

were set for the expert committee's first meeting, to take place in Paris.

Finally, a majority view had prevailed over the stranglehold applied in the name of "diplomatic consensus."

#### THE NEW COMMITTEE

The "committee of experts," comprised of Commission diplomats, expert archivists, and historians, gathered in Paris—and intense discussions ensued. Opponents of opening the archives employed heavy-handed tactics designed to derail the effort by getting me to back away. They asked me: "Do you really want it to be known that some Jews 'collaborated' with the Nazis in camps and ghettos?" I retorted: "It is well known that Jews were placed in impossible situations by their murderers and sometimes acted in ways that we, in hindsight and not threatened as they were, might question, but there is no question of who the real perpetrators were during the Shoah. Any effort to transform the victims into 'perpetrators' is morally abhorrent, bordering on Holocaust denial."

One of the experts from the German Ministry of Interior finally asked the question I'd been anticipating since that warning in Berlin in 2002: "What right does anyone but Germany have to the ITS documents, since German authorities created the records?" I responded with lines I had rehearsed in my head for some time: "First, half of the documents are of Allied provenance from the post-war period, thus outside German claim. Second, the Nazi documents of German provenance are not German property in my view, but 'war booty' captured from a murderous war of aggression. Morally the documents belong to the victims and their families, certainly not to the perpetrators." And finally (I knew this was make or break), I noted: "This claim to ownership of the records constitutes, to my knowledge, the first time in any forum that a representative of Germany has asserted a claim to 'privileged status' based on direct descent of the Federal Republic from the Third Reich."

These exchanges made me more aware of the German Ministry of Interior's insensitivity to the moral imperative of opening ITS and drove home as

well the political risk to Germany posed by such recalcitrance. Going forward I knew I would have to find and engage more sensitive interlocutors in Germany's government.

Still, the stage was set for the committee of experts to get to work. During lengthy meetings in Paris, Bad Arolsen, and The Hague, the committee reached consensus on recommendations it would forward to the International Commission. In the end, the experts even agreed to support my proposal to allow the distribution of copies of ITS's archives to Holocaust research centers in the Commission nations.

What remained was convincing the countries on the International Commission and the ICRC to accept the recommendations. Momentum appeared to be shifting my way, but opposition from the ITS director and the ICRC was still fierce, and some countries appeared determined to force further delay, even as increasing numbers of Holocaust survivors disappeared before their eyes. The actuarial table was taking its deadly toll, and I knew it was time for the end-game.

#### UPS AND DOWNS

In Washington, with survivors from Florida to California now voicing their support, I signaled the leadership of the U.S. Holocaust Memorial Museum that the time had come to throw the full weight of the institution into what I asserted would be a final push. Assistant Secretary of State Nicholas Burns agreed to be briefed. In a meeting in his office on the seventh floor of the U.S. State Department, attended by Museum Director Sara Bloomfield, myself, and the Museum's Director of Communications Arthur Berger, Burns assured us—with the Department's Special Ambassador for Holocaust Issues, who had represented the Department on ITS matters since 2003, hearing the message as well—that from then on we would get full State Department support.

I was making progress in expanding relationships in Berlin as well. When the German Minister of Justice, Brigitte Zypries, made a protocol visit to our Museum in 2004, I had raised the ITS problem and found that she was open to hearing my arguments, though the issue

was, as she put it, "outside of her official purview." I remained in touch with her office, sent regular updates to her chief of staff, and, when Sara Bloomfield was invited in 2005 to the dedication of Germany's new Memorial to the Murdered Jews of Europe, arranged for her to meet with Minister Zypries.

The opposition, meanwhile, remained vocal, and some attacks were personal. In January 2006, a commentary on the ITS website, written in-house, labeled the push to open the archives "unjustifiable...both legally and morally." Shortly afterward, in an article titled "Not the Biggest Holocaust Archive in the World" published in the German journal *Tribune*, a leading German Holocaust scholar with close ties to the ITS director accused me of working with a "crowbar" and a "club" and denounced the U.S. for taking an interest in what was a "European affair." He followed up with broadcast interviews.

Having witnessed the International Commission's sensitivity to public scrutiny, I was encouraged that the media again became part of the battleground.

Award-winning German filmmaker Christine Ruetten worked with me on a documentary report juxtaposing the recalcitrant ITS director with a survivor longing "to know the truth" and representatives of the German Jewish community decrying the inaccessibility of ITS's Holocaust collections. In March 2006, the piece aired repeatedly throughout the country on Germany's equivalent to *60 Minutes*. The producers raised the possibility that the archive was closed not out of concern for Holocaust victims' privacy, but because ITS was shielding the names of Holocaust perpetrators. On camera I made the (unauthorized) assertion that the United States would not allow the last remnant of the Holocaust survivor generation to pass away without giving these survivors access to ITS records. I also suggested that, with Holocaust denial on the rise, 50 million documents might provide an effective antidote to the rantings of Iranian President Ahmedinajad. And I concluded that "it is generally acknowledged that knowingly concealing the documentation of the Holocaust is itself a form of Holocaust denial."