

Court Cases May Put Vichy France In the Dock for Holocaust Deaths

By Barry James

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PARIS — Two pending court cases may force France to confront allegations that the wartime Vichy regime played an active and even a sometimes enthusiastic role in the Nazi extermination of Jews.

Within the next few weeks, a court is expected to rule on whether René Bousquet, 81, the highest ranking police official in the Vichy government, should stand trial for crimes against humanity.

Another court is scheduled to rule soon on a libel accusation by Maurice Papon, 80, a senior administrator in wartime Bordeaux, against the magazine *Le Nouvel Observateur*, which accused him of playing a major part in the rounding up and deportation of Jews.

During the libel hearing recently, the prosecution produced a typewritten report signed by Mr. Papon in 1942 which outlined in detail how the Jews should be arrested and transported.

Although many Frenchmen were tried for crimes after the war, until now, France has not brought any of its own officials to trial specifically for crimes against humanity. France maintained that such crimes were ordered by Nazi occupiers, such as Klaus Barbie, the Gestapo chief sentenced to life imprisonment in Lyon in 1987, and another senior Nazi chief, Alois Brunner, whose extradition France has long been seeking from Syria.

But Yves Jouffa, president of the French League of Human Rights, said the Barbie case "was the trial of Nazi Germany, not collaborationist France." And research in archives both in France and in Germany showed that France's participation in the Holocaust was not so passive or coerced as it has been presented.

At one level it is true that about three out of four Jews in France survived the war, many of them as a direct result of the generosity or courage of their French neighbors — a fact brought out by the Nazi-hunter Serge Klarsfeld in his history, "Vichy-Auschwitz."

Of about 76,000 Jews sent from France to Nazi death camps, however, recent research confirms that many were identified by French surveillance of the mails and perhaps the great majority of them were arrested and deported by French police, whether in the occupied part of France, or the nonoccupied Vichy zone.

This is an aspect of history that officialdom has preferred to gloss over. Wartime police files still are sealed to historians.

Historians point out that with only 2,500 to 3,000 German police in the occupied part of France, and none in the Vichy zone, the Nazis could not have carried out mass roundups of Jews without the active cooperation of French authorities.

About 60,000 of the deported Jews, more than three-quarters of the total, were arrested and de-

ported between April 1942 and December 1943, when France had nominal independence and autonomy in the Vichy zone and when Mr. Bousquet was chief of police, the third-ranking official in the administration after Marshal Philippe Pétain and Prime Minister Pierre Laval.

Mr. Klarsfeld, acting on behalf of the Association of Sons and Daughters of Jewish Deportees from France, alleged that Mr. Bousquet ordered the identification, arrest and deportation of Jews — not only stateless residents but also children born in France, who had French citizenship and for whom the French state bore a direct moral responsibility.

The Nazis had ordered France to hand over Jews between the ages of 16 and 45. Many were sent to camps at Pithiviers and Beaune or to Drancy, northeast of Paris. In the camps, Jewish parents were separated from their children before being loaded onto sealed cattle wagons and sent to Auschwitz.

More than 2,000 children were left behind.

Documents in German archives revealed that Vichy authorities sought permission from the Nazis to send the children to the death camps as well — in other words, there was no compulsion to send them.

Adolf Eichmann, who was in charge of the transportation arrangements for Hitler's Final Solution, gave permission, and the children, many of them infants, were sent to Auschwitz and gassed.

Mr. Papon, who later became budget minister and the chief of police in Paris, was charged with war crimes in 1983 for his alleged role in the arrest and deportation of 1,700 Jews from the Bordeaux area, yet there is no indication when his case will be brought to court.

Another Frenchman, Paul Touvier, is being prosecuted for his activities as a pro-Nazi militia chief who worked with Barbie in Lyon. He was captured in 1989 after spending years in hiding under the shelter of Catholic monks, and he also is awaiting trial.

Mr. Bousquet, who ended the war in comfortable exile in Germany, has yet to be formally charged. In 1949, he was found guilty of war crimes by a special court set up after the Liberation to judge former Vichy officials. He was sentenced to five years' loss of civil rights, but the sentence was suspended because the court found out that he had also carried out activities on behalf of the Resistance.

Mr. Bousquet has defended himself against the latest accusation by appealing to the principle that a person should not be tried twice for the same offense. But the persecution of the Jews was hardly mentioned in the 1949 trial, and Mr. Klarsfeld argues that the accusation of crimes against humanity merits a new hearing. It is this argument that is now being tested in the courts, and the outcome will decide whether Mr. Bousquet should be tried.