

Selected Passages from a Conversation between Benjamin B. Ferencz and Claus Kreß

This is a transcription of parts of a conversation between Claus Kreß and Benjamin B. Ferencz. The conversation was recorded and parts of it were presented during the digital ceremony in honour of Benjamin B. Ferencz. Minor editing was done to simplify the reading flow.

“From Romania to Harvard”

Benjamin B. Ferencz: And then you say, what can I do? I'm just one person. *Nonsense!* No one could be less a person than me. I was a little baby born in a country where there were victims of the persecution of the Jews. My sister was born in the same bed I was a year and a half before me. She was a Hungarian. I was a Romanian. Most of the people there were anti-Semitic. So, we decided the best thing to do is leave the country and go to America, the land of opportunity. And so we went to America, the land of promise, and we lived in a cellar because my father could only get a job as a janitor even trained to make handmade shoes. But they told him that in New York they don't have any handmade shoes. They could do more with the machines. So, my father was lucky to get a job as a janitor in “Hell's Kitchen”. It was called “Hell's Kitchen” because it came pretty close to hell, a high-density crime area. And that's where my memories began.

I was picked in my grade school by my eighth-grade teacher, Mrs. Connelly. She called my parents and said, “This boy is a gifted boy.” My mother who was with me looked at me. I looked at her. I didn't get any gifts. We didn't know what she was talking about. Mrs. Connelly said, “He should go to college.” We didn't know anybody who ever went to college. That was another world. And my teacher said, “Well, if he goes to Townsend Harris High School – that is the only one of its kind in New York – and if he passes the courses, which are on a college-level he will automatically be admitted to a city college. It won't cost anything. It's free.” I said, “If it's free, I'll take one.” And then I went to Townsend Harris which of course didn't admit any girls. And I went through that curriculum, although I didn't understand most of it. But what was interest-

ing, I understood. And I went to city college and I thought, well, one of my relatives had said that I would make a very good lawyer or a good crook. I didn't want to be a crook and I turned that down right away. I thought well, what is it, *a lawyer?* I didn't know any lawyers. And I asked others, "Well, which is the best law school? Is it in Brooklyn?" *No, it's not Brooklyn, it's Harvard.* "Oh, Harvard? OK, I go to Harvard." And you know what? They accepted me and they gave me a complete scholarship.

"Five Battle Stars and a Case at Nuremberg"

Benjamin B. Ferencz: I got five battle stars when I was honorably discharged as a sergeant of Infantry in World War II and I asked, "What is this about?" And they asked me, "You landed on the beaches of Normandy?" Yes. "You went through the Maginot line?" Yes. "You went through the Siegfried line?" Yes. "You crossed the Rhine at Remagen?" Yes. "You were there for the final battle of the Bulge." Yes. "That's why we gave you five battle stars." Well, not many people got five and I was damn lucky. I was there and on top of that, I saw all the horrors in concentration camps. That was my job to get in there quickly before they destroyed the evidence, before the SS had gotten out and present the proof and then was able to put them together so that I did some various remarkable things. I persuaded the Nurembergers to give me a special trial for the Einsatzgruppen. They said, "Well, OK, then you'll do it." And I did it. And I rested my case in two days. So, I have been there in ways that have had a traumatic effect on me and I can't stop trying to stop war-making because war is really horrible.

"Defining Aggression and Establishing the International Criminal Court"

Benjamin B. Ferencz: And it's changing and it's changing for the good. We [addressing Claus Kreß] worked together on defining aggression. That was a big problem. You're going to say you can't go to war. War is aggression. It's a crime. So, I discussed it with some college professors. And as law school professors – what do you do on aggression? And I wrote a two-volume book, "Defining International Aggression". Well, that's a diversion. We needed a court. Well, I worked for years to build the court and then we had it, an International Criminal Court.

*“On the Fragility of the International Rule of Law and a Message to the
Students of the University of Cologne”*

Benjamin B. Ferencz: I am satisfied with the progress. I am aware of the difficulties. Many people believe the only thing that is important is power: “If you have the power, use it. If you don’t like what a country is doing destroy them.” The ex-president of the United States – when he made the first address of the United States to the United Nations – addressed his comments to the president of North Korea and he said, “If you threaten us or any of our allies, we will totally destroy you.” I was listening to it and I said, “Mr President, are you crazy?” How do you totally destroy a country? You do it like the Einsatzgruppen, line them up in front of bridges and machinegun them all? Is that how you totally destroy a country? What do you talk about? He said that they had threatened us. They may have threatened us, but that is still no justification. This “argument” was raised in the Einsatzgruppen Trial as well. The lead defendant, Otto Ohlendorf, said, “Hitler told us the Russians were coming and he knew more than I did about that. So, I wouldn’t challenge it, and he said the Russians are not going to be bound by any rules, so we don’t have to be bound by any rules. Kill them all.” They did the best they could to kill them all. The judges said, “Putative self-defense – which is the argument you are making – is no defense.” Where would the world be if you could go out and kill your neighbour because he has a gun and you think he’s threatening you and you’ll kill his relatives and you kill other people – which we’re doing: The ex-president of the United States – I accused him in the New York Times – sent his military and he said, “Go, we have a very bad guy over there. He’s from another country, Iran, and he is going straight to Iraq. He is a general. He is a big threat to us. I want you to take him out.” It was not understood to be taken out for a walk and taken out for a beer. It was understood to take him out and kill him without any trial because the former president had decided that he would be a threat to our country. “Kill him”, and they did. And I said that this reminds me of what the defendants said in the Einsatzgruppen Trial. They knew the Russians were coming, and the Russians were their enemies. And they said, “Whenever you catch them, kill them all.” And they killed hundreds of thousands of prisoners of the war. And we said, “No, it’s a crime.” And the Americans – I’m proud to say – stood up for the principles of justice. But there were some Americans who thought that nobody was looking and killed them [German prisoners]. No trial. No finding of guilt. And just because you [addressing the former president of the United States] are the president and you believe somebody is a threat to the country...well, you might

be right, but you have to give him a chance to say it's peace. Himmler and Goering sat in the trial. Hitler didn't want to and committed suicide. But we never said, "Go and kill them." The world is still in the wrong mood. Most of what it does undermines the rule of law. So, I ask the young people: Do you prefer a world where the head of state – or any guy thinking he doesn't like the other guy and he is a threat to his interests – just sends guys out to kill him? Do you want that world?

Claus Kreß: If you now wish to share a message with our students, please go ahead.

Benjamin B. Ferencz: Oh, I have a very clear message, *never give up!* It keeps me going for one hundred and one years. It's a very serious problem and it's costing a tremendous amount of money today to carry out the current policies which are glorified. And they are absolutely stupid. And it will take students to wake up and say to the "kids", "That's enough. Do you want to have a big dispute? Settle it." There are differences of opinion. They will continue to be differences of opinion. But when it comes to differences of opinion, which run the risk of annihilating the whole country and the whole planet and all people, that's not an option.

So, my advice to young people is don't be intimidated by old ideas. Times have changed and the capacity to kill has changed. It has reached a point where many nations have the capacity to cut off the electrical grid on planet earth. That means all the water stops running and all the lights go out. And I asked the general who provided this to me in confidence fifteen or twenty years ago, "How long would it take to kill everybody?" And he said, "Well, I'm not aware of any studies on the subject yet, but I believe it would depend upon how much water you had. If you had water, you probably could survive for a week." How nice, you probably could survive for a week if you had water. If you didn't have water, you just won't know what hit you. It would make the nuclear weapons look like child's play. Nuclear weapons – in my judgment – are obsolete. They are not going to fight nuclear war. They are going to fight cyberspace war. And when I was discussing this twenty years ago in secret – now it's no longer a secret, there are books written about cyberspace – the problem was that everybody was getting it. The Russians could do it. The Chinese could do it. The Germans could do it.

What do you do now? You have to change your way of thinking about fundamental things about life and death. Do you want peace? Then war is no longer a tolerable option. And when they want to cut off the airspace or cut off the water in any space, there are certain limits to what is acceptable and permissible. War is not one of them. And the use of armed force has got to be curtailed. Settle your disputes by peaceful means only, which

incidentally is required by the United Nations Charta. You may have a more peaceful world. I've done my share but the rest is up to you. The need is for three basic things: We need new laws to prohibit more crimes against humanity, we need courts to determine if the laws have been violated and we need a system of effective enforcement. We don't have that at all today. We have no enforcement. The idea of national sovereignty gives a sovereign the right to decide what's best for this country. The result is: You have one president who believes you better kill the other one because we got the power. And he may be voted in and may be voted out, but we have not yet developed a system of effective enforcement of "morality" – if I simplify it. And the result is that you have crimes against humanity being committed every day in many countries. And we have no technique for dealing with it. At least, we are beginning to publicize it.

But so, that's the world in which you live. It's an unfinished job. I'm hanging around here for one hundred and one years. Come on kids, take over! It's your turn. And it's not only your turn, it's your life.

