

# Nazis' defender still feels the pain

To some, he was one of the most hated men in America. Even those who did not know his name knew who he was.

He was the Jewish lawyer defending the Nazis. He was the man fighting to let them hold a rally in Skokie.

To some, that made him worse than the Nazis themselves. You are the first they would stick in the ovens, they would shout at him, and yet you defend them.



DAVID GOLDBERGER

time in 10 years I have been unable to convince people, that what we are doing is right.”

To Goldberger, the case was clear: The Nazis, abhorrent as they were—“They are not basically decent human beings,” he once told me—had the right to free speech and assembly. They had the right to speak in Skokie or anyplace else.

**BUT THOUSANDS, ESPECIALLY** the Holocaust survivors living in Skokie, did not see it that way. They believed that a group that preached murder and genocide did not have the right to invade a community for the sole purpose of confronting Jews. That was not free speech, they said; that was incitement to riot.



## Roger Simon

The real danger came not from the militant groups on both sides, but from the ordinary, normal, law-abiding citizens who found themselves swaying on the edge of violence.

Goldberger learned all this the hard way. He learned it not just from the epithets hurled at him—a respected Jewish organization circulated a leaflet calling him a “neo-Nazi counsel”—he learned it from his own family.

“One of my own relatives came up to me at a family gathering,” he told me. “He said: ‘I’ll kill the Nazis if I can.’”

Nobody killed anybody. Goldberger won in court. And, having gotten their publicity, the Nazis agreed to hold their rally in Chicago instead of Skokie.

Some of this will be portrayed in a 2½-hour CBS drama next Tuesday called “Skokie.” While some of the real participants allowed their names to be used, Goldberger did not.

**TO HIM, SKOKIE IS YESTERDAY.** He is 40 now and teaches constitutional law at Ohio State University in Columbus. He also teaches at a legal clinic, which is where I found him.

“I feel,” he said, “I feel basically ... well, that I’m still perceived as a monster by many.”

“I feel a certain sense of alienation. I sometimes feel when I’m at a religious service, that if the people there knew who I was, they would feel uncomfortable having me there.

“I feel no harshness, no bitterness. I am not angry. But I feel the pain. And I will carry the pain with me the rest of my life.”

I asked him if he would have done anything differently. “I would have perceived the anguish [of the Holocaust survivors] better,” he said. “I would have been gentler in my criticism of certain things. I would have used gentler words.”

**THE ANGUISH THAT THE** Skokie case caused to the residents there is an anguish that Goldberger is genuinely sympathetic to.

“But I feel without reservation that I did the right thing,” he said. “The Constitution had to be preserved. And if people feel pain and anger along the way, it is a small price to pay for preserving a great tradition, the tradition of free speech and the First Amendment.”

Goldberger uses the Skokie case in his teaching. It would be hard not to, it is in almost every major legal textbook. But he is not really interested in publicity about it.

**“I HAVE MY LIFE TO LIVE,”** he said. “I have no regrets, but it is not my intention to fight to keep the Skokie situation alive. It is past. It was resolved. Correctly resolved. And now it is time to move on.”

And if the Nazis came to him and asked him to defend them again? I asked.

I were their resource of last resort, I would defend them,” he said. “You can call me a lot of things. But you can’t call me a coward.”