

Meyer Fishbein Interview by Fynnette Eaton, November 4, 2009

Fynnette Eaton: Good morning Meyer.

Meyer Fishbein: Good morning Fynnette

Fynnette Eaton: By way of introduction could you please give us your name and your terms of service to the National Archives.

Meyer Fishbein: Meyer Fishbein. From December 1940 to December 1980 with a break of 3 years, in the Army and about 9 months or so working on Bank records in New York.

Fynnette Eaton: Fascinating. I am going to have to ask about the bank records in a little while, but, so you served 40 years at the National Archives.

Meyer Fishbein: Almost to the date.

Fynnette Eaton: What is your educational background and how did it prepare you or not for a career in the Federal Government?

Meyer Fishbein: That is one of the oddities. I was educationally unqualified for practically every position I had. It's a whole set of circumstances. I came to the Archives I had about 39 hours in night school. It was interrupted when I got a job in the laundry. I started working 70 hours a week literally six days so I could not go to Night School, so I was considered unqualified practically anything, and that continued even beyond the M.A.

Fynnette Eaton: That is interesting, but yet it did not stop you from moving up and doing all the variety of things you did.

Meyer Fishbein: That is one of the oddities. Even though they kept telling me I was educationally unqualified, I kept saying I deserve a promotion and I meant it.

Fynnette Eaton: And they agreed, yeah?

Meyer Fishbein: And they agreed, yuh. Not easily, not easily. That's why Walt Robertson said my career would never be repeated.

Fynnette Eaton: Interesting

Meyer Fishbein: And if you know Walt Robertson

Fynnette Eaton: I do, I do. Well let me get into more of your work at the National Archives. One of the cornerstones of the Electronic and Special Media Record Services Division what used to be called the Center for Electronic Records and the Machine Readable Branch are census records. They are the cornerstone. Tell us about your first job as a clerk on the 1940 Census.

Meyer Fishbein: Well, that's what I did. I was coding the Population Schedules and I was probably pretty near the end of my employment there. They kept reducing the staff and I suspect if I hadn't gotten the job in the Archives I probably would have been discharged.

Fynnette Eaton: How long did you do work for the Census Bureau?

Meyer Fishbein: That was July 1, 1940 until I got to the National Archives on December 10, 1940.

Fynnette Eaton: Okay, by having worked with the census records, were you entranced by them? Once you came to the National Archives did you..

Meyer Fishbein: No, my interest in census came later.

Fynnette Eaton: Interesting. How did that happen?

Meyer Fishbein: Well I found that many of the researchers were interested in quantification. The ones that I dealt with in the early days, so I became interested in for quantified information and that as you can imagine, Fynnette, influenced my career actually.

Fynnette Eaton: Yes it did. It is very clearly that it did. So how did you find yourself at the National Archives? How did you find the National Archives job? You were working at Census and it sounded like you needed to find a job because it was going to end.

Meyer Fishbein: Well...

Fynnette Eaton: How did you find it?

Meyer Fishbein: When I was working in the laundry it never occurred to me that there was a chance for federal employment. Two of my friends got jobs in the Post Office. I went down there to see what types of exams I would qualify for, in other words, jobs without any qualifications. So I took two exams, thought nothing would come of it. One was the apprentice fingerprint classifier and the other was assistant messenger. So the first one got me the job at the Census Bureau. The second one got me the job at the Archives, but so much happened that first day that was quite startling, my first day at the Archives.

Fynnette Eaton: Tell me about it.

Meyer Fishbein: Well, I was supposed to be an apprentice archives repairman and the head of Repair and Preservation really did not want me. I had an interview with him, it was very brief. He just said to me, "We don't like New Yorkers here."

Fynnette Eaton: Really!

Meyer Fishbein: Yes. Well, the interesting part of that he was born in Brooklyn and attended Columbia University, but I knew what he meant by that being a New Yorker, a special kind of New Yorker. So he did not want me. So when I came. At first I was surprised after that interview that they offered me a job at the Archives. I always wondered, they always gave three names. I wondered who the other two were. My suspicion was that other two were black; that's my guess. Anyway, when I got to talk to the Director of Personnel, he mumbled a bit and said, "Oh, you have some college credits." He said, "Will you accept a promotion?" That's what he actually said, "Will you accept a promotion?"

Fynnette Eaton: Laughter

Meyer Fishbein: I said, "Yeah." So instead of being on the wage scale, about \$1200 per annum, I got \$1260, but in a completely new class. I was a sub professional, so that I would have been trapped

in wage scale work probably if the Director of Repair & Preservation wanted me, but he didn't want me so they pushed me upstairs. So I was promoted the day I showed up.

Fynnette Eaton: I can't..I don't know of anyone else who has had that experience, Meyer. That's a unique experience.

Meyer Fishbein: That was. That first day was really a remarkable one. In fact, the entire day was remarkable; as soon as I started work it was remarkable.

Fynnette Eaton: Let me follow up..

Meyer Fishbein: Certainly. I am sorry.

Fynnette Eaton: No. I want to build upon that. What were your impressions of NARA when you started working.

Meyer Fishbein: I had no idea what the agency was. I asked a friend of mine, when I was asked for the interview. He said, "It's a building on Pennsylvania Avenue." That is all I knew. So when I came there, I had no idea of what the National Archives was.

Fynnette Eaton: How long did it take you to understand what the National Archives was?

Meyer Fishbein: Well not long actually. When I was told what my job was, that was great with me. I was supposed to pack and shelve the records of the NRA, the National Recovery Administration.

Fynnette Eaton: Oh

Meyer Fishbein: NRA. Gee, great. I know all about NRA. They had that, you probably had not heard of that Fynnette, they had the blue eagle with almost every store front in New York.

Fynnette Eaton: But now that you say it, I can see it. I remember seeing a picture of it.

Meyer Fishbein: The blue eagle, publicity for the NRA. I didn't know much about it, so I actually learned about NRA by looking at the records. It never occurred to me to go into the legislation.

Fynnette Eaton: That times to learn to do that.

Meyer Fishbein: But there was a special situation. The records were an absolute mess. They were on open shelves. What happened was Harold Ickes ordered the records to be destroyed. The National Archives was established and they put a stop to it, which was very fortunate, because the NRA records were very valuable during the second World War in price controls, because that is what the NRA did, the controlled prices.

Fynnette Eaton: So were the NRA records at the National Archives? And they came and used them during the Second World War?

Meyer Fishbein: Oh yes, in fact I serviced them in the early part of the war particularly, OPACS, which was a predecessor of OPA that combined what amounted to OPA and War Production Board. Then it was split into two separate agencies. It had an effect, because it changed my career within a week.

Fynnette Eaton: How so?

Meyer Fishbein: One week. Well, my job was to pack and shelve the NRA records and Assa Thornton who was Assistant Division Chief was running around, the whole staff was running around and I said, "Gee, can I be of any help?" He says oh no, but he did tell me what it was. The head of OPACS wanted maps of trading areas of the United States. He knew about them because he had been an official of the NRA and he knew that they had these trading area maps. So I said okay. I went into the stack area and just walked around. I looked at the top shelf; everything was on open selves, loose records, and I saw a cardboard tube. And I said, "Gee, that might be." And there it was. So I gave them to Assa Thornton? He was so delighted. He said I am sure you want to get home for Christmas.

Laughter

Meyer Fishbein: But it did make an impression on him, even though it was a pure accident. No special knowledge.

Fynnette Eaton: But you showed initiative and you were able to find things.

Meyer Fishbein: And it saved them from dealing with a very important official in the government. And so, it was pure accident and it made a difference in the way I was treated. From then on..

Fynnette Eaton: Well let's talk. It sounds like you were hired for one thing. And how long did you do the packing up and shelving?

Meyer Fishbein: Well it did continue for quite awhile, but before long I was doing inventories.

Fynnette Eaton: Ah..

Meyer Fishbein: Even though I was unqualified to do it by archive standards. If I worked anywhere else in the Archives, I could not have done what I did, but Paul Lewinson was Division Director and he paid no attention to grades. You either could or couldn't do it. But you didn't dare make an error. And I was lucky that somehow or other, I avoided errors.

Fynnette Eaton: How long did you stay in that position?

Meyer Fishbein: My title was Minor Archives Assistant

Fynnette Eaton: That's a lovely title. That is impressive

Meyer Fishbein: Isn't that impressive? It was an SP2, sub professional 2, which was equivalent really to a GS1, if that makes any sense.

Fynnette Eaton: Sure

Meyer Fishbein: After a year in which I was doing all kinds of things already, I said well I think I ought to get a promotion. And Paul Lewinson sort of backed me up on that. Something else happened, also a lucky accident that got me sort of favorable treatment. There was nothing to it, but it seemed impressive to people. What happened is somebody came in and said he had been a watchman for the U.S. Railroad Administration and he wanted to prove his service. He doubted that there was any record of it. And he was leaving, before he left I already found it and sent it forward. He was so impressed he went to the Head of Reference and told him how amazed he was, so he called Lewinson and said I had been so prompt in that. But it sort of again, a pure accident.

Fynnette Eaton: But, it's a wonderful story and it builds upon, yes. Because, today when we talk about electronic records, the reason we have to document peoples service, so that they can get the benefits that they are due. You were doing it forty years ago. That's a wonderful example.

Meyer Fishbein: Well, so you know those lucky accidents. I referred to myself as the accident-prone archivist.

Fynnette Eaton: What a lovely title. Well let me take a longer view of things. In your long and distinguished career with NARA you served as the Director of the Business Economics Branch, the Records Appraisal Division and the Military Archives Division. Could you take a moment and discuss each of the roles and positions that you held in these jobs? Because we talk about chance you were able to take advantage of chance, but you have held so many important positions. I would like to hear your thoughts about them.

Meyer Fishbein: The Business Economics, as Chief of that, working with Paul Levinson, although he would check on me once in a while, but he would let me do my own thing.

Fynnette Eaton: What was your role in being the Chief there? What did you want to see that section accomplish?

Meyer Fishbein: I had records of the Commerce Department, which of course included the Census Bureau, so that is the tie in. And the Federal Trade Commission, a number of organizations that dealt with some areas of Commerce, but I had pretty much a free hand. Not only did I have custody of the records, I could do appraisal, but that required all kinds of approvals to accession records. But I was, I could go to the agencies and start accessioning records, reviewing disposal requests so that I had pretty much a free hand. It was a great job. It was nice, little small staff, always a prime for me right from the start; was always have a good secretary. (Laughter) I got that lesson the very first day.

Fynnette Eaton: Okay

Meyer Fishbein: Because I walked into the Archives and there was this lady Mildred. I have forgotten her second name, who greeted me warmly. You know, here I was nobody. Well she was a real southerner from South Carolina with ties to a Senator Cotton Ed Smith. That was the way she was, but gee how important it is to have someone greet you, the whole impression of an office you get from the secretary. So I learned fir lesson 1 about secretaries the first day I showed up.

Fynnette Eaton: Now tell me about the names of the good secretaries that you have had; those that you can remember.

Meyer Fishbein: My memory---

Fynnette Eaton: Alright. I am going to test your memory in another way. Can you give me the dates of your career moves at the National Archives? You were

Meyer Fishbein: No, that would be difficult

Fynnette Eaton: Okay

Meyer Fishbein: When I, after I was there a year, I sort of looked around, I figured I am doing work well beyond my grade, because they let me do it. As I said no other branch in the Archives would have permitted that.

Fynnette Eaton: Was the Archives large?

Meyer Fishbein: No

Fynnette Eaton: How large was the archives at that time?

Meyer Fishbein: No. At that time each department had a division chief to accession their records. The first one I worked in was called the Division of Labor Department Archives. It has a whole history in the organization of the Archives. Each department had a division within the Archives. But each division was pretty small, just a few people. I was introduced to the people at my division the first day I showed up. There was just a few of us; someone like Phil Bauer. These names probably do not mean anything to you.

Fynnette Eaton: But they do.

Meyer Fishbein: Oh yeah, Phil Bauer was a sad situation, but that is another story. And there was Bill Raply, who was supposed to take charge of me, to make sure I did not goof up. That I did things his way, but that didn't work out, in my case with Bill Raply, because of the situation with the two commendations just as I started, so I

Fynnette Eaton: They let you have free reign because...

Meyer Fishbein: Yes, I was able to work with some independence. And the odd part about this was, before long I was permitted to handle researchers in areas with the records of which I was familiar, particularly NRA. We had a lot of economists coming to look at the NRA records. And it was kind of amusing. They referred to me as Dr. Fishbein, and here I had 39 credits. And I said No! I do not have a doctorate. And they looked disappointed! So I figured if they are happy to call me doctor, let them call me doctor. (Laughter) I found this situation kind of amusing, even then.

Fynnette Eaton: What was the first job that you served as a supervisor? Was it with the Business...

Meyer Fishbein: Yes, I became Assistant Branch Chief under Vic Gondoss, I am

Fynnette Eaton: I have read some of the history, so some of the names are familiar, yes.

Meyer Fishbein: We became good friends, always referred to him as the pincher, which I will not explain.

Fynnette Eaton: Okay, I won't go there.

Meyer Fishbein: But he was considerably disabled by extreme arthritis and so I had pretty much a free rein working with him. That was pretty much it. But I found that I became quite interested in this whole business of quantification, because of these economists. I saw more economists, I rarely saw historians. So I got the kind of reputation; if you are talking about economics, see Fishbein, even though I had one course in Economics. It was just an unusual situation.

Fynnette Eaton: You were with the Business Economics Branch. When did you get involved with Records Appraisal? Was that later?

Meyer Fishbein: That's a long story, well it is a bit of a story. For one thing, when I, to become branch chief, Schellenberg arranged that.

Fynnette Eaton: We all recognize that name.

Meyer Fishbein: My relations with Schellenberg were pretty interesting, very interesting relationship with Schellenberg. Anyway, I came to Schellenberg and says, "I am stuck at my grade. I'd like a promotion." And he said to me, "Your situation embarrasses me, let's see what we can do," which kind of amazed me, because I was warned not to go to Schellenberg, because Schellenberg was anti-Semitic, and he was

Fynnette Eaton: Was he?

Meyer Fishbein: Yeah he was. That's a story. I got the background to that from Paul Lewinson, but, anyway. So what he did was he moved Vic Gondos to Military Archives and promoted me as Branch Chief in Vic's place.

Fynnette Eaton: How long were you in that position? A number of years?

Meyer Fishbein: A few years and then I got involved in a reorganization, a big reorganization at the archives.

Fynnette Eaton: Were you involved? Did you do some of the planning for the reorganization or were you just affected by the reorganization?

Meyer Fishbein: I was greatly affected by the reorganization. I knew something was coming because Bob Bähler and Walt Robertson said you want to come to lunch. At that time Paul Lewinson retired and I was.. Oliver Wendell Holmes became my immediate boss and they asked me what I thought of Holmes as a boss. I said I won't tell you because if I say anything about him, I want him right here and I refused to say anything, but I knew something was up and it was a big reorganization.

Fynnette Eaton: Was it centered around Holmes?

Meyer Fishbein: Yes. The whole Archives was reorganized. And eventually Schellenberg... first he was made. They had problems with Schellenberg. They didn't like him.

Fynnette Eaton: They didn't like his management style?

Meyer Fishbein: No. They didn't like his complete independence, his acerbic manner. He would look down on them, on the top office, the whole business of the top office. My relations with them, well I don't want to talk about it. Not very good. Anyway, they wanted to pretty much get Schellenberg out of the way, so they made him Assistant Archivist for Records Appraisal in Office of Records Appraisal and it came at Christmas. I don't know why all of the big things happened at the Archives on Christmas week, including my retirement. Anyway, at the party at Christmas, he shook my hand and he shook a couple of hands and he said "Those whose hands I shook are going to be working for me," and I was very unhappy about it. But it was a big plus for me.

Fynnette Eaton: Why was it a big plus for you?

Meyer Fishbein: Well, for one thing, even though out of the building Schellenberg would not even recognize me, he'd walk right by me as if I didn't even exist, at work our relations were great. It was a complete change. And it was then that he talked about some system for planning the disposition of records by making some kind of retention plan, so I said, "I volunteer. I would like to do it for the Census Bureau as a test."

Fynnette Eaton: Okay, so you worked with him in developing retention...?

Meyer Fishbein: Yeah! Well he outlined some of his ideas and they struck me as very sensible. So I said yeah. And he did talk to me, well, as I said he wouldn't talk to me outside the building. He said okay.

Fynnette Eaton: It is interesting how so many interesting people at the Archives almost have this dual personality, whereas they can be very warm, they are willing to share information inside, but away they are not. That's fascinating. You are showing a very interesting side of Schellenberg. I think most of us think of Schellenberg as the author of all these

Meyer Fishbein: Oh yes

Fynnette Eaton: Absolutely, but there is more to him

Meyer Fishbein: World famous Schellenberg. Schellenberg was world famous.

Fynnette Eaton: He still is. There is no question.

Meyer Fishbein: But I did find out why his extreme opinions. I don't know if that's relevant to this interview: the cause for some of Schellenberg's behavior. I did get the story. But I don't know if that is of any interest.

Fynnette Eaton: I think we would be interested.

Meyer Fishbein: You would be interested? It would be pretty brief. During the First World War, he was attacked as a German. There was this anti-German feeling during the First World War and it really turned him into an extreme Anglophobe. And somehow it tied in with anti-Semitism. I don't know what the connection is. But it was good to know why. I got that whole story from

Fynnette Eaton: That does help.

Meyer Fishbein: I don't think anyone around Archives knew that story or very few of them

Fynnette Eaton: How did you find out?

Meyer Fishbein: Lewinson knew about it

Fynnette Eaton: Ok

Meyer Fishbein: I had very good relations. See I was very lucky in all my supervisors, except for one. Everyone one of them was very helpful to me, except for one, Oliver Wendell Holmes.

Fynnette Eaton: Ok. It sounds like most of your supervisors recognized that by giving you free reign, you would do well, you would succeed and you would improve the services that you provided to people. So I know it sounds like it wasn't as controlling as it has become.

Meyer Fishbein: No, it was just fortunate that I had good relations with my direct supervisors and they did, as you said, they did give me a considerable free reign. And I really enjoyed it. I'd get to work early, I was so anxious to go to work. I enjoyed every day of it.

Fynnette Eaton: That is wonderful.

Meyer Fishbein: Except for the last few years.

Fynnette Eaton: Because?

Meyer Fishbein: Military Archives Division was a bad experience.

Fynnette Eaton: Was it the records, was it the people you were dealing with or the lack of resources?

Meyer Fishbein: Personnel, I had about 90 people.

Fynnette Eaton: That is a large staff

Meyer Fishbein: And 3 branches. I found that it had been terribly mismanaged. And the odd part of it is, I hate to say this, but Mabel Dietrich had a reputation as a great manager, but she let several people go free who never did a stitch of work. And she also told me I wanted to promote one of the staff and she said, "Oh no you can't promote him, he's too friendly with the rest of the staff." That struck me as dam odd, because I was friendly with all of them.

(Laughter)

Meyer Fishbein: That struck me as very odd. But I had to fire three people. And get involved in paperwork. I wasn't dealing with records really. Budget, but I really had no control over the budget. It was a sham. That's why I finally quit.

Fynnette Eaton: So except for that one last position, you really thoroughly enjoyed.

Meyer Fishbein: Every day. It may sound odd, but I did enjoy every day of it.

Fynnette Eaton: I believe it. I have no doubts about that. What I would like to do and it is close to my heart, and I know that you have been involved with it. I would like to talk about electronic records for a little while, if I can do that. In the book *Thirty Years of Electronic Records* edited by Bruce Ambacher, you wrote the introduction, which was titled "Recollections of an Electronic Records Pioneer."

Meyer Fishbein: Ambacher gave me that title. I just said introduction. That is all.

Fynnette Eaton: But you are a pioneer. What I would like you to do...

Meyer Fishbein: Again, it is an accident.

Fynnette Eaton: Alright, well your life seems, your career at the National Archives seems like it was an accident. But can you talk about the history of electronics at the National Archives and what your experiences were, beginning the process of dealing with electronic records under your leadership.

Meyer Fishbein: Of course I was interested in quantification for a long time and you know I told the story about my seeing these tapes at the Census Bureau, quite by accident. But I recognized that it was a problem. You had to make, do some kind of appraisal. Census Bureau didn't think it needed an appraisal. All they did was use it and then erase it. I don't know if I told that story. "Well," I said, "why do you erase it?" "Because we can save \$12.50." I still remember that. So I said well what authority do you have to do that. He said, "We don't need any authority. I said, "What gave you that idea?" "Well you didn't fuss with us about punch cards, so why are you fussing about these tapes?" I said, "No, no.

These are records whether they are useful or useless. " So I took a stand. I didn't. I had to act immediately. It is just the way that I am. I didn't wait to go back and then come back again and say this is what we are going to do. No, I said you are not going to destroy these. I will be back with you shortly. So I went back to the Archives and said we got a problem with this electronic business. I didn't call it that. I said this machine readable stuff.

Fynnette Eaton: That was the term we used.

Meyer Fishbein: Yes, this machine readable. Just like punch cards. And I said, Yeah. Particularly Bob Bahmer caught on immediately that this was going to be a problem. And it just so happened that's, when the economists came to the National Archives and said what are you going to do about what became known as electronic records. They are proliferating all over the government and we want to make sure that the data is retained, are retained. When they came to the Archives, Bob Bahmer called me and said sit down. I said we are already dealing with it. Well, I bluffed, "We are handling it." They didn't believe us, so they went to the Bureau of the Budget and said that no, we should establish a separate organization for electronic records. And the Bureau of the Budget agreed and I was talking to Bob Bahmer about this. Gee I said Congress isn't going to go along with that. And when the bill came up in Congress, I went to the Congress and sat there and listened. They had all these experts talking about what they wanted to do was establish a big agency that would gather not only government electronic records but from outside sources into what would end up as a tremendous data bank.

Fynnette Eaton: And was the being led by the economists or did you have different groups speaking at this point?

Meyer Fishbein: Well the Bureau of the Budget was in favor of it and a lot of the academics were in favor of it. Well, you know what happened?

Fynnette Eaton: No.

Meyer Fishbein: Well, there was the Chairman of the Subcommittee that dealt with this. I forget what the subcommittee was called, but the New York congressman and he said he had some questions about that. He said, " I want to understand all this data, this electronic business." He said, "If I go on an airline; if I make a reservation on an aircraft. Say I am going to Chicago. He said. "Will that be there?" "Oh yes, that is right on the electronic records." "And if I make a pre-reservation for a hotel in Chicago will that be there?" "Oh yes." Then he said, "Well, what if my secretary made the same reservations and ended up in the same room, would that be on the record?" I remember exactly what he said. The whole audience went dead silent. He said, " you are not going to get this." And so it was killed.

Fynnette Eaton: Really! That is a wonderful story.

(Laughter)

Meyer Fishbein: I enjoyed it.

Fynnette Eaton: That is unbelievable!

Meyer Fishbein: So I came back to Bahmer. I said, "We have nothing to worry about. The law doesn't specify the medium. The Archives Act refers to all media." He says, "We are already covered. We don't have to go to Congress, we don't have to do anything. " He said, "Maybe we should inform GSA." We were still under GSA then. I says, " We can just go ahead and make our own program. But I

think we have to do it, start something promptly to avoid interference. And it will become a de facto, part of the National Archives. " And Bob Bahmer was great stuff. But I was again ineligible to head it up, so he designated Ev Allredge as head of this little unit to look into electronic records, which was Ev Allredge, Lou Dotter, who was my boss at that time and me.

Fynnette Eaton: It sounds like though you were the one that had the most interest, so you were the one that did

Meyer Fishbein: Oh, Ev Allredge was great

Fynnette Eaton: Okay

Meyer Fishbein: And Lou Dotter was fine, because he was my boss and he really gave me free rein. Daughter succeeded Schellenberg, when Schellenberg retired. This was in Records Appraisal. He would have been a great Archivist of the US. I think he would have been better than anyone that ever got the job.

Fynnette Eaton: His name. I do not recognize. How long was he at the Archives?

Meyer Fishbein: I don't know how long. He was head of the Records Management.

Fynnette Eaton: Okay

Meyer Fishbein: He was a man who knew how to make decisions. He was a very severe supervisor. And I was really glad not to work directly under him, because he was rough. But he would have really turned the Archives upside down and very well. He was sharp, but he ran into one problem.

Fynnette Eaton: Which was?

Meyer Fishbein: He applied to become Archivist of the United States against Bert Rhoads. And he put down that he had a doctorate, but he never really got the doctorate. He had finished all of everything, but at the very last, he ran out of money and he dropped out.

Fynnette Eaton: So he didn't write the dissertation?

Meyer Fishbein: So that eliminated him and then he finally retired. But he was the sharpest guy. He demanded excellent writing by his staff. I give you an example of how he operated. Some guy I knew said he was to go to an agency to make recommendations on..I have forgotten what it was. The guy said, "I don't know that area of work, of management." He said, "Well what are you going to do this weekend? You go ahead and do it." That's the way he operated. Sharp. Anyway that's a side issue.

Fynnette Eaton: You have been talking about there are so many people, luminaries that you have worked with. You talked about Schellenberg. Are there others that you could talk briefly about, because for a lot of us they are just names. You are providing us a fuller picture of people.

Meyer Fishbein: Well I can talk about Solon Buck.

Fynnette Eaton: That would be interesting.

Meyer Fishbein: That would be?

Fynnette Eaton: Yes

Meyer Fishbein: He was quite a scholar, but I had an odd session with him. That's when I was all the way down at the bottom of the scale, a minor archives assistant.

Fynnette Eaton: Okay

Meyer Fishbein: And I said, "I am doing this work, I am doing beyond my grade. I should get a promotion." So, had a big conference. Imagine of the lowest level and the Personnel Director. Solon and all the officials to decide whether I should get a promotion from a SP2. It astounded me. Anyway Solon Buck came in and said this is going to be my decision. And he asked me to come up and talk to him. He said to me, "Believe it or not," he said, "I have some top people in the Archives who are unqualified for what they do, so I can't give you a promotion."

Fynnette Eaton: Really!

Meyer Fishbein: Yeah.

Fynnette Eaton: That is an interesting story

Meyer Fishbein: I..I just looked at him in astonishment. Paul Lewinson, who came up there with me to protect me, never said a word, he just walked out. But Solon Buck did something for me that was quite unusual. For one thing, he approved it a month later, which is again crazy.

Fynnette Eaton: Do you think Lewinson went in and talked to him afterwards? Do you think there were some discussions after the meeting?

Meyer Fishbein: Possible. I think Lewinson, as long as he was there, promoted me, promoted my interests without telling me what he was doing. Lewinson's attitude was he will not take on a fight he can't win. But once he takes on a fight, he will never give up until he does win. And that resulted in incidentally one of the big reorganizations in the Archives. Paul Lewinson, that's another story. Anyway, he did me an odd favor. When I was in the Army, and I had a pretty lousy reputation; I always called myself the Army's worst, worst engineer.

Fynnette Eaton: Because...

Meyer Fishbein: I was clumsy. I always was clumsy and I didn't like being pushed around with a lot of nonsense and I showed it. So I was on the carpet, practically every day, but a telegram came from Solon Buck to thank me for my work on the records, the Book on records of World War I and the agencies and records of the First World War. He thanked me for my contributions and here I was way down on the scale. But it so impressed the top sergeant (Laughing)

Fynnette Eaton: That he treated you differently?

Meyer Fishbein: Yes, it changed his attitude.

Fynnette Eaton: Interesting

Meyer Fishbein: Even though I was told I would never get a promotion because I, an odd story. I got angry at a Lieutenant. It was before D-Day and we were working around the clock. He said I was not working fast enough and I raised my fist to him. And he went to top sergeant and said never give Fishbein a promotion. Anyway it resulted in my being given the task of lecturing the company on the Japanese military. At the very end, we didn't know it at the time, we were due to go to the Pacific

directly from Europe to the Pacific, without stopping in United States. I didn't find that out until much later. So I told them, How long do I lecture? They said 3 hours. I lectured for 2 ½ hours, which was a good lesson to me; that I was always shy on talking. Now I talk too much.

Fynnette Eaton: It was a good learning experience. It showed that you could.

Meyer Fishbein: Well anyway. All these are side issues, I am sorry.

Fynnette Eaton: No, this is very good. Well, let me, you have mentioned several times Archivists of the United States and other top management that you have had. And you have discussed some of your relationships with them. Who, in your opinion was the best Archivist of the United States during your tenure?

Meyer Fishbein: I'd have to say Bob Bahmer. He was no scholar and he knew it, but he was a good manager. I think that distinction is of course the ideal would be to be a good scholar and a good manager. But the Archives was never quite fortunate in that way. My opinion of most of them was not very great. But Bob Bahmer knew what everybody was doing and he'd get after those who weren't fulfilling and again it was regardless of their education.

Fynnette Eaton: He was judging them for the work they did.

Meyer Fishbein: For the work they did and he worked closely with Wayne Grover. That combination was very interesting. I don't know if I should go into that.

Fynnette Eaton: But I would like to hear a little about that.

Meyer Fishbein: Well, they were both, they went from the Archives to the Pentagon during the war. Wayne Grover married Senator Johnson's daughter. Senator Johnson was a top figure in the Senate. That's what I call a nice marriage, and so he had it made. He was really a nice guy, a good guy. So he and Bob Bahmer was his assistant there and when Grover became Archivist of the U.S., Bob Bahmer had the same position as Deputy Archivist of the United States. Wayne Grover at the end apologized when he retired he apologized to the staff, because he hadn't spent enough time in the Archives. He had spent all of his time developing the regional archival system.

Fynnette Eaton: Okay, that was his contribution.

Meyer Fishbein: Yes, so he left administration to Bob Bahmer and I found I got along pretty well with Bahmer.

Fynnette Eaton: Do you think that helped Bob when he became Archivist, because he had been Deputy and he had done..

Meyer Fishbein: Oh yes

Fynnette Eaton: He knew the agency

Meyer Fishbein: He was really running the agency anyway. He was disliked because he was tough on people who didn't measure up and Bob; not that Bob Bahmer was always right, who is? But I found in general he had good judgement, Good decode a farmer? He could be pretty tough, but sometimes you have to be tough.

Fynnette Eaton: I agree. There are times when that has to happen. It is interesting that you have selected one person out of the group and that is nice to hear because for me, I came on when

Meyer Fishbein: Bert?

Fynnette Eaton: Yes, so I knew Bert from there on, so I know others by name, but that's all so that is nice to have

Meyer Fishbein: I thought Bert was a disaster. That my shock you, but

Fynnette Eaton: Why did you think he was a disaster?

Meyer Fishbein: He never really understood what was going on internally. And he made, he dealt very poorly with most of the staff. I'm not talking socially. Socially he was great, but

Fynnette Eaton: When decisions had to be made he couldn't.....

Meyer Fishbein: So he surrounded himself with a few cronies and

Fynnette Eaton: That hurt the Archives in your view.

Meyer Fishbein: Yeah, it came to a head and I had a fight with him. I don't know if you want to hear about that.

Fynnette Eaton: I would like to hear about it.

Meyer Fishbein: Well, what happened was, there was, I don't know the details. There was some task that involved foreign travel. A consultant, I think was Soviet Union or something like that. I know something about Eastern Europe, maybe Poland. Anyway there was one person highly qualified to do that and everyone thought that certainly Bert Rhoads would give him the opportunity. Instead he picked one of his cronies, who knew nothing about the task. Well, they filed a petition, they organized a petition of complaint, saying that so and so should have been given that assignment.

Fynnette Eaton: Really?

Meyer Fishbein: assignment. And they came to me and I knew nothing about the guy. I knew him by name and not that much. And they briefly told me what it was and I signed the petition. Bert Rhoads called me in and reamed me. He said, "In your position to sign a petition like this." I said, "Bert, let me tell you. You have surrounded yourself with these cronies. You don't have no idea of what 's going on internally. I signed it as my way of protesting to you." So that was a fight.

Fynnette Eaton: That really was a fight. He

Meyer Fishbein: Yeah. And socially we were great. He was a nice guy. Bert even got along well with his wife. She was a nice woman. So that affected me in several ways, but, not badly, because for some reason he was afraid of me.

Fynnette Eaton: Because of your standing?

Meyer Fishbein: He thought I had connections. It came up not long after, there was at the American Historical Association. I met, I remember it was meeting in New York and I didn't go. And they were raising questions about, can the National Archives meet our needs.

Fynnette Eaton: And there was no one there to respond?

Meyer Fishbein: And that included electronic records.

Fynnette Eaton: Oh, I see.

Meyer Fishbein: And there was a Professor Lieberman, I think, I forgot the University in Connecticut. He said, "You don't have to worry, appraisal is being handled very well." Bert Rhoads never told me. I had to find out from another searcher. So he thought I had these connections. They couldn't have done anything for me. Bert Rhoads should have known they couldn't do anything for me if I was mistreated. But it came to a head when he very happily abolished the Appraisal Division. But then, he called me in. He says, "Meyer, what job do you want?" I thought, "Gee, asking me after we had a fight." So he was kind of afraid. So I said, "Well Jane Smith is head of Civil Archives Division. That's my, baby, but there is a vacancy in Military Archives Division. So I'll take it." That is how I got the job.

Fynnette Eaton: We've spent most of the time talking about your work.

Meyer Fishbein: I am sorry.

Fynnette Eaton: No, no no. This was been absolutely wonderful. What I am doing is, I am just framing because the next thing we want to do as a transition from work to talk we are talking about professional. How are you doing? Because you have been talking for more than an hour, are you

Meyer Fishbein: I'm sorry

Fynnette Eaton: No! Why are you apologizing?

Meyer Fishbein: I blab too much.

Fynnette Eaton: This is absolutely superb! Don't apologize at all. What I want to do is to talk a little bit about your professional development. Are you okay? Would you like a break or anything?

Meyer Fishbein: No, I am fine.

Fynnette Eaton: Terrific. You stayed involved in archives after your retirement: for example, your work on the restoration of Ellis Island. Talk a little about that and other archives issues that you continued to work on, once you retired.

Meyer Fishbein: Well a friend of mine, we had not been in touch for a long time. Bellino had a doctorate, he came to me and he was interested in this movement to restore Ellis Island. He would like to have a little group in DC to back this. At that time it was an ad hoc group headed by the chancellor of the university, New Jersey. Anyway, so I said yes. I would use the archives to check on what we have on Ellis Island. I got to know Phil Lax, who was heading this up and then it was given official status by the Department of the Interior. One of their big projects was to have electronic access to immigrants.

Fynnette Eaton: Great.

Meyer Fishbein: So I said great idea. They had a contract with IBM that was very favorable. IBM thought it was such a good idea and good publicity for IBM, too. So eventually I became a sort of director of the Ellis Island Restoration Commission. And I am still director. I haven't done a darn thing. They still correspond with me.

Fynnette Eaton: That's wonderful.

Meyer Fishbein: Some of them worked very hard on this. But I just wrote them that now that I am blind I can't do much, but I really would like to be kept informed on the progress and they have done very well.

Fynnette Eaton: They have done well, haven't they?

Meyer Fishbein: Yes. It is now called the Bob Hope Memorial. I didn't like the idea of giving it to Bob Hope, but

Fynnette Eaton: Why did they choose Bob Hope? That doesn't make sense.

Meyer Fishbein: Well he is an immigrant and he is a big name. That's simply that.

Fynnette Eaton: That's the reason why.

Meyer Fishbein: It's very simple. Of course Bob Hope is famous.

Fynnette Eaton: I think USO that's more of how I think of Bob Hope.

Meyer Fishbein: Yeah

Fynnette Eaton: Not as much with Ellis Island and immigration.

Meyer Fishbein: But they did a terrific job, I think. I haven't been there in a very long time on the Island. I did attend a few meetings in New York. Then I gave up. Getting to New York, I'd go to the meeting, come back the same day.

Fynnette Eaton: That can be tiring.

Meyer Fishbein: Yeah and just to meet for a couple of hours. So I would take an early train. It was a good experience.

Fynnette Eaton: Have you been involved in other archive issues besides Ellis Island since you retired?

Meyer Fishbein: I did some consulting. Somehow or other I never bothered to seek consulting jobs, but

Fynnette Eaton: They came to you.

Meyer Fishbein: But the National Archives Commission asked me to.. I did, since I was a graduate of American University. I did an inventory and then sort of an appraisal of American University records. It always disappointed me that Ernst Posner was so anxious for American University to take the lead in that area of university archives. The university never did. I tried to do it. I tried to push them into it, but they never took advantage of that once Posner retired.

Fynnette Eaton: That is too bad, because so much was done then teaching.

Meyer Fishbein: Posner was such a good friend of mine. I still miss him.

Fynnette Eaton: He was one of the bright lights.

Meyer Fishbein: Oh yeah. He was a fine gentleman and an excellent writer in English. He took a course in American Constitutional History at the University of Berlin.

Fynnette Eaton: Really?

Meyer Fishbein: Yeah

Fynnette Eaton: That is fascinating

Meyer Fishbein: Until they threw him into the concentration camp. That is a different story

Fynnette Eaton: What I would like to do is switch gears and talk about

Meyer Fishbein: Sorry.

Fynnette Eaton: No, this is good. This has been wonderful. While your career at the National Archives predates the founding of the Assembly, what do you know about the Assembly and how do you feel?

Meyer Fishbein: Nothing

Fynnette Eaton: Nothing?

Meyer Fishbein: There was an assembly established by Solon Buck. Where he would keep the staff informed about and talk about major issues. The assembly at that time was the complete staff. He also had small conferences of the professional archivists, where he would probe them on their ideas.

Fynnette Eaton: But it wasn't. It was more him pushing out information.

Meyer Fishbein: Yes

Fynnette Eaton: It wasn't trying, it wasn't a group coming together to try to improve the situation at the National Archives.

Meyer Fishbein: No, he did that with small groups.

Fynnette Eaton: Okay

Meyer Fishbein: In fact, he did that pretty regularly. He would call them. This is one of the issues. What do you think? At least there he showed used good judgment. Saying what do you think? Most of them did not think at all.

Fynnette Eaton: Alright. I know that you were very active.

Meyer Fishbein: No, but I wasn't, I wasn't

Fynnette Eaton: No, I was saying you were very active in the Society of American Archivists. Talk about your roles and responsibilities with SAA.

Meyer Fishbein: Oh yeah. Well that was an important part of my career. I still remember. I was coming back from lunch and one of the founders of the National Archives, I can't quite remember his name. At that time he was Editor of The American Archivist, said to me, "Why don't you join the

SAA? So I said quite seriously, "I don't think they want me." I really meant that because these were professional archivists, you know. You had to be voted on to become a member.

Fynnette Eaton: It was a different situation back then.

Meyer Fishbein: Of, quite, quite different. So oh no, he says. You told me to apply and I applied. It took me a few months before I was approved at that time. And I did go to a meeting in Williamsburg at that time and I was completely ignored.

Fynnette Eaton: Were you?

Meyer Fishbein: Completely ignored

Fynnette Eaton: But that didn't stop you.

Meyer Fishbein: Well, I then became active and it all ties in with Machine Readable Records and also business archives. What happened was Oliver Holmes was the one man chairman of the Business Archives Committee of SAA. When he got to a higher grade, he felt he couldn't continue in that position so he asked me to succeed him. So I was a one man head of a committee. At that time Business Archives had not really gotten a start. And then I did my essay on The History of Business Archives, had made some kind of impressions. And then the committee was expanded to cover business, labor and social organizations. So it got to be quite a large committee. It was a lot of fun chairing that. I had three little subgroups, one for business, one for labor, one for social organizations. Prepared papers.

Fynnette Eaton: Did they meet separately and they would come together?

Meyer Fishbein: Yes and I had them each prepare recommendations for organization of archives: to advise organizations on how they can establish archives. I don't know whatever happened to the papers we prepared.

Fynnette Eaton: I am sure they are in the SAA archives.

Meyer Fishbein: Probably buried somewhere. But it was a lot of fun.

Fynnette Eaton: And so you continued. A lot of your work did focus on machine readable records because of the expertise.

Meyer Fishbein: Ah, that was a key part: again circumstances. Ev Aldridge was sort of a one-man chairman of the Machine-Readable Committee.

Fynnette Eaton: Okay

Meyer Fishbein: I think they had a couple of people. But when he became, let's see was he retiring? For some reason he had to give it up. And he said, "Well Meyer, you become chairman." Well, when I became chairman and the question came up at the International Council on Archives. "We ought to look into this whole business..." They said we need a chairman of a task force to look into the implications for archives. So Morris Riegel, who was there said, "Well Fishbein's chairing a committee on machine readable records. Okay, we will make him chairman of the task force."

(Laughter)

Meyer Fishbein: Again circumstance you know. And that again quite changed my career.

Fynnette Eaton: How so?

Meyer Fishbein: Because the task force met in Spoleto Italy and prepared a study of ways of informing the archival community about all the issues concerning automation. So it was supposed to be a one-meeting task force. They said we'll make it a continuing committee, so for 8 years I chaired the committee, what we called the Committee on Organization. Others called it the Committee on Data Processing. In fact that was the official designation: ICA-DP.

Fynnette Eaton: Ah, and so you meet for

Meyer Fishbein: Met in Europe, met in Africa.

Fynnette Eaton: Wow

Meyer Fishbein: All over

Fynnette Eaton: You got exposure

Meyer Fishbein: It was fun

Fynnette Eaton: Was this how you did your world travels, it was thru ICA?

Meyer Fishbein: Yeah. I can tell you what happened was when I was asked to be chairman, I asked, "How am I going to get there?" and Ernst Posner said, "You are obliged to go." He was a real Prussian. Obligated to go. I said, "The Archives is not going to do anything for me." So I applied for a grant and the Council of Library Resources, when they heard what it was all about said "We will pay your expenses."

Fynnette Eaton: How nice! So you are probably one of the first people to look for other sources for funding for travel.

Meyer Fishbein: No, I was not the only one. But in fact Morris Rieger, who became was really well known abroad more than in the United States got grants for himself. He was the one who made suggestions for me. The interesting part about that was Bert Rhoads was asked to designate a member of the Task Force. He said well Fishbein already is a member, so he should have paid my way, but that's another story. It was a great experience.

Fynnette Eaton: Good

Meyer Fishbein: I'm sorry.

Fynnette Eaton: There is nothing. I understand now why people get mad at me because I am always apologizing. There is nothing to be sorry for at all. This has been absolutely wonderful.

Meyer Fishbein: I am tying up my daughter, too.

Fynnette Eaton: We have a few more questions. Your daughter said no. I think she is enjoying hearing all these stories as well, so not a problem. Okay. I am going to ask a few questions about the National Archives, your views about the National Archives. What do you feel are the biggest challenges facing the National Archives today?

Meyer Fishbein: The same

Fynnette Eaton: The same?

Meyer Fishbein: The same as the day was I showed up.

Fynnette Eaton: What are they?

Meyer Fishbein: That is making reasonable decisions on disposition of records. In one way it has become easier. So much thought given to it and experiences. On the other way, it's increasingly difficult. With the Imperial presidency and expanding bureaucracy, the problems get more demanding. Also the experiences that they are relying on were often very faulty. So this is my opinion of course.

Fynnette Eaton: That's what I want.

Meyer Fishbein: I can't be very specific, but I remember looking at they wanted to have an exact way of doing appraisal. Appraisal isn't a science, it's an art. You have a feel for it. Some people have it, some people don't. You have to make reasonable decisions in a reasonable amount of time. The people have told me, "I can't do it." I said "Fine, that's not your baby." They weren't able to make decisions in a reasonable amount of time. And my view, the big aim of appraisal, can you make 90% good opinions.

Fynnette Eaton: I completely agree with you. I think there is an angst about that. There still is this discussion.

Meyer Fishbein: It doesn't make any difference what the medium is.

Fynnette Eaton: Right

Meyer Fishbein: The medium. It's a special kind of a skill that you have or don't have. You can smell the problems. You shouldn't spend more than a few seconds on some decisions and then some you have to worry about.

Fynnette Eaton: Okay. That's a very, very good point. It sounds like from just the way you are speaking about this that the appraisal was one of the places that you really enjoyed being at.

Meyer Fishbein: Oh yes

Fynnette Eaton: Talk to me about how you have enjoyed working at all the different places. What would you say were the most significant turning points in your career at NARA?

Meyer Fishbein: The most significant?

Fynnette Eaton: It could be a couple. It doesn't have to be just the one. It can be several.

Meyer Fishbein: There were so many bounces.

Fynnette Eaton: That's an interesting phrase.

Meyer Fishbein: I suppose, I suppose in a way. This is something that you would appreciate. I suppose in a way it was electronic records, despite the fact that I was completely unqualified.

Fynnette Eaton: Who would be qualified to deal with electronic records? No one.

Meyer Fishbein: I knew nothing. I knew nothing. They had people come in. Ev Allridge got a staff together. This was the very beginnings. People who knew a little about electronics, but they weren't archivists and so they went off in crazy directions. I knew nothing. I didn't have a computer, I didn't use a computer until much later. In fact, I started out with my daughter giving, giving me her reject. That is literally true.

Fynnette Eaton: Okay.

Meyer Fishbein: But I went around and I pounded the archivists. "Pay attention, this is important," and I got a lot of resistance.

Fynnette Eaton: I am not surprised.

Meyer Fishbein: Particularly the people in, who worked in the State Department records.

Fynnette Eaton: Really?

Meyer Fishbein: Yeah, the State Department was talking about completely electronic control of all information. This was actually proposed. "Oh no, you can't do that. You have to have the paper." I said, "Why, you can't tell an agency to only have paper." And there was a great deal of resistance on that. I went over to State Department and looked into what they were doing. They were doing some good things. Of course, but they never achieved what they

Fynnette Eaton: No

Meyer Fishbein: This was pie in the sky stuff.

Fynnette Eaton: Right

Meyer Fishbein: But it was fascinating to me to actually sit down and figure out what archivists ought to do about it without knowing a darn thing about electronics.

Fynnette Eaton: But you set the precedent and so people started doing things about it. And we are still learning. There is no question, but it was because of you and your work that we are where we are today.

Meyer Fishbein: Of course it resulted in all kinds of changes.

Fynnette Eaton: Yes it did.

Meyer Fishbein: In fact, it caused an immediate promotion at the Archives. Lou Douter. We were all appraisers, a whole group of appraisers, he made me Assistant Division Chief and there was a protest that I was unqualified because I was too junior. He said, Lou Douter said "Well he's the one who did something about machine readable records." He just said that flatly and that's it. Again, circumstance.

Fynnette Eaton: You made a point that you went over to see what was going on with State Department.

Meyer Fishbein: I ran around a lot, cause I didn't know anything about it. And I went to Ann Arbor to look into the operation there, where they had this tremendous files of punch cards. They were

going to convert them to tape. I got some good relations there and I tried to inform myself as much as I could by reading, just running around. I just ran around a lot.

Fynnette Eaton: And you taught yourself.

Meyer Fishbein: I just didn't know what the problem was.

Fynnette Eaton: Since you were dealing with various agencies, what do you think that NARA's reputation is with other federal agencies?

Meyer Fishbein: Oh I think there is considerable appreciation, because we were helping solve some of their problems. They were piling records into basements, filling corridors with records that they didn't know what do with. And other times we would get resistance. And I got resistance on electronic records of all things. There was a meeting of the heads of Records Management and Ev Allredge says to me "Why don't you come along. Give a little talk." So I went there and I had all things prepared in my mind, what I would say. What happened Ev Aldridge said exactly the same thing what I had in my mind. I had nothing to say, so what I did was I said, "You've got to get on the ball, you've got to do something about it. "Some of you," I said, "are not doing your job as far as electronic records." And boy did I get a reaction, particularly from the guy from the Interior Department.

Fynnette Eaton: Really?

Meyer Fishbein: He got so angry with me. I said, "Well, this is it." I said, "You are either going to get involved or you are going to be completely ignored by your agency. So

Fynnette Eaton: As time went on and you were working with agencies and with machine-readable, electronic records, should NARA have done things differently? Or were we dealing with the agencies in the right way? Or should we have been doing something else?

Meyer Fishbein: Well, that's hard to say Fynnette, because we moved something into something new and we had to, we had to act for one thing. That is the key point.

Fynnette Eaton: Yes.

Meyer Fishbein: We couldn't stall around and have it taken away from the Archives. And so you have to develop systems for surveying records and so to say we did it well or not, we acted so people knew that we were involved and they can come to the Archives, even though we didn't have any answers.

Fynnette Eaton: Well, then in some ways you're answering my next question, but I want to expand upon it a little bit. What does NARA do right? We act when necessary it sounds like. That is one of the things. But what other things do you think NARA does right?

Meyer Fishbein: I think they did pretty well on the problem of access. There was resistance to making certain information available. I think most archivists did the good fight to have maximum reasonable access, knowing what should be kept confidential, but not to hide stuff that should not be confidential. I think the Archives imperfectly, of course, but I think they did it pretty well.

Fynnette Eaton: Their heart is in the right place?

Meyer Fishbein: Yeah, that is exactly right.

Fynnette Eaton: OK. And then I understand that you have been involved with some pretty interesting cases that I think it is the Rosenberg.

Meyer Fishbein: Rosenberg.

Fynnette Eaton: Tell me a little about those cases.

Meyer Fishbein: The Rosenberg Case?

Fynnette Eaton: Uh hum

Meyer Fishbein: Well it started, I got a call from the Justice Department. They were looking for a report on the rH factor in blood by a Dr. Sobel. I still remember the name. Okay, I found the report, showed it to them and then a couple of months passed. Next thing, Bob Bahmer got a subpoena to bring the records to court.

Fynnette Eaton Really?

Meyer Fishbein: Yeah, so he called me in and said, "You answer the subpoena." I said, "Please no." I had a terrible back pain. It really was awful. I said, "Gee, I'm in bad shape." He said, "Meyer, pain or no pain, you're going to that court." Well, so I got all bound up by, with this big tape, by the health room at the Archives, took a plane at 6:00 o'clock in the morning, went to the District the U.S. Court in New York City, completely exhausted, and the District Attorney who was handling the case, the Sobel case said, "Well," says "Yours is very simple. You can just sit there and relax. I want to talk to the FBI man." The FBI guy was an expert on handwriting, but also on type differences in how one machine does the typing,. So I sat there and I fell sound asleep. And the warden of the court woke me up and took me into a Kind of little room and he closed the door and it was all paneled. I couldn't even see which one was the door. And then at the other side of this tiny room, one of the panels opened and I walked out and there I was right next to the witness chair. I looked out and I saw Dr. Sobel there and he was in pretty bad shape. He had a bad heart, in a wheelchair. And his attorney, who I thought was asleep, had his back turned to the court.

The District Attorney says, "Identify yourself." And then he says, "Where do you work? And all of that. "Do you see any name on here in the title of the paper?" When the attorney, the defense attorney was in a swivel chair, he turned around and faced the judge. He said, "What the hell is going on here?" and the judge banged the gavel and said "The two attorneys will come to the .." and I was sitting right next to them and I can hear what went on.

He said, "The District Attorney, just don't you know the rules of the court?" He says, "Mr. Fishbein hasn't brought any evidence. We don't know what's evidence. All we know from him is that he brought a document."

"Please," he said to the District Attorney, "please let me handle this." Oh I felt so sorry for the guy. He was fresh lawyer from Yale University and he just shrank. So he turned to the jury and said, "Mr. Fishbein has brought a document to this court. That's all that you have to know. You can ignore everything else. Mr. Fishbein you are dismissed."

(Laughter)

Meyer Fishbein: But it was useful to me. The first time I really thought about legal evidence. And I don't know if you ever say my article on the key case on unusual media.

Fynnette Eaton: No! I am going to have to go find it.

Meyer Fishbein: Oh its.. well I did an article on precedent for electronic records as legal evidence because the case hadn't come up.

Fynnette Eaton: And now that's all they talk. It's the only thing they talk about.

Meyer Fishbein: Yeah, so I wrote an article about the precedent, an 1840 case.

Fynnette Eaton: Really?

Meyer Fishbein: Well, I have forgotten what the title is. It was a case a freed black man in Delaware had done some work for a big landowner, a powerful figure in Delaware and was never paid for his work. And he was an illiterate. So he had his, he recorded his data on a stick, by putting notches on a stick. So there were two prime lawyers in that case. One very important, this is 1840, took his case pro bono, took the black man's case pro bono. And there was and it odd because there one was Yale and one was Harvard. I remember that. Took the case and it revolved around, is the stick evidence? And the question was, did you alter the notches after the incident, your work? No, he did it just as he finished the job, he put some notches. So the decision was that this was a business record and admissible as evidence. And the black man won his case.

Fynnette Eaton: That's incredible, that's wonderful

Meyer Fishbein: I thought it was. Fascinating to me.

Fynnette Eaton: Yes, well I. One of the things that has been noted, that you had been a consultant to the FBI.

Meyer Fishbein: Yeah, well I had pretty good relations with the FBI. What was her name? Well I managed to get loose the records for the National Archives because of a phone call I got from New York. What was her name, Goldberg, the one who was arrested in First World War, protesting against the war, Goldman?

Fynnette Eaton: Emma Goldman?

Meyer Fishbein: Emma Goldman, yeah. See what happened was, I don't know if you are interested in that.

Fynnette Eaton: Yes!

Meyer Fishbein: Good, well I got a call from New York, that when Emma Goldman was arrested she had been the head of a group of players. You know, put on theater and they wanted to know what happened to those theater records. And they never got a reply from the FBI. So I said okay. I went to the FBI and I said, "What's the problem? You've got this request. Why don't you answer it?" He says "Well why don't you look?" He says, "We'll give you all the papers, copies on microfilm of all of Emma Goldman's, we have on Emma Goldman. There is no reference to this theater." So I said, "Well, why are you sitting on all of this old stuff, you know just give it to the Archives with some cut-off date." The cut-off date they chose was J. Edgar become Director of the..

Fynnette Eaton: Really!

Meyer Fishbein: Of the FBI. So he says, "Well, I will. Fishbein, you want it, take it! I've got a thousand reels of film."

Laughter

Fynnette Eaton: That is incredible.

Meyer Fishbein: That included the index.

Fynnette Eaton: Wow!

Meyer Fishbein: And I went through the, I examined the quality. I was just fascinated by some of this stuff they had.

Fynnette Eaton: That is remarkable. There have been so many times in which you have been there are the right place and you've been able to

Meyer Fishbein: Yeah, all accidents.

Laughter

Fynnette Eaton: Alright, one and I have you were also an adjunct professor at American University. Do did you work closely with Posner at that point? Is that when you knew Posner?

Meyer Fishbein: Yeah, well, I became, you know

Fynnette Eaton: You became a professor.

Meyer Fishbein: Yeah, adjunct professor, when Posner retired.

Fynnette Eaton: Okay

Meyer Fishbein: I took over his course for two or three years.

Fynnette Eaton: Did you enjoy the teaching?

Meyer Fishbein: Yeah, I think I wasn't easy on the students though. I demanded that they come exactly on time. I don't know why.

Laughter

Meyer Fishbein: In fact I reamed one at the first session. I says, "I start m classes on time, so he apologized. And I said, "Well here is a piece of paper. Tell me where you work and your phone number." He was a member of Congress

Fynnette Eaton: Oh my goodness!

Meyer Fishbein: Yeah, I got good relations with him later: very nice guy. He gave up. He said this job wasn't worth it. He said he had a big family. He was from Des Moines. But he was a very dedicated guy. He really worked hard. He said, "This job isn't worth it." He gave up. Side item, unrelated to

Fynnette Eaton: No, these all adds to everything. I have asked you a lot of questions. Is there anything I have left out? Is there anything you want to add to this?

Meyer Fishbein: I already talked too much.

Fynnette Eaton: No you haven't. You haven't talked enough. We can't thank you enough.

Meyer Fishbein: Now okay.

Fynnette Eaton: Letting us talk about your career. Thank you so much again. You have enhanced the collection with your stories. It's been a pleasure.

Meyer Fishbein: Some people are not going to like it.

Fynnette Eaton: That's okay, that's alright.

Meyer Fishbein: They are not going to like it.

Fynnette Eaton: That's okay. Thank you, Meyer. Thank you so much. Thank you, that was fabulous!



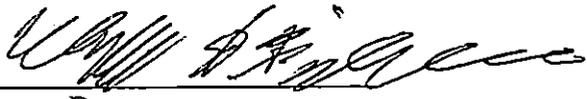
National Archives and Records Administration

8601 Adelphi Road
College Park, Maryland 20740-6001

**Gift of Historical Materials
of
Meyer H. Fishbein
to
The National Archives and Records Administration (NARA)**

1. In accordance with the provisions of Chapter 21 of Title 44, United States Code, and subject to the terms and conditions hereinafter set forth, I, **Meyer H. Fishbein** (hereinafter referred to as the Donor), hereby give, donate, and convey to the United States of America, for eventual deposit in the National Archives of the United States (hereinafter referred to as the National Archives), the following historical materials (hereinafter referred to as the Materials):
 - a. Video recordings (2 DVDs) of an oral history interview of **Meyer H. Fishbein** conducted on **November 4, 2009**, by **Fynnette Eaton** on behalf of the National Archives Assembly Legacy Project.
 - b. Transcript of the interview of **Meyer H. Fishbein**, conducted on **November 4, 2009**, by **Fynnette Eaton**. Transcript prepared by **Fynnette Eaton and Monique Politowski** and reviewed by the Donor.
 - c. Additional paper materials, including CV from the interviewee and correspondence regarding the interview.
2. Because the Materials were generated in connection with the National Archives Assembly Legacy Project – an oral history project designed to capture the institutional memory of retiring NARA staff – the Donor stipulates that the materials be accessioned into the National Archives and allocated to the donated historical materials collection of the National Archives Assembly. This collection is designated as NAA and is entitled, Records of the National Archives Assembly.
3. The Donor warrants that, immediately prior to the execution of the deed of gift, **he** possessed title to, and all rights and interests in, the Materials free and clear of all liens, claims, charges, and encumbrances.
4. The Donor hereby gives and assigns to the United States of America all copyright which **he** has in the Materials.
5. Title to the Materials shall pass to the United States of America upon their delivery to the Archivist of the United States or the Archivist's delegate (hereinafter referred to as the Archivist).
6. Following delivery, the Materials shall be maintained by NARA at a location to be determined by the Archivist in accordance with the provisions of Chapter 21 of Title 44, United States Code, and provided that at any time after delivery, the Donor shall be permitted freely to examine any of the Materials during the regular working hours of the depository in which they are preserved.

7. It is the Donor's wish that the Materials in their entirety be made available for research as soon as possible following their deposit in the National Archives.
8. The Archivist may, subject only to restrictions placed upon him by law or regulation, provide for the preservation, arrangement, repair and rehabilitation, duplication and reproduction, description, exhibition, display, and servicing of the Materials as may be needed or appropriate.
9. The Archivist may enter into agreements for the temporary deposit of the Materials in any depository administered by NARA.
10. In the event that the Donor may from time to time hereafter give, donate, and convey to the United States of America additional historical materials, title to such additional historical materials shall pass to the United States of America upon their delivery to the Archivist, and all of the foregoing provisions of this instrument of gift shall be applicable to such additional historical materials. An appendix shall be prepared and attached hereto that references this deed of gift and that describes the additional historical materials being donated and delivered. Each such appendix shall be properly executed by being signed and dated by the Donor and the Archivist.

Signed: 
Donor

Date: DEC. 4, 2011

Pursuant to the authority of Chapter 21 of Title 44, United States Code, the foregoing gift of historical materials is determined to be in the public interest and is accepted on behalf of the United States of America, subject to the terms and conditions set forth herein.

Signed: 
Archivist of the United States

Date: 5 January 2012