

Vichy: The trial that never was

AFTER YEARS of fierce legal battles and protracted legal procedures French lawyer and Nazi hunter. Serge Klarsfeld, was confident that it was a matter of days before Rene Bousquet - the man in charge of the Vichy regime's police - would be, at long last, brought to trial.

Bousquet, following the orders of Marshal Philippe Petain's prime minister Pierre Laval, allegedly ordered the French police to round up and deport Jewish children.

Klarsfeld had successfully brought Klaus Barbie, the Gestapo's man in Lyon, from his hideout in Latin America, and had him tried and sentenced in France in 1988.

The French lawyer intended to bring the antisemitic Vichy regime itself to justice by bringing charges against Bousquet, one of its highest officials still alive.

Only a few days before the preliminary hearings, State Prosecutor Pierre Truche, the prosecutor in the Barbie trial, said that the regular criminal court of Paris would not hear the case. Since Bousquet had acted in the capacity of a senior official, he could only be tried by the High Court of Justice set up after the liberation. To convene this same court over 40 years later is close to impossible.

Klarsfeld's camp was bitterly disappointed.

Klarsfeld and his friends had already brought Jean, Legay, the delegate of the Vichy police chief in the non-occupied zone of France, to trial.

After the war, Legay led an active career in the French administration. After retirement he lived peacefully in Paris. He had never been tried for his role during World War II, though from a legal point of view, it would have been relatively easy to initiate proceedings.

Klarsfeld finally started legal action in 1978. Legay was the first person in France to be charged with crimes against humanity. French political circles were less than happy with the trial. Legay died in July, 1989, before the long-drawn out proceedings were over.

After his death, the state prosecutor stated that Vichy officials who had had a hand in the arrest of Jews had taken part in a crime against humanity.

For Klarsfeld, this was a major victory. The prosecutor's statement allowed him to press charges against Rene Bousquet for crimes against humanity.

But because the Vichy official had already stood trial and been acquitted in 1949, he could not be retried. The prosecutor said then that Bousquet acted under duress and on orders from the occupying Nazi forces, which said that the arrests of Jews in the non-occupied area of France would be conducted by the French gendarmerie only.

Nazi-hunter Serge Klarsfeld wants Rene Bousquet, acting police minister of France's Vichy Regime, indicted as a war criminal. He thus hopes to put the Vichy regime itself on trial. Others, including Jewish leader Theo Klein, question the wisdom of this. **Michel Zlotowski** reports from Paris

the non-occupied zone could not have been conducted by the German occupiers as they were not present at that time.

"Bousquet also signed orders to arrest and deport Jews who had previously been spared, including teenagers. The police arrested 15-year-old boys in the non-occupied zone and brought them, handcuffed, to the Drancy camp (near Paris) from which they were all deported to extermination camps."

Fearing that his charges against Bousquet would be thrown out of court, Klarsfeld decided to pass his information on to *Le Monde*. In mid-October, the daily printed the whole story and exposed Bousquet's activities as minister of police under the Vichy regime. *Le Monde* explained that Bousquet had not been brought to trial for all his deeds in 1949. Klarsfeld hoped that with new information out in the open the judge would be unable to dismiss his complaint.

But the paper also quoted a "close aide" of President Francois, Mitterrand as saying that the reopening of the Bousquet case could "disrupt the peace." Many in France have associated this "close aide" with the president himself and Klarsfeld has harsh things to say about the French president's interest in the case.

Klarsfeld then decided to challenge the French junior justice minister George Kiejman. In an open letter published by *Le Monde*, Klarsfeld asked Kiejman - a Jew and the son of deportees - to resign his position so as not to assist in the burial of the Bousquet case.

Kiejman, who is also Mitterrand's lawyer, responded in the daily *Liberation*. He said that he was not appointed minister because of his background but because he supports the policy of the government. The minister said that the government had been in favor of the Barbie trial, but that it was now opposed to the reopening of a case that had already been tried by the High Court of Justice in 1949.

"The essential struggle against oblivion doesn't go necessarily via a trial. It would seem important to preserve civil peace," said Kiejman, using the very words allegedly used by Mitterrand himself.

Why would the French president be so lenient with Bousquet?

"There are two attitudes towards Petain and his men," Klarsfeld said. "Some say the Vichy regime was fascist and antisemitic and aimed to integrate France into the new Euro-

simply consisted of frightened *petit-bourgeois* who under Nazi pressure made some mistakes, but who were by no means criminals."

According to Klarsfeld, Mitterrand favors the latter explanation. During World War II, after escaping from a German PoW camp, Mitterrand reached Vichy where he was in charge of the French PoWs.

"Mitterrand spend a year in Vichy. Considering that he had come from a stalag, he probably enjoyed that year spent in the spa resort, which had been turned into a small, self-contained world filled with all the political elite of the state. His life there was normal. The life of the Jewish families under the same regime was not. That makes a hell of a difference," Klarsfeld said.

The episode points to the reluctance of the French political echelon to bring Vichy's policy towards the Jews to trial, charged Klarsfeld.

THEO KLEIN, former head of the French Jewish community, told the *Post* that though lie understands Klarsfeld's feelings, he takes a rather different view.

"Bousquet had already been brought to trial at the end of the war, and it is wrong to say that France never tried the Vichy regime," Klein said. "How effective these trials were is another issue."

"Klarsfeld says there is no reason why Klaus Barbie should be in jail and Bousquet should not. My answer to that is that it is impossible to compare the deeds of the two men."

Klein said that the French court ought to hear the sides again and decide if there are any individuals whose deeds should be reassessed. Such people could then be tried by a different jurisdiction.

"Let's not forget that the elimination of the Jews was not the decision of the Vichy regime," Klein said. "Many Jews were in fact saved by

Bousquet himself. I personally know one 91-year-old Jew who told me that should Bousquet go on trial, he would testify on his behalf."

Klein, himself a member of the Resistance, added that though the Vichy regime acted under German orders, it must be still held responsible for what happened to the Jews. If the French police had not assisted the Germans it is possible that their task would have been made far more difficult.

But the French tried those who were directly responsible. "Pierre Laval was executed by firing squad and Petain spent the rest of his life in jail," Klein said.

In Klein's opinion, for Klarsfeld to accuse Mitterrand of attempting to cover up the activities of the Vichy regime by preventing a trial is eccentric. "I think Serge Klarsfeld has been carried away by his deep disappointment," Klein said.

"The younger generations cannot grasp the reality of those days. We who had lived through the war and survived had only one thing in mind: not to forget it, but to leave the past to the past. As former members of the Resistance, we wanted to become anything but 'war veterans.'"

"Had liberated France arrested" and condemned all the French who had collaborated with the Nazis, the country would have fallen apart," Klein continued. "Let's keep in mind that Paris had acclaimed Philippe Petain in May 1944 and that less than three months later, Paris acclaimed Charles de Gaulle and the Allies."

"France was cowardly in those days and a statement to this effect was publicly issued in a conference on French law in relation to the Jews, under the auspices of the French president, in October," Klein said.

He maintained that one cannot put an entire country on trial, or expect it to constantly repent.