

War Criminal Sentenced

By PETER HELLMAN

BORDEAUX, France — Weary after 18 hours of deliberation, the jurors in the longest trial in French history filed into a Bordeaux courtroom and pronounced Maurice Papon guilty of complicity in crimes against humanity.

The 87-year-old former high French bureaucrat, impassive at the verdict in his glass box, was sentenced to 10 years in prison. Free for the duration of the lengthy appeals process, Papon will likely never spend a day behind bars. Leaving the courthouse in a black limousine, guarded by government-provided sharpshooters as he has been since the trial began last October 7, Papon returned to his home on the outskirts of Paris. But he'll have to remove the insignia of the Legion d'Honneur from his lapel. As a convicted criminal, he is no longer entitled to it.

The verdict was a mixed bag. Papon was found guilty of two charges — illegal arrest and sequestration of more than 1,000 Jews from 1942 to 1944 under his authority as secretary general of the Gironde prefecture, with Bordeaux as its capital. But the jury, consisting of three judges and nine citizens, acquitted Papon of the most serious charge: complicity in murder. Nearby all the 1,560 Jews deported from Bordeaux were, in fact, murdered at Auschwitz. But Papon insisted that, while he didn't doubt that the deportees were headed for a "cruel fate," he never imagined it to be genocide. That

claim was skillfully buttressed by his chief lawyer, Jean-Marc Varaut, who quoted from dozens of accounts of survivors who only learned the terrible truth upon arrival at Auschwitz. How then, Mr. Varaut asked, could Papon know of the gas chambers and crematoria?

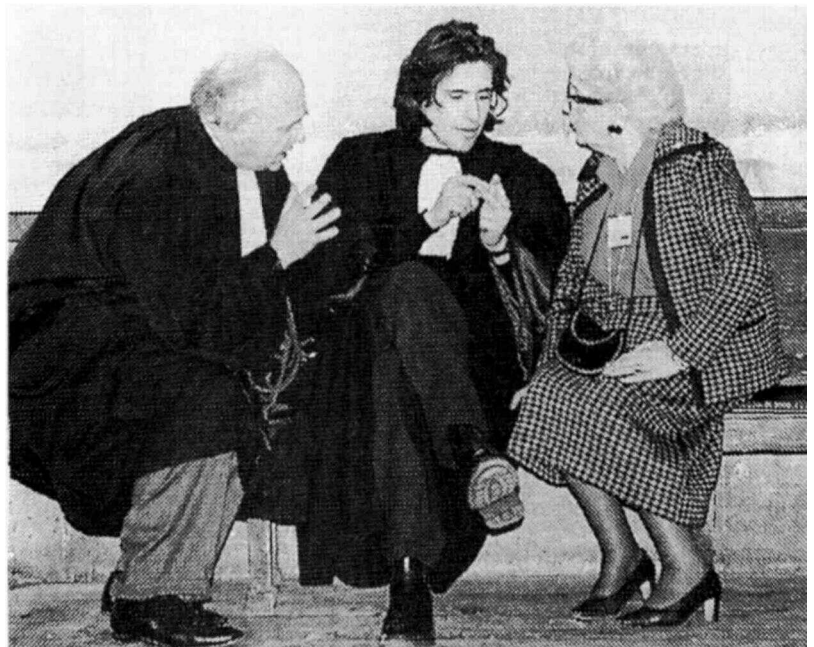
Among the two dozen lawyers for the *parties civiles*, or complainants, the big winner was the youngest and most controversial among them, 31-year-old Arno Klarsfeld. He represented the families of several children who were killed at Auschwitz. Along with his father, Serge, the historian of the Shoah in France, Mr. Klarsfeld had argued from the beginning that Papon must not be put in the same class of criminals with Klaus Barbie and Paul Tuvier, the only other men to have been tried for crimes against humanity in France. Barbie was a Nazi and a killer, Tuvier a French ultra-right-wing militia man. While they both were devoted proponents of the Nazi death machine, Papon "did not act against Jews of his own volition," argued Mr. Klarsfeld. Papon's actions were ordered by the Vichy state, and he "did not exceed them."

"You hid behind your absence of hate, behind syntax, behind even, perhaps, your anti-German sentiments," charged Mr. Klarsfeld in his summation. "You didn't ask questions, you didn't receive answers. You didn't go to see the children. You avoided all contact with discomfiting reality. You forgot the man you had been, the man that you could have been and so it

happened quite naturally, with the least possible internal conflict, that you accomplished the irreparable."

Evil does have shades of grey, Mr. Klarsfeld insisted. And so, he argued against a life term for Papon, which most other lawyers for the *parties civiles* had demanded. One, Michael Zaoui, warned that the "pointillism" of Klarsfeld's moderate view was "dangerous." Another lawyer, Alain Jakubowicz, went so far as to call for Papon's "eternal punishment." Even the 20-year term asked by the public prosecutor, Henri Desclaux, seemed on the high side to Mr. Klarsfeld. But with its 10-year sentence, the jury, which in France passes sentence as well as decides guilt, fell in line with the vision of the Klarsfelds.

Arno and Serge Klarsfeld had already provided the big shock of the trial, on January 12, when they disclosed that the chief judge, Jean-Louis Castagnede, was related by marriage to three of Papon's victims. The judge's only paternal uncle had married a Moroccan Jewish woman named Esterina Benaim. She and two of her daughters were arrested in Bordeaux in late 1943 and deported to Auschwitz. This startling information came from Esterina's surviving daughter, Micheline. The Klarsfelds failed to persuade Micheline herself to become a *partie civile*. Judge Castagnede claimed, through court sources, that he never knew of the family connection, even though all concerned had lived in the Bordeaux area. And he refused to step down from the bench, as the Klarsfelds requested. It remains to be seen whether, on appeal, Papon's defense team claims that the judge's familial connection to the Bordeaux deportations prejudiced him against the defendant.



Juliette Benzazon, right, a civil party in the Papon trial, with the lawyers Arno Klarsfeld, center, and Bertrand Favreau on Thursday.

The trajectory toward Papon's conviction has been long. It began in 1981, when a Bordeaux archivist came across a musty dossier of wartime files incriminating Papon in the hunt for Bordeaux Jews. At the time, Papon dismissed the charges against him as

convened in 1981 at Papon's demand to determine if he really had been a member of the resistance, as he claimed, found that he probably had been. Significantly, it also found that, rather than carry out Vichy's orders, he should have resigned his post. At his trial, prosecutor Henri Desclaux made the point that "one did not act as a resister by arresting Jews."

Efforts to bring Papon to trial were blocked throughout the years of the presidency of Francois Mitterrand, who didn't wish to see Vichy's dirty laundry washed in public. Under President Jacques Chirac, that policy changed. Still, at any time, as Arno Klarsfeld has pointed out, charges might have been dropped by the *partis civiles* if Papon had apologized to the families of his victims. That, he never did. Yet, in his own final statement to the jury, Papon invoked "that wonderful painting by Rembrandt" of the sacrifice of Isaac by his father Abraham, "whose arm is withheld." In that image, Papon seemed not only to be asking for mercy, but to compare himself to a Jewish child about to be slain. It was a disquieting comparison.

Despite the educational value of this unprecedented trial, intensively covered in France by several hundred journalists, not everyone was in favor of it. The prominent Jewish philosopher Alain Finkelkraut, for example, opined in *Le Monde* following the verdict, "When we judge a man 50 years after the acts, there are too many phantoms and not enough witnesses for the truth to be manifested in a satisfactory manner." A different summing up was voiced by Cardinal Pierre Eyt, archbishop of Bordeaux. Directing his words in particular to the young, he said the trial showed that "above everything, above even the state...is a moral law which sometimes obliges us to object to, even to disobey, orders. That law is written into, our consciences....No civic loyalty is possible which would shirk this moral law. Only in it can loyalty to