Eli M. Rosenbaum Remarks - Capitol Rotunda, Holocaust Days of Remembrance, 4/11/13

Members of Congress, Ambassador Oren, Chairman Bernstein, Vice Chairman Bolten, Director Bloomfield, cherished survivors of the Holocaust, and other distinguished guests:

For more than three decades now, my colleagues and I at the United States Department of Justice have been deeply privileged to pursue justice on behalf of Jewish victims of the Holocaust and also on behalf of victims of Nazi crimes committed against other groups.

But . . . the Holocaust . . . and *justice*? Aren't justice and the Holocaust almost polar opposites? After all, the Holocaust was arguably the most terrible *in*justice ever perpetrated. Worst of all, it was a *lethal* injustice: In a paroxysm of anti-Semitic violence, the Nazis and their collaborators murdered some six *million* people – fully one of every three Jews who were then alive on the planet Earth. And, before they died, victims were routinely subjected to other horrible injustices: expropriation, impoverishment, assault, starvation, enslavement, torture, pseudo-medical experimentation, and many other depredations.

Nor, for most doomed Jews, was it possible to escape these grave injustices, in part because other nations – including, yes, our country – shut their doors. Among those who tried, in vain, to get U.S. visas was the Frank family: father Otto, mother Edith, their daughter Margot, and their younger daughter, Annalies Marie, known to most of us by the Anglicized version of her name: Anne Frank. Imagine: Anne Frank might have joined us here this morning, as . . . an *American.*

After the war, injustice was *compounded* when, after an initial flurry of prosecutorial activity at Nuremberg and elsewhere in Europe, the Allies largely abandoned their pursuit of the perpetrators. By 1952, U.S., British and Soviet prosecutions were essentially over. Most Nazi criminals were able to evade justice, and most got away with their crimes without even having to flee Europe.

Meanwhile, governments on both sides of the Cold War began employing some of the perpetrators. Men implicated in Nazi crimes rose to positions of prominence in a number of countries and in some major international organizations. And some of the most heavily incriminated Nazis who *were* arrested, tried, and convicted – such as former SS-*Standartenführer* Martin Sandberger – soon had their sentences commuted. Sandberger had commanded a detachment of the notorious *Einsatzgruppen* mobile killing units. He was convicted at Nuremberg, where he received a death sentence. But that sentence was later commuted to life imprisonment, and then, in 1958, Sandberger was released. He went on to live a prosperous life, in Germany. Actually, this confessed mass murderer lived a prosperous *and long* life: He died, in Stuttgart, just *36 months ago* – after enjoying *52* years of undeserved freedom.

Some of the perpetrators fled to this country. Yet it wasn't until 1979 that the U.S. government finally launched a serious effort to pursue them. Many, alas, had already died here.

But our Justice Department eventually succeeded in building the most successful program in the world directed against Nazi criminals, and we managed to track down scores of perpetrators.

For example, we found former Mauthausen concentration camp SS-man Stefan Leili living in New Jersey, and we brought him to justice. But Leon Axelroud, the 16-year-old French Jewish boy whom he shot on December 9, 1942, did not live to see justice done.

We found Bohdan Koziy living in Florida, and we brought him to justice. His victims included four-year-old Monica Singer. He dragged her to the courtyard behind the police station in Lisets, Ukraine, and shot her at point-blank range while she pleaded for her life. Little Monica Singer did not live to see justice done.

We found Jakob Reimer living the American dream in a New York City suburb, and we brought him to justice. When I questioned him, he confessed that he had led a platoon of men on a mission to, in his words, "exterminate a labor camp." We will never know the names of those who were massacred by Reimer and his men, but we know that they too did not live to see justice done.

And we found Vladas Zajanckauskas living in Massachusetts. In fact, he *still* lives there. As a non-commissioned officer in an infamous SS auxiliary unit, Zajanckauskas took part, 70 years ago this very month, in the brutal liquidation of Warsaw's Jewish ghetto. My office won a court order of deportation against him nearly six years ago. But our colleagues at Immigration and Customs Enforcement can't carry out that order, because the European country to which Zajanckauskas was ordered deported has not agreed to readmit him. His victims surely did not see justice done in 1943. And if no European government fulfills its moral obligation to take him back – and soon – then justice won't be done *now* either.

The list of injustices suffered by the *surviving* victims of the Holocaust is a long, tragic, and, in many ways, *continuing* one. Most of the survivors lost numerous family members. Many were orphaned. Countless survivors continue to experience serious medical problems directly traceable to their wartime mistreatment. The homes, businesses, and possessions that were taken from their families have not, in most cases, been restored to them. Compensation from European governments has been inadequate and often decades late in coming. Today, roughly *half* of the estimated 120,000 survivors in this country are living near, at, or below the federal poverty line. *For shame*. Moreover, even as they continue to weep for lost parents and lost siblings, the survivors are assaulted by the lies of the haters, who brazenly deny the reality of Nazi genocide.

And yet, it is also true that a not inconsiderable amount of justice *has*, in fact, been achieved. First, *historical justice* has been attained. The fabrications of Holocaust deniers have been no match for the tireless efforts of survivors, historians, and institutions such as our magnificent United States Holocaust Memorial Museum to ensure that the truth is both amply documented and disseminated globally. We can at last be certain that the Holocaust will be

remembered and studied in perpetuity.

Second, there is *compensatory* justice. Although compensation has fallen well short of what, in fairness, ought to have been provided, efforts to obtain recompense have recorded significant successes. Landmark agreements have yielded billions of dollars in reparations payments. Tenacious efforts by Jewish leaders and very hard work by, among others, former Treasury Deputy Secretary Stuart Eizenstat, the Justice Department's Foreign Claims Settlement Commission and former Office of Special Investigations, and the State Department's Special Envoy for Holocaust Issues, have prompted the return of individual and communal properties in a number of European countries and have traced Nazi-looted gold so that it could be sold for the benefit of needy survivors. These accomplishments have not been equaled in the aftermath of any large-scale state-sponsored atrocity crime committed in any other era or place.

Last, but not least, there is *juridical* justice. Trials of Nazi criminals have produced thousands of convictions. From the Nuremberg and Dachau trials in occupied postwar Germany to Israel's 1961 prosecution of Adolf Eichmann, up through the mid-1960s Auschwitz trial in Frankfurt and other cases prosecuted since then, some substantial punishments have been meted out – though it must be acknowledged that only a fraction of the prosecutions that should have been mounted actually went forward and that many of the sentences imposed were disappointingly short ones. The trials that did go forward have done much to educate the public about the crimes, and they have been essential in building an irrefutable record of Nazi inhumanity.

Notwithstanding the lateness of the date, prosecutions continue. My office still has cases in court and under investigation, as do some foreign governments. Only the year before last, German prosecutors, relying primarily on evidence amassed by my office, won the conviction of former Ohio resident John Demjanjuk on more than twenty-eight *thousand* counts of serving as an accessory to murders committed at the Sobibor death camp. Without doubt, therefore, it is still possible to secure a measure of justice in the Nazi cases. In many countries, however, the political will to do so is not being mustered.

It is enormously important that efforts to achieve justice be continued. Doing so is a moral debt that is owed to the victims. Moreover, the passage of time has in no way lessened the gravity of the crimes, and the perpetrators ought not be rewarded for their success in evading detection or concealing their misdeeds. And perhaps most important of all, justice must be sought in order to send an unmistakable message to would-be perpetrators, namely: If you dare to commit atrocity crimes, you will be pursued, however far you run and however long it takes to apprehend you.

Elie Wiesel reminds us, "There may be times when we are powerless to prevent injustice, but there must never be a time when we fail to protest." Let us act on that noble injunction by recommitting ourselves to fighting injustice and to seeking justice – on behalf of *all* victims of intolerance, hatred, and mass violence. In this way, each of us can honor the survivors and each

of us can fuse action to our collective memory of the millions who did not survive. And let us hope that by doing so, we will hasten the arrival of the day in which the post-Holocaust imperative "Never Again" becomes, at long last, not just a barely imaginable aspiration, but a *reality*.