet a fair number of people who were involved in civil liberties in Dallas. I didn't know the people elsewhere in the state, but there were people active in the ACLU in Austin, and Houston, and a few other places in Texas. So, it was a question of pulling those people together at a meeting in Austin and figuring out, on that basis, who should be in the leadership of the group and deciding then on the location of the state affiliate. [We decided that it] should be Austin, as the state capital, rather than one of the bigger cities in the state. There were a certain number of issues that we should focus on in Texas. In the process, I also got interested in a particular civil liberties problem in Texas that was [related to] the central stream of migrant workers in the United States. There were three streams: there was one that moved from Florida up the East Coast, there was one that moved from Southern California up the West Coast, and there was one that moved from the Rio Grande Valley up through the center of the United States. The people from the Rio Grande Valley were Chicanos, and in the off-season, when one wouldn't have been doing farm work in that central portion, they lived in the Rio Grande Valley area. I became aware that a particularly serious issue affecting them is that in Texas the water district boards drew their own geographical lines, and that they had drawn their lines so that the *colonias*, which were the names for the places where the Chicanos lived, were excluded from the areas of the water district boards. There was not a supply of clean water in the *colonias*, and the way in which people got the water in *colonias*, the area was such that you couldn't get clean water from wells. It was brackish water there. So what people did was fill fifty-five gallon drums with water from irrigation standpipes in the fields, and that was the source of water. The consequence was that the region had the highest disease rate in the country because of the lack of clean water. The particular civil liberties problem was the gerrymandering of the water district boards, and challenging that, [and] making sure that clean drinking water was available. Eventually when I got to be the National Director of the ACLU, one of the first things I did was to establish a project in the Rio Grande Valley of Texas, specifically focused on the clean drinking water problem. We eventually solved that.

SI: Can you tell me about how you might've been involved in Freedom Summer, in Mississippi? [Editor's note: Freedom Summer was a widespread effort in June 1964 to increase black voter registration in Mississippi.]

AN: That was my period on the national ACLU staff, as the field person on the staff, and my particular focus related to the civil rights struggle was putting together this Southern Regional Office. The ACLU legal department was principally involved in another effort, which was putting together something which came to be called the "Lawyers Constitutional Defense Committee." What they did, and I played only a minor role in this--what they did was to assemble the legal directors, or general counsel, of a number of organizations, the NAACP, the NAACP Legal Defense Fund, CORE [Congress of Racial Equality], the National Council of Churches, the American Jewish Committee, the American Jewish Congress-- those are the ones that I remember--and adopt a plan to combine efforts and recruit lawyers who would volunteer their services and go south with those who were going as part of Freedom Summer in order to provide legal representation. My recollection is that LCDC recruited more than a hundred attorneys, who travelled to the South. They tended to be based in places like Jackson, Mississippi, Memphis because it served Northern Mississippi, New Orleans, St. Augustine, Florida. Quite a lot of good lawyers basically took their summer vacations, or longer periods, in the South to play that role. As I say, I had a minor role in that. It was [primarily] the legal department. It was a small legal department, but it was the legal department that did most of the work on putting that together. I was doing the Southern Regional Office at the same moment.

SI: That was founded in October of that year?

AN: No, it was for the summer.

SI: So you founded the Office; what role did it play in the events down there?

AN: The Southern Regional Office was not focused on Freedom Summer, per se, defending the people who were active in that. It focused on a variety of civil rights issues, but two issues were the principal issues. One was voting rights, and of course the Freedom Summer people were very much registering people to vote, but aside from the difficulties in registration, the Southern states were adopting a number of mechanisms to make sure to dilute the impact of any black voting that did take place so as to effectively nullify the right to vote. Challenging a range of voting restrictions was one of the major areas of focus. Then the other major area of focus and it related to voting rights, because the election rolls were the source of this, was challenging the all-white juries in the region. So jury service and voting were the two issues that were most prominent on the agenda of the Southern Regional Office. It was also the case that the attorney we brought on as the director of the Southern Regional Office was a very flamboyant litigator, and he had a great taste for high-profile cases which didn't necessarily fit in into the stated list of priorities, but reflected what came along at that time. So he very much got involved in a series of very prominent court cases.

SI: You obviously were founding the Southern Regional Office, but once he got his work underway was it also part of your job to rein him in?

AN: Initially, no, because we launched that in '64. The office got started, as I recall, about October 1964. As of January 1965, I moved over to the New York Civil Liberties Union and spent a few months overlapping with my predecessor, and then was the executive director of the New York Civil Liberties Union. Since I was at the New York Civil Liberties Union, I no longer had the direct relationship to the Southern Regional Office. I didn't have a direct relationship to that office again until I became the National Executive Director in 1970. So more than five years, close to six years elapsed between the establishment of that office and the time that I directly supervised it as Executive Director of the ACLU. I mean, I still did work a lot with it, and sometimes when it got involved in a major case I dispatched people from New York to assist. I think it was 1965 that the director of the office became involved in the representation of a physician named Howard Levy, who was being prosecuted, or court-martialed, because he refused to train Green Berets [United States Army Special Forces] in medical techniques on the basis that this would facilitate the commission of war crimes in Vietnam. He represented the physician, and I dispatched a couple of people from New York to assist in that case. But that was sometime later.

SI: Getting into your years in New York, you said you had this period of overlap with your predecessor, and that your styles were very different. How did you go about reshaping the organization in the way you thought it should operate?

AN: There were a number of things. I began to focus on a certain number of issues. One of the issues had been very much a focus under my predecessor, and that was police abuse. My predecessor had been the author of the idea of civilian review boards for police and in 1965--yes, later in 1965, the year that I became the director of the New York Civil Liberties Union, John Lindsay was elected mayor of New York City. He campaigned on the basis that he would create a civilian complaint review board, and he did create one after he was elected. That proved very troublesome, and there was a referendum campaign to abolish it. I ran the referendum campaign or the part of it to try to save the civilian complaint review board, and we were badly beaten in the referendum campaign. So that involved a huge effort. But then there were issues that the organization had not been involved in previously, and I sort of plunged into those issues. One issue simply because of the era that was involved, involved people who were resisting the draft. It was really 1965, my first year as director of the New York Civil Liberties Union, when that first became an issue. The Tonkin Gulf Resolution was late 1964, and it was after that that the draft really became a major factor. We launched a significant effort to provide legal assistance to people who were protesting the war, people who had applied for conscientious objector status and then were being turned down for that and were being imprisoned for resisting the draft, people who--the first draft card burnings took place in 1965 in New York. We defended the draft-card burners. So there was a major effort focused on draft resistance. Another issue that I launched during that period was an effort to deal with civil liberties violations in the process of mental commitment. We created an effort dealing with that. [We] created an

effort focusing on the rights of students in schools to express themselves, so students' civil liberties became a big issue. Starting a little while later, we began dealing with conditions in prisons and abuses of civil liberties in that context. So, schools, mental hospitals, prisons, the military--I used to refer to those as "enclaves of American society" where the concept of civil liberties had not penetrated, and our innovation was to take civil liberties into those enclaves. It was also the period that we were centrally involved in launching the effort to change the law so as to legalize abortion. That became a major issue. That wasn't initially seen as a women's rights effort; that was an effort involving the right to privacy more than anything else, [and] only a little bit later did it come to be seen as a women's rights effort. Part of what made it possible for me to sort of launch all this activity is that, up until that moment, the ACLU had been an organization financed through member contributions. Member contributions were not tax-deductible, because the organization was very much a lobbying organization, but we created at NYCLU a tax-deductible affiliate of NYCLU as a vehicle to receive foundation contributions. I got foundation contributions for the police project, for the mental commitment project, for the students' rights project, and for other activities. That greatly enlarged the resources available, and so we had hugely increased capacity to deal with a lot of these questions. That had never been possible previously. The national ACLU did not have a tax-deductible arm at this stage; we initiated that at the New York Civil Liberties Union.

SI: Some of these issues that you mentioned had evolved organically, such as defending the war resisters. But in terms of things like mental commitment or abortion, were these issues that you looked at and said, "We have to get involved," or did they come from the board, or in some other way?

AI: They happened in different ways. I'll tell you how the abortion issue came about. New York State was engaged in a complete revision of the state penal law, and we established a committee at NYCLU to go over the penal law provision by provision in terms of framing civil liberties comments on the revised penal law. There was a prominent New York City attorney named Ephraim London who was on the board of the New York Civil Liberties Union, and Ephraim was the chair of the committee that looked at the state penal law. I can remember that we were meeting in his office and we came to the section of the penal law dealing with abortion crime, [with] making [it] a crime. Ephraim looked around the room and said, "Does anyone think that abortion should be a crime?" No one thought that it should be a crime, and that's how our effort on the abortion law started. We started to sponsor discussions on abortion, but it was an outgrowth of our examination of the state penal law. Then one of the members of the committee was elected to the state legislature. He fairly early became Chairman of the Assembly Health Committee, and another member of the state assembly, Percy Sutton, had introduced legislation to reform the abortion law. Our committee member, Al [Albert] Blumenthal, as Chairman of the Assembly Health Committee, scheduled hearings on the abortion law. We helped round up witnesses for these hearings, so that was a significant part of the process. Abortion had entered the public consciousness at that moment because of an episode that took place in Arizona. The name will come to me, but a woman in Arizona [Sherri Finkbine] who was a

television personality in the state, running a children's program, had taken the drug--again, I'm blocking on the name [Thalidomide]--that caused very serious birth defects, flipper-like arms, for children. She had taken that drug when it became known that these birth defects resulted, so she sought an abortion in Arizona and could not get the abortion. She went public on it, and eventually had the abortion in Sweden. The physician reported that the fetus had these flippers instead of arms. That case, which I think was around '62, had opened the floodgates for discussion of abortion. The country was ready because of that particular case. When we started dealing with the issue, there was clearly a sort of pent-up concern about dealing with it. The mental illness issue was a quite different story. What happened there was that we got regular calls from people about civil liberties violations, and we got a call from a woman and she came into the office and she told us the following story. [She told us] that her husband was blind, that she and he were on the Staten Island ferry, [and] that in the sort of crush of debarking or something from the Staten Island ferry, she and her husband were separated. She lost her husband and he needed her to get around. She became extremely agitated over this, and apparently somebody called a police officer. She had become somewhat hysterical over this and the police officer took her into custody, and because she was behaving hysterically, [the officer] took her to Bellevue Hospital and she was committed to Bellevue Hospital. Her original call to us came from Bellevue Hospital, and she was held there for a few days before she was released. Her husband had managed to somehow make it home or whatever, but had no idea what had happened to his wife. The only call that she had been able to get through was to our office. The fact that she could be treated in that fashion made me think that there's a problem here, and so I started looking around for literature on the subject. I found the books of a psychiatrist named Thomas Szasz. Szasz was famous--I hadn't known his work previously, but he was famous for claiming that there are vast civil liberties violations in the treatment of the mentally ill or people who are accused of being mentally ill. This looked interesting, and I started to probe the matter further and to learn more about the subject, and after looking into it for some time, decided that we should probably try and do something about it. I drafted a proposal and submitted it to a few smaller foundations. Three of them made grants in support of that, and with that I hired a lawyer to work on the subject. I initially interviewed lawyers who had done some work in the field and was not satisfied with anybody, and then eventually hired a lawyer who had no background in the field, but seemed interested and was willing to learn. He turned out to be the single best lawyer I ever hired at the ACLU. I eventually made him the National Legal Director of the ACLU. He was a lawyer named Bruce Ennis, who died a number of years ago and who published a book called *Prisoners of Psychiatry*. But it was that case of the woman separated from her blind husband that precipitated us into the civil liberties in mental illness field.

SI: One of the other issues that I was reading about was school prayer. Was that an issue that preceded you?

AN: Yes, that preceded me. The ACLU was involved; it was a New York case, so the NYCLU worked with the national ACLU. They had brought the case called *Engel vs. Vitale*, which was decided by the U.S. Supreme Court in '62 or '63. I believe it had either

been decided before I came to work for the ALCU, or shortly after I came to work for the ACLU, but I was not involved at all in that.

SI: Okay. From some of the newspaper articles I've found, it seemed like you were involved in taking that case and enforcing it almost.

AN: There were enforcement issues, because a lot of schools defied the Supreme Court decision and therefore it was a question of implementation, and so forth. There were significant church-state battles during my tenure at NYCLU. The major church-state battles we were involved in involved public aid to parochial schools. There was a charter revision of New York State during that period and the state constitution was revised. The revision dropped the very explicit prohibition on aid to parochial schools, and that became the major question in a public referendum in 1967 over the new revision of the state constitution. That's how I got to be a sort of debating partner, ultimately friend, of Mario Cuomo, because Mario had been, in that period, the principal counsel for the Brooklyn archdiocese. He was a very good debater, and he and I were almost a tag-team going around to churches, American Legion posts, all kinds of places, debating the revision of the state constitution. We were on opposite sides, but I came to respect him a great deal and to like him very much. I'm not that admiring of his son, but I liked Mario Cuomo very much.

SI: Another issue was the commitment of drug users, which I think was Governor Rockefeller's initiative. How did you get involved in that?

AN: It was Rockefeller's proposal; we were active on civil liberties issues that came up in the state legislature, and they were going to commit drug users civilly on the basis that they were drug users. Our view was that made the status of being a drug user into, effectively, a crime, where people were going to be locked up for long periods, and that was a violation of civil liberties. So we became very critical of that. I was the spokesperson dealing with that issue, testified on it a number of times, before different state legislative bodies spoke on it, wrote on it. Nelson Rockefeller came to loathe me as a result of that effort, but we ultimately defeated the civil commitment. Later on, after I was no longer at the New York Civil Liberties Union, Rockefeller came up with the criminal laws, which are known still as the Rockefeller Drug Laws, and which resulted in very long prison sentences for people criminally found guilty of possessing narcotics. We were involved in a lot of issues in my tenure at NYCLU, and played a prominent role. I was much more a public personality during my tenure as NYCLU Director than I was as National ACLU Director. I was much more often in the press; people recognized me on the street. I could hardly go any place in those days without being recognized, and I have declined in sort of public recognition ever since.

SI: It's interesting you mention that. I did notice that. For example, I did a search of the *New York Times*, and there's a large body of articles mentioning you, which actually decrease in number after you became the National Director.

AN: Right.

SI: I wanted to ask: what the relationship was like between the New York chapter and the national office at that time?

AN: That was complicated. I had been hired by Jack Pemberton, who had been the Executive Director of the ACLU. He hired me in '63 for the field position. Initially I got along with Jack Pemberton very well. After I became the director of the New York Civil Liberties Union, initially I continued to get along with Jack Pemberton very well. I was critical of Jack at a certain point because Jack got personally involved as the lawyer in a major military case that is in-service conscientious objection--an important case involving a Captain Dale Noyd, but I thought it was a mistake for Jack to go for weeks at a time out to Colorado to be the lawyer in the case, rather than attending to the day-to-day business of directing the ACLU. [Editor's Note: Dale Noyd was a U.S. Air Force captain was court martialed in 1966 for his objection to the Vietnam War.] I was critical of that, but it wasn't a major matter. But then later on, Jack suffered a sort of personal collapse, and the national ACLU seemed to collapse with him. I don't think any of this is a secret. Do you know the story, why he suffered the personal collapse?

SI: I've seen references to it, that he had a problem with his marriage/

AN: Jack's wife, Prue [Lorraine Pruett Pemberton]--they were a couple from Minnesota with five children. They looked and seemed to be the all-American family. Prue went to work in New York. I forget exactly what she was doing. There was a period where she was working for The New School, but I don't think [that was] at this point. Any rate, she recommended a young woman to Jack as his secretary. The young woman almost looked like a much younger version of Prue Pemberton, and Jack started an affair with his secretary. That kind of thing in an office always has a disastrous impact. It was worse in this case because he promoted her beyond her capacity, and it became a factor in staff turnover with a few good people leaving and less good replacements. I would say that in Jack's final two years, his family broke up; they had all kinds of problems. In his final two years, Jack was dysfunctional as executive director of the ACLU. We were going a mile a minute at the New York Civil Liberties Union. Other state affiliates weren't going as fast as we were, but they were going a lot faster than the national office, and at a certain point we couldn't stand it anymore. So a group of the executive directors of the large affiliates--we got to be known as "the barons"--a group of us met with the chairman of the ACLU and told him that there needed to be a change. That forced the issue and it led to Jack Pemberton's resignation, but during that period the national ACLU had really performed very, very badly. It wasn't necessarily apparent on the outside because the state affiliates were performing extremely well, or a lot of them were.

SI: During this '68-'70 period, what did it mean for you, in specifics, that the head of the national organization is not functioning properly? Did that mean there's less money flowing in?

AN: There's not leadership on important civil liberties issues. Richard Nixon became President of the United States in 1968; the war in Vietnam is at its high point, there are huge civil liberties issues in the country. The civil rights movement has basically come to a

halt during that period. Robert Kennedy was assassinated in '68, Martin Luther King was assassinated in 1968, and there were urban riots all over the United States after the assassination of Martin Luther King. There was an immense need for leadership in dealing with civil liberties issues, and you couldn't have the executive director of the national ACLU not functioning at peak form.

SI: Before we move into your becoming the Executive Director of the National ACLU, I want to ask about the Ocean Hill-Brownsville--

AN: Difficult.

SI: Yes, difficulties, let's say. How did the ACLU become involved in the idea of decentralization in the school system?

AN: I don't think decentralization, per say, was our issue. We basically became involved because we thought that there was a race issue, and that a due process argument was being distorted in the interest of a race issue, and that it was producing racial polarization in New York City. You have to remember that this is a period of significant race issues in New York. We had had the campaign on the civilian review board in 1966, and that had become a race issue. That is, the police Patrolman's Benevolent Association had engaged in extensive advertising intended to stir up fears of black criminals and had won the referendum by a substantial margin with a campaign along those lines. This dispute over Ocean Hill-Brownsville came very much on the heels of that civilian review board campaign, and so we thought the teachers union attacks on the local board in Ocean Hill-Brownsville had this racial aspect to them. It was that that we opposed. We didn't have a fundamental view on whether there should be centralized control or decentralized control of the schools. We did have a strong view on the race issue, and it became a very nasty issue in New York.

SI: Do you think that the controversy surrounding that issue affected other aspects of your work at the New York Civil Liberties Union?

AN: I'm sure that it created hostility against us in certain circles, and that hostility lasted and probably carried over to other issues. Yes, certainly, it had an impact. But we were active on a lot of fronts, so we were a big presence in those days. There were many issues that were taking place.

SI: You talked about how your predecessor had a chummy relationship with certain officials and that your style was different. How would you characterize your relationship with Mayor Lindsay and his office?

AN: It was a very friendly relationship with Mayor Lindsay and with some officials of his administration. It was not a friendly relationship with his initial police commissioner. I thought he made a big mistake in his appointment of a man named Howard Leary as the police commissioner of New York. Later on, Lindsay appointed a first-rate person, Patrick Murphy, as the police commissioner. I had known Patrick Murphy before he became police commissioner, had the highest regard for him, and had a very friendly relationship

with Pat Murphy. So it was a case-by-case matter. It was not a friendly relationship with Nelson Rockefeller as Governor of New York, and it was mainly the drug commitment issue that made the relationship unfriendly with Rockefeller. After I was Director of the New York Civil Liberties Union, when I was [with] the National ACLU, we ended up with a very friendly relationship with Hugh Carey as Governor of New York because a major case that we had taken on involved Willowbrook [State School], the giant institution for the mentally disabled. We worked with Carey in closing Willowbrook and completely redoing the care for the mentally disabled in New York. So it varied from individual to individual, but it was never the sort of schmoozing relationship that my predecessor had. In those days, another affiliate director, the one in Massachusetts, a fellow named Luther McNair, also had that kind of chummy relationship with a lot of state officials and city officials that George Runquist had in New York. That sort of very old-style lobbying didn't continue in the ACLU.

SI: In terms of issues like the harassment of war protestors or surveillance, was most of your defense of the protestors aimed at what the NYPD was doing, or was it aimed other entities?

AN: No, it was very much other entities as well. We had a contentious relationship with the United States Attorney's Office for the Southern District, which was involved in draft prosecutions. In most of the country, when somebody claimed conscientious objection and then the draft board ruled against the person, and then the question was prosecution of the person for draft resistance, the U.S. attorneys regularly agreed to the release of the protestor on recognizance in advance of trial. In New York, the U.S. Attorney's Office regularly sought high bail so as to imprison the person in advance of trial, and then use the fact that they were imprisoned to send the FBI in to see them, to try to persuade them that they were better off giving up their conscientious objection claim and going into the military. We had a particular dispute with them over the way they conducted an investigation related to draft card burning. Early on, one of the notable episodes of draft card burning took place in Union Square Park in New York, when five young men burned their draft cards in Union Square Park. Instead of just indicting the five for burning their draft card, the U.S. Attorney's Office convened a grand jury to investigate the organizers of the rally and then hauled large numbers of people before the grand jury to interrogate them about their views on the war in Vietnam. We thought that was inappropriate. We denounced the U.S. Attorney's Office for that, [and] got into a public dispute with the U.S. Attorney's Office. So it varied according to different agencies, different officials.

SI: You were also involved in the Washington Square Protests, personally.

AN: Yes.

SI: Was that part of your work with the ACLU, or was that separate and your own personal choice?

AN: No, no, that was very much ACLU. What happened was that when these protests took place, we sent observers to see what the protestors did and what the police did. The

observers were even there to testify in court if there were charges of disorderly conduct, or violence, or whatever against demonstrators. On one occasion--this is 1968--there was to be a large number of anti-war demonstrations all on the same day in New York City, and there were different groups of demonstrators. We thought the most trouble would involve the group at Washington Square, because it was a very radical group called "Youth Against War and Fascism" that was going to demonstrate. We thought if any place there's going to be trouble, that's where the trouble is going to be. So I had a breakfast at my apartment, which is a five minutes' walk away from Washington Square, for eight lawyers who were going to be the observers in Washington Square. I remember telling them how to make sure that they themselves didn't become part of the action and didn't get swept into it. Then, when the demonstration took place, I was the one person who got swept into it. The way I got swept into it is that the police immediately broke up the demonstration. The police were all in plainclothes, very few uniformed cops around, and a uniformed cop with a bullhorn had told the demonstrators that this march is not permitted. Then, when they continued to march, these plainclothes officers sort of swept in and started beating up the demonstrators. They were grabbing them and, among other things, throwing them into police vans that there were nearby. They threw one young man into a police van and somehow he managed to jump out and a number of the cops surrounded him. He was in the middle, they were surrounding him, and they were clearly beating him. I approached that scene and tried to peer over the shoulders of the police to see what was actually taking place, and I was then accused of bumping a police officer. In the office, the joke was "assault with a deadly belly." So I was arrested. I do remember being put in the police van, and one of these Youth Against War and Fascism people sitting in the van, looking at me and saying, "I thought you were supposed to be a conservative." But I was arrested, [and] I was brought down to 100 Centre Street where people were being arraigned. It was an interesting occasion, because an assistant to the mayor had been in Washington Square Park, sort of observing the whole thing, and he had phoned down to city hall and said, "They've arrested Neier." The presiding judge came down to the pen where I was being held and asked me through the bars, "What are you doing in there?" I don't think he realized that he was using the line of Ralph Waldo Emerson, but I responded with [Henry David] Thoreau's line, "What are you doing out there?" I don't think he got it. But any rate, I was arraigned, and what was particularly embarrassing was we had visitors in New York from the Northern California ACLU. We had told them, "This will be an occasion when we show you how we deal with mass arrests." So they were in the courtroom when I was actually arraigned, and they were surprised to see me brought out to be arraigned. The judge released me, and I was home by five o'clock that afternoon. I got a call from that assistant to the mayor, and he told me that "The police are getting antsy up at Columbia University and we think we're going to have a big deal up there." I said, "I've had enough for today." So I didn't go to Columbia University, but I went the next day, and I actually didn't see the police crackdown because I left before it took place. I left at about eleven o'clock at night, and it happened after that. But that was a moment when a lot of that was taking place. But the next time a demonstration took place in the Village, *The Village Voice*, which was then a respectable newspaper, hired a camera crew to follow me around in case anything took place. My arrest had been reported on the front page of the *New York Times*.

SI: That reminds me of something else that I wanted to ask about. During your time there, the New York Civil Liberties Union was involved in combating all these crackdowns in the Village and other areas. It seemed from the newspaper articles I've read that it mostly focused on pornography and that sort of thing, but reading between the lines, were they trying to get at gay bars or things of that sort?

AN: There was an effort involving gay bars, and we got into a dispute with the police over the gay bars. What comes to mind is at a certain point, the chief inspector of police, the principal uniformed officer in the police department, a man named Sanford Garelik, said they would no longer send police into the gay bars to get solicited and that they would use those police to deal with prostitutes. So I thought it showed a certain amount of dexterity among the police in New York. We weren't enthusiastic about that particular shift, but there were all kinds of things that were going on at that moment. There was a counter-culture developing, and the police were very antagonistic to the counter-culture. There were drug issues, there were pornography issues, there were gay issues, and there were all kinds of things that were going on.

SI: When you would take on one of these new issues, particular something that hadn't previously been in the works, would you have to run it through the New York board?

AN: Yes.

SI: Okay. How did that usually go; was there a lot of hand-holding or did they just accept what you proposed?

AN: People took different positions, but we had what I thought was a very good board at the New York Civil Liberties Union, and there were people who were quite enthusiastic about a lot of this activity. There were those who were less enthusiastic, but I felt in general I had strong support from the board.

SI: In some of the other interviews I'm doing for this series, people note that this time is a period from when it went from being about--to use their terms, "New York intellectuals," to being more of a nationwide organization, a move from strictly legal concerns to social welfare concerns. Could you see any shift like that in your chapter?

AN: I was not enthusiastic about a lot of the sort of social welfare aspect of it. I fairly early on came to the view that it was not appropriate to treat economic issues as civil liberties issues, and I'm sort of notorious in the international human rights field for insisting on a focus on civil and political rights and not on dealing with economic and social rights. There were tendencies within the ACLU also to deal with economic and social issues, and I was not a supporter of those kinds of things.

SI: Was that always your belief or did it form in reaction to what happening in the organization at that time?

AN: That came to be my belief fairly early on. I wrote an early book called *Only Judgment*, and in that book I'm quite critical of efforts to deal with economic issues as rights issues.

SI: In terms of how you dealt with your staff in New York, you had obviously had this bad experience in your previous job with Tom Hayden and with hiring. Did you take that experience into your experience at the ACLU, being careful about who you hire?

AN: I think I was relatively fortunate in my ACLU hiring. At the New York Civil Liberties Union I found some really outstanding people to work for the organization, and I felt that a lot of what we were able to achieve reflected the unique collection of talents that we had on the staff there. It was a very, very strong staff. Probably the strongest staff members were the attorney I mentioned, Bruce Ennis, and another attorney named Burt Neuborne. Each of them, in turn, became the National Legal Director of the ACLU, and [are] two of the finest litigators I've ever known. Bruce died a good many years ago, Burt's still very much active. I dealt with him yesterday.

SI: Another way of putting it is did you become more cognizant of whether the people you were hiring were in line with your way of thinking?

AN: It wasn't so much a question of "in line" with it; it was a question of whether they had something very substantial to contribute to the organization. We were into important new issues, and they had to be capable of really helping to define those issues and make an impact. There was an attorney on the staff named Paul Chevigny, and Paul was a police specialist on staff, and it seemed to me he really understood a lot of police work, and he published a number of good books [on] police issues. I think he made our work on police very significant. In the draft area, the person I relied on most was a volunteer rather than a staff member, a lawyer named Marvin Karparkin who was a particularly effective advocate in the different draft cases. So finding a person who really could provide leadership in a field was what mattered a great deal.

SI: Prior to taking the job in New York, you had worked to combine the Niagara and the New York City chapters. When you were actually in charge, how did that work in terms of splitting your interest?

AN: I had a staff member, a woman named Ramona Ripston, who became the Director of the Southern California ACLU. I had hired Ramona, and she performed a number of functions. She was a sort of public relations director, but she was also in charge of the chapters, and we developed chapters in different parts of the state. Before I started, there was a strong Nassau county chapter. We added a Suffolk chapter, a Westchester chapter, then a chapter in the Albany-Troy-Schenectady area, in the Syracuse area, [and] in the Rochester area. I think there were a couple of others as well-- Elmira, New York. So we established chapters around the state. But Ramona was the person who had the principal responsibility for the work with the chapters, and a number of them established their own staffed offices.

SI: In rough numbers, how much change did you see in terms of staff size and membership in your time at the New York office?

AN: I think when I started the staff was five persons. I think by the time I left the New York Civil Liberties Union, the staff was probably, without the chapters, probably around forty persons. So it grew significantly, but that was partly because of the foundation grants that allowed the specialized projects.

SI: Talk a little bit more about that too, please, about going after foundation funding. Also, did you develop more of the individual donor model of fundraising there?

AN: The ACLU actually did significantly better on individual donors after my time than I ever achieved. I think my headway was on the foundation side of things. Partly it was having a vehicle, a tax-deductible vehicle that would allow the foundations to contribute. The first few foundations that contributed were foundations where I had contacts for one reason or another. For example, when I had worked at *Current Magazine*, one of my colleagues there was a fellow named Andrew Norman. Andy's family had its own foundation, the Norman Foundation, and they were one of the first donors to the New York Civil Liberties Union. They had been involved in civil rights activities for a long period before that. Another foundation was connected to a woman on the board of the New York Civil Liberties Union. It was a woman named Helen Bittenwieser who was on the board, and she came from the Lehman Family, which included Governor Herbert Lehman of New York, and [it] was a wealthy family, and she had her own foundation. But I found a foundation that was concerned with the mental illness issue and enlisted them, but I think at the New York Civil Liberties Union, I didn't really succeed with any of the sort of big national foundations. When I moved to the national ACLU, I started going after the big national foundations. It took a lot of time, took a lot of effort, but we made headway and got a number of the major national foundations to contribute. [It] took a significant effort to get the Ford Foundation to contribute, and we got the Rockefeller Brothers' fund to contribute, and the Carnegie Corporation, and other major foundations. That took a substantial effort.

SI: Tell me a little bit more about how you became the national director. You talked about the ouster of the previous director, and I understand from your book that you initially did not want to be a candidate.

AN: It wasn't really that I didn't want to be. First, there seemed to be something a little tacky about being involved in the ouster of somebody and then becoming a candidate for that person's post. The national chairman, who I'd worked with in the ouster of Pemberton--and [he was] a man named Ed Ennis. Ed said to me, he didn't think I should become the national executive director at that time. He said, "You're young, your turn will come." And we agreed that one, having been involved in Pemberton's ouster there would be something inappropriate about my becoming a candidate to succeed him. Second, that I had fairly recently been involved in the Ocean Hill-Brownsville controversy, and that that might make some people uncomfortable about my becoming the national executive director. So we agreed I would not apply. The national ACLU created a selection committee, and I

remember getting a call from a lawyer I knew to tell me that he was going to be interviewed by the selection committee for the post and he asked my advice. I remember thinking, "This is ridiculous. This guy is completely unsuited for the post." Then I was horrified sometime later to find out that he was the person who had been selected by the selection committee. I returned last week from my sort of annual stay on Nantucket during the summer --back then I was also going to Nantucket during August--and I remember getting a call on Nantucket from Ed Ennis, the chairman, who said, "You know this guy?" I said, "I do, and I think it's ridiculous." I said, "Ed, I know you and I discussed the fact that I would not be a candidate, but if it's needed to block him, I'm now going to declare my candidacy." Ed conveyed that to the selection committee, and the selection committee reconvened and reconsidered and dropped the candidate that they had chosen. They asked me to meet with them, so I met with them. Then there had been another person who was the candidate who had been the Washington Director of the ACLU, a man named Larry Speiser. I had considerable respect for Larry Speiser, and if he had been chosen in the first instance I would certainly have gone along with that. But the selection committee wanted to interview us both. The selection committee split, two to two. The fifth member, a woman named Harriet Pilpel, had gone to Europe. In those days, no cell phones and all that, [so] they weren't able to get a hold of her. So they split, two to two, and presented both of us to the national board. There was a lot of intense lobbying. I didn't play a significant part in the lobbying myself. My supporters told me that I had to speak to one person, and that is the senior member of the board, [who] was a man named Osmond Frenkel, and Osmond was the most widely respected member of the board. He was known for being especially terse. He went back--he had been a lawyer in the Sacco and Vanzetti case--he went way back, and had argued, I think at that stage, more cases in the U.S. Supreme Court than any other attorney in private practice in American history. They said, "You've got to speak to Osmond." I said, "Okay." So I spoke to Osmond. I remember saying to Osmond, "Osmond, you know I'm a candidate to be executive director, I'd like your support," and he said "You shall have it," and that was the end of the conversation. The board meeting took place, each of the two candidates made a presentation [and] then we were excluded. The board debated for two whole days, and they eventually voted 35 to 32 in my favor. So, by the landslide of 35 to 32, I was chosen as the national executive director. As I say, if Speiser had been picked in the first instance, I would not have contested. It was through the accident of their picking somebody I thought was wholly unqualified.

SI: I was curious about that. What struck you as being so awful about his approach?

AN: I knew him. He was a nice person, not a terrible lawyer, not a terrible writer, but not somebody who had any deep understanding of civil liberties. Not somebody who could provide leadership for a complex national organization engaged in major national political struggles. Simply not up to that kind of position. It would've been preposterous to appoint him. They could've found a hundred people who were more qualified than he was.

SI: Let me pause for a second.

[Tape Paused]

SI: At the time you took over the national office, the Vietnam War was one of the major topics and it had been a controversial topic earlier. Was there still dissension, particularly among the board, of what position to take during the war or on different topics within the war?

AN: The biggest battle had been fought a couple of years earlier. The biggest battle had involved what role the ACLU should play in the prosecution of Spock and Coffin and the three other defendants in the case for promoting resistance to the draft. The question had been whether to provide direct representation to the defendants, or whether only to enter the case as *amicus [curiae]* on the free speech issues. That had been resolved in terms of a decision to provide direct representation, and the Massachusetts ACLU provided direct representation to two of the five defendants in that case. That was the most important division within the organization. I mean, we had agreed on the draft card burning cases. We had agreed by then on the question of selective conscientious selection; did you have to be an objector to all wars, or could you be only an objector conscientiously to this war? We had passed that hurdle by the time I became the Executive Director of the organization. A lot of the cases that came up during my tenure at the national ACLU related to the war were political surveillance cases. We had been involved in some of those earlier, but that was the period, for instance, in which the [...] army's involvement in surveillance was discovered. That was the period in which the Media burglary took place, in which FBI practices were exposed by the people who burglarized the small FBI office in Media, Pennsylvania. So a lot of the major surveillance litigation was after I became Executive Director. I suppose you could connect--and obviously this was a matter of huge controversy--I suppose you could connect the question of whether we should support impeachment of Richard Nixon to the war, because a lot of the grounds for supporting impeachment involved Nixon practices related to opponents of the war. That is, the surveillance practices, the burglaries, various matters of that sort. That was a huge controversy.

SI: In reading your book, I think you noted that some people thought that the ACLU should either denounce the war or seek to end the war based on the fact that it was unconstitutional, and that it was problematic until the Cambodian Invasion. Do you remember that being a major issue?

AN: Yes. That was a major issue. In that era I was ambivalent on that question, and later came to believe that it was a mistake to try to challenge the constitutionality of the war itself. But I didn't block those who were engaged in that effort when it took place. I think I should have, but I did not. As I say, at the moment it happened, I was ambivalent on it. Two very good attorneys on the staff, Leon Friedman and Burt Neuborne, were directly involved in those efforts to stop the war, and there was a certain period in which I think I was sort of swept along by their arguments. I think I was mistaken on that.

SI: So would you say that that idea had gained traction with the board, or was it just these attorneys?

AN: I think a lot of people were ambivalent about it, but there were people who were strongly in favor of challenging the constitutionality of the war and there were people who were strongly opposed. But I think a lot of the board, like me, were actually ambivalent on it. I think I was too permissive.

SI: In terms of the surveillance cases and so forth, what was the process of deciding which cases you'd go forward with?

AN: Early on, we went forward with those where we got information. One of the early surveillance cases involving the FBI was one I dealt with at the New York Civil Liberties Union. What happened was, there was a giant demonstration to take place in Washington DC in November 1969, and a New York organization called the Fifth Avenue Peace Parade Committee chartered a very large number of buses to take people to the demonstration in Washington, D.C. People wrote checks to that organization to reserve places on the buses, and we got a call from a bank clerk at the bank where the organization had its account, saying the FBI had come by photograph the checks so as to get the identities of the people who were reserving places to go on those buses. We filed a lawsuit against the FBI on that basis. A surveillance case that came up after I moved to the National ACLU was another that came in a similar fashion; a fifteen-year-old girl in New Jersey had been assigned a school paper, and she was going to write a school paper on the Socialist Labor Party. By mistake, she sent an envelope to the Socialist Workers Party, which was a Trotskyist organization, and the FBI took the return address from the envelope and opened an investigation on the girl and on members of her family. We got a call in that case from the school principal about the FBI's visit to get information on the girl, and so we started the case dealing with that. It was called the "Lori Paton Case," and so you had these episodes in which you found out about surveillance. Army surveillance got disclosed because a fellow who had been a captain in the army--who still teaches political science at Mount Holyoke [College], named Christopher Pyle--published an article in the *Washington Monthly* talking about the army's role in the surveillance of anti-war protestors, and the fact that the army had more than a thousand personnel full-time assigned to gathering such information on people who were protesting the war. So wherever we got information, we went forward. What happened as we lost the big army surveillance case in the U.S. Supreme Court, a case called *Laird vs. Tatum*, we lost 5-4 on a standing question, and then-

SI: That was the case involving William Rehnquist?

AN: Yes. But after that, lower federal courts found every conceivable way of distinguishing cases from that case, and we won a large number of cases. We helped to dismantle a lot of the surveillance apparatus that had grown up over an extended period and that had achieved its full flowering during the Nixon administration.

SI: Well I want to conclude there for today.

AN: Okay.

SI: I appreciate all your time and your candidness and I look forward to coming back and interviewing you more about your time at the ACLU and beyond. Thank you very much.

AN: There's a lot to talk about in terms of the ACLU.

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Reviewed by Molly Graham 4/6/2015

Reviewed by Aryeh Neier 6/5/2015