

The case against Rene Bousquet is the last chance to try the Vichy regime for sending French Jews to the Nazi gas chambers. But resistance to his trial shows the French are still haunted by the occupation

THE PICTURES of Rene Bousquet taken in 1942-43 show a young, proud, handsome man, fastidiously dressed, with a faintly louchesmile, authoritative and luxuriantly at ease as he inspects a police parade or commands the confidence of some visiting Nazi dignitary. After a meteoric rise through the pre-war public service, he is, at 32, the police chief of Vichy, a post of ministerial rank in the collaborationist government of southern France headed by Marshal Petain. Bousquet is young. But then Helmut Knochen, Nazi commandant of the police and security services in German-occupied Paris, is also 32. Theo Danneker, architect of the French component of Eichmann's "final solution", is just 29. Bousquet is a young man in a young man's world.

He is not much older, and just as smartly dressed, in the pictures taken at his trial in 1949. He does not smile. His head is in his hands. But the French High Court of Liberation Justice, a court specially constituted to try high functionaries, its jury made up of parliamentarians who were in office in 1939, is coming to the end of its legal life. The war has been over for four years. The hearings are more cursory and the sentences more symbolic than those which took place in 1945, when memories and wounds were fresh.

The trial of Bousquet lasts three days. A local paper describes it as taking place in "an open and cordial atmosphere". Bousquet advances the classic justification of Vichy, that it was an instrument not for furthering Nazi rule but for moderating it. "It may appear," he says, "that I have implemented a policy of racial persecution. Well, gentlemen, it I have supported that policy it has in as the rope supports the hanged man. And, in truth, I believe that if you want to talk about me as a collaborator in this area, you would do better to think of the collaboration which exists between the lightning and the lightning-conductor."

Bousquet is sentenced to five years' "national degradation" for having "directly and indirectly assisted the enemy" as police chief of Vichy. The sentence is commuted in recognition of the help which the court considers Bousquet to have given to the French Resistance. He has spent three years in prison, but he leaves the Jock u free man. He is 39, with most of his life still before him.

A VIDEO-CLIP snatched by a French television station last year shows Bousquet at 80, the reclusive occupant of an expensive flat on the Avenue Raphael near the Arc de Triomphe, a discreet "R B" on the bell in the lobby. He has been in retirement for a decade, after 30 years in the service of the Banque Indochine, later Indosuez, where he was one of the quiet and powerful grandees of French finance, director of two dozen companies around the world. In this image, he is visibly distressed by the presence of the camera crew. Greyer and heavier with age, he turns away grimacing. The picture is blurred. But its subject is unmistakably the same Rene Bousquet, descendant within the same body and possessor of the same soul as the polished Vichy police chief of 1942.

In this latest image, Bousquet is being hunted by the camera as others were once hunted with less gentle motives by his police. He is being hunted, too, in the law courts, where Serge Klarsfeld, the barrister and president of the Association of Sons and Daughters of Jewish Deportees from France, has asked the public prosecutor to investigate Bousquet for "crimes against humanity". Although this is a category of offence which under French law enjoys no

# JUDGEMENT ON VICHY

BY ROBERT COTTRELL



From hunter to hunted: (above) Bousquet with German officers in Marseilles in 1943; (right) as he is today, a reclusive, 80-year-old retired banker, living in the shadow of retribution

statute of limitations, no Frenchman has ever been tried for such a crime. The High Court of Liberation Justice was concerned with treason, not genocide. As the present French justice minister, Georges Kiejman, said in November: "You would not only have to put Vichy on trial, but also the justice of 1949. The dossier against Bousquet contained all the elements necessary for convicting him. The judges who judged him did not care, they were utterly blind. The fate of the Jews, in 1949, did not interest them."

To establish Bousquet's part in the arrest and deportation of Jews from France as the basis for a new trial, Klarsfeld advances two pieces of evidence which he says were not considered in 1949. The first is that Bousquet took part in a meeting on 2 July 1942 at which French and German officials reached an outline agreement on the wave of seizures and deportations which took place that summer: the second, that Bousquet shared responsibility for the deportation of Jewish children from France, a cruelty exceeding the demands even of the Germans themselves.

Yet if studies of Vichy and the Jews, including Klarsfeld's own, can be found in any Paris bookshop, the subject is none the less one which the French legal and political establishment still appears keen to keep out of the courtroom. After Klarsfeld's dossier against Bousquet was first presented to the public prosecutor in September 1989, it spent a year shuttling from office to office in the various departments

administration". He concluded that "the son of a Jewish deportee has been made a minister of justice to ensure that the Vichy chief of police goes unpunished".

Perhaps Kiejman's comments pricked the very judges with whom responsibility lay for deciding who might judge Bousquet. For despite Klarsfeld's scepticism, the *chambre d'accusation* of Paris decided on 21 November that, even if the High Court of Liberation Justice were the only body competent to proceed with a trial of Bousquet, that need not prevent a common-law court from conducting an investigation into the case against him. Bousquet's appeal against this finding was rejected on 31 January. Since then, no obstacle has remained to the reopening of the case. The end of the affair may still be surrounded by thick legal fog, but there is limited visibility ahead.

WILL THE case advance? Perhaps. But it is impossible to overstate the confusion of feelings which Vichy, the war and the occupation excite in France, even today. The simplified stories told by the small-town French war museums of evil German soldiers and heroic Resistance fighters are true enough. But so, too, are the more complicated stories of the complicities and collaborations of ordinary life, of Petainism, of anti-Semitism, of the grey areas of wartime memory which can now be addressed to popular acclaim by films like Claude Berri's recently released *Uranus*, but which were for decades simply too painful for most people to touch.

It appears impossible now to say, to the satisfaction of a lawyer or a historian, how much individual members of the Vichy regime knew about the fate of the Jews, and when they came to know it. What is certain, however, is that, from 1940 onwards, Vichy took its own initiatives, in advance or in excess of those required by the Germans, when passing legislation which deprived Jews in France of their civil rights, when subjecting them to arbitrary arrest and detention, and when authorising their rounding-up and deportation in conditions which must have proclaimed even to the least illuminated of bureaucratic minds the sort of fate which lay at the distant end of that journey. With the Vichy government's help, 70,000 Jews were deported from France between 1941 and 1944, to die in Nazi gas chambers.

Bousquet represents, by Klarsfeld's analysis, the last chance to put the Vichy regime on trial for the worst of its crimes. Eight years ago, in *Vichy Auschwitz*, the definitive study of France's role in the Holocaust, he placed the responsibility on the shoulders of "five personalities, the only ones whose responsibilities covered all anti-Jewish actions: Petain as head of state, Laval as head of government, Bousquet as chief of police in Vichy, Leguay as Bousquet's representative in German-occupied France, and Darquier as the Commissioner-General for Jewish Questions."

Of the five, Laval was executed in 1945. Petain was spared execution by virtue of his age, and died in 1950. Darquier, condemned to death in his absence, fled to Spain, where he died in 1980. Leguay went to the United States after the war, where he worked for the Nina Ricci group, retired to France, and, at the time of his death in 1989, was still being investigated for "crimes against humanity" on the basis of evidence presented by Klarsfeld. It was Leguay's death which provoked Klarsfeld into moving against Bousquet. And it will be with Bousquet's trial, or death, the last of the five, the old man in the Avenue Raphael, that Klarsfeld's race against the clock will reach its conclusion. D



of the Palais de Justice until, in October 1990, the prosecutor finally responded by saying that if Bousquet were to be tried again, the only court competent to accept the case would still be the High Court of Liberation Justice. Since that court had been dissolved 40 years previously, and its possible jurors were almost all dead, this was as much as to say that the case had no future. New legislation would be needed to restore the court to life: and the justice minister, himself the son of a deportee, was making clear the government was not likely to help. There are," Kiejman announced, "other ways of denouncing the cowardice of the Vichy regime."

To Klarsfeld, the decision could be explained only "by a desire, at the highest political levels, not to see judgement passed on the anti-Jewish actions of the Vichy government, on its police and on its