

FOCUS

Should we stop pursuing the Nazis?

Political considerations have somewhat clouded the essential moral questions at issue in the Menzies report on the entry into Australia of suspected war criminals. NICHOLAS ROTHWELL assesses the report that provoked some startling reactions four decades after the Holocaust

THE Menzies report on suspected Nazi war criminals in Australia — a landmark document just tabled in Federal Parliament on the nation's moral duty to the Holocaust victims of World War II — has in one week produced startling reactions from political commentators, and members of the Jewish community.

Its reception raises a profound question about the war crimes issue — should we, as a country, lay this ghost to rest and stop pursuing the Nazis?

Instead of being welcomed as the last word, the document is being seen as a national policy on this crucial set of issues encompassing the obligations of law, morality and forgiveness. Mr Andrew Menzies' findings have been greeted in some unlikely quarters, with surprising violence and even hostility.

So it is that a report designed to heal the divisions in the Australian community (caused by the war crimes issue, as well as to discover on a more mundane level what war criminals live unknown in our midst, may, according to its detractors, have the exact opposite effect of sparking renewed anti-Semitism — deepening the very divisions it was supposed to bridge.

In fact, the tightly argued, 200-page Review of Material Relating to the Entry of Suspected War Criminals into Australia was lambasted from the outset — certain circumstances lying behind its creation prevented the review, itself intellectually rigorous and inspired by an evident sense of charity and responsibility, from resolving the Australian community's mixed attitudes towards the emotionally laden question of Nazi war crimes.

"That this is so can be seen from the heated reaction to the Menzies report in some quarters. Australia's most prominent conservative spokesman, the Roman Catholic Mr B.A. Santamaria, this week lambasted the circumstances that were in part responsible for the review, while Melbourne's Dr Frank Knopfelmacher, perhaps the most brilliant Jewish political intellectual in the country, warned that the report had shared the Government "an accomplice of provocateurs" because it was now obliged to single out specific ethnic groups for investigation.

And while the organised Jewish community greeted its release enthusiastically, individual Jewish commentators, such as one well-known Parliamentary Private Secretary, Mr Emmanuel Klein, whose family died in the Holocaust,

lamented the inevitable flogging through the past's agonies that Mr Menzies' reflections would bring.

A leading political writer even took the line — directly contradicted by Mr Menzies — that "Sir Garfield Barwick was right" when he said in 1961 that the matter of war criminals in Australia should be considered a closed chapter and the whole report was a mistake.

But leaders of Jewish organisations, while low-key in their public statements for fear of seeming to support a McCarthy-style investigation of other ethnic communities, are adamant that the Menzies report marks a crucial breakthrough, promising justice and a righting of wrongs.

The president of the Executive Council of Australian Jewry, Mr Leslie Caplan, stressed that the Government has a moral responsibility to act on its findings, said Jews were "distressed that Australia should have provided refuge and sanctuary over such a long period to men guilty of horrendous war crimes."

I am confident the Government will act to ensure that the rights of all Australians are maintained and protected unless found guilty by the due process of law," he said. Add the president of the Zionist Federation of Australia, Mr Mark Lieber, warned there "could be no statute of limitations in regard to such heinous crimes against humanity."

One leading member of the Jewish community who has himself carried out inquiries into the possible entry of Nazis, Senator Peter Baume, also wants the investigation of the Nazis to continue, and disputes the Menzies' report's conclusion that Australian intelligence was always unaware of the entry of war criminals.

He raised a central point in a December 3 Senate speech, charging that many of the past investigations into migrants suspected of complicity in war crimes were "white-washes" while in some cases cover-ups occurred: "My limited research has revealed a degree of sloppiness, deception and dishonesty in dealing with the entry of former Nazis into Australia which I find disappointing and disturbing."

Senator Baume shared the belief of the Jewish community organisations when he says that "it is important that the facts come out — we must know the extent of the entry of former Nazis into Australia."

This country is only the latest, after the United States and Canada, to undertake such an exhaustive search of its postwar immigration archives in order to find and

judge war criminals who slipped into the country in past decades. Such raking over the coals of history inevitably awakens painful memories of the war and runs the risk of fanning a "witchhunt", stigmatising entire communities suspected of harbouring collaborators and war criminals in their number.

Witness the turmoil in the US over the cases of alleged Nazis wrongly identified and sentenced for war crimes — or, in France, the symbolic case of Klaus Barbie, the former SS "Butcher of Lyons" whose trial testimony promises to pull apart the convenient myths of the French Resistance and expose the bitter facts of French wartime experience — that Frenchmen co-operated with the German occupiers, and the allied victory cast such people in the role of collaborators and even criminals.

Australia's experience is distinct from that of other countries. Living far from Europe and the theatres of conflict where the Nazi Holocaust occurred, but still active in the allied struggle, this country responded to the postwar wreck of Europe by opening its borders to many migrants or "displaced persons". The screening net, as the Menzies report shows, was often less than thorough. Many ethnic communities well established here have members, postwar migrants, who inevitably collaborated with the losing side in the war.

But the origins of the Menzies report involves more than the harsh dictates of history.

It was commissioned in part in response to the trial in Miami of an Australian citizen on war crimes charges, Konrad Kales, and in part as a result of a Canadian royal commission into war crimes.

Overlaid on this background are the patterns of Australian political rivalry. Labor political leaders in Victoria and NSW, having identified prominent members of State Liberal parties suspected of wartime collaboration, for many years have taken up the war criminals issue from a partisan perspective.

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was tabled, some of the immediate reaction concerned whether or not the report "cleared" prominent Liberal political figures.

In addition, two further political questions are intertwined with the story of the Menzies report, its inception and its findings. One is the question of Soviet evidence — much of the reported evidence against Australian citizens accused of collaboration and other more heinous war crimes comes from such sources as the Yugoslav War Crimes Commission, or even from Soviet authorities.

Commentators such as Mr Santamaria believe Soviet officials have trumped up evidence and coached witnesses

and records were not the world's primary concern. In our later age, evidence to convict may never be found, and in Australia, innocent and guilty alike are innocent until their crimes are proved.

Lastly, the Menzies Review was commissioned by Canberra in the wake of a series of television and radio reports, many triggered by the work of Mr John Lottus, a former operative of the American Office of Special Investigations, the unit set up to investigate alleged Nazis in the US.

Mr Lottus is a crusader committed to exposing the perjury of allied intelligence services in running former Nazis as agents, then smuggling them into foreign countries to live

the team virtually incoherent and placing in the dock not only alleged war criminals but also Australia's intelligence services.

The country has been treated to a bizarre spectacle, Nazi-hunters on the rampage, with peculiar hidden agendas, seeking to nail down minor political figures or the intelligence agencies as the villains in the piece.

Against this backdrop, Mr Menzies' achievement in formulating a balanced approach to the war crimes question is nothing short of heroic — and some of the troubled reactions from members of the Jewish community and other political observers becomes comprehensible.

Mr Menzies calls for clear action from Canberra. He recommends that "the Government make a clear and positive statement to the effect that, as regards serious war crimes, it does not regard the chapter as closed and that it will take appropriate action under the law to bring to justice persons who have committed serious war crimes found in Australia."

"At the same time, the statement should indicate that the Government contemplates no reduction in the standards of justice to be applied in such cases or the safeguards now available under Australian law to persons accused of serious offences."

Mr Menzies also flatly states that his review found "no evidence whatsoever that an Australian officer had knowingly allowed a war criminal to migrate to Australia, nor any evidence that allied intelligence officers duped Australians into taking in war criminals as migrants."

But the fact is that the report did consider such issues — essentially political ones — divorced from the far greater moral questions: what to do

with war criminals, what any prosecution would be intended to achieve, how to balance the claims of justice against the thirst for vengeance.

The effect of politically partisan debate on these questions was well outlined during an extraordinary parliamentary debate last April, when the NSW Housing Minister, Mr Frank Walker, named a group of Liberals as Nazis.

Opposition Leader Mr Nick Greiner, whose own family suffered at the hands of the Nazis, commented: "What the minister has sought to do is to confuse two separate issues — he has sought to move for the establishment of proper inquiries — but he could not do it properly. (He) sought to make a cheap political exercise out of something that . . . of all issues that may be discussed in this House, ought to be above party politics."

This week's Jewish reaction to Mr Menzies' study showed not only the pain of memory, but also some concern over the politicised terms of reference of a report on such profound moral issues.

Dr Knopfelmacher, the Melbourne University psychology Reader whose position as intellectual godfather to many of Australia's leading political thinkers gives his opinions added poignancy, claims the first media allegations about war crimes have precipitated "a chain of events detrimental to the peace and stability of Australian society."

He derides the focus of the debate on ASIO's role in the past and contends that "it is statistically impossible for a country such as Australia to admit masses of hastily selected refugees from the Soviet bloc without including Jew haters and Jew killers."

Dr Knopfelmacher rails against the activities of the professional Jewish lobby — "socio-political vultures, mainly

American, but a few Australians, too, for whom the destruction of our lives has become the economic basis of Holocaust Industries, Inc." And he says, "Ethnic rancour will be augmented: anti-Semitism is bound to gain momentum."

Dr Knopfelmacher is joined by Mr Santamaria in focusing on the ethnic slur contained in the accusations — levelled wholesale against nameless members of the Baltic, Ukrainian and Croatian communities.

That the Jewish people who underwent such sufferings in the death camps should wish to see actual war criminals brought to justice is both understandable and justifiable — however, an act or a policy must be judged not only by its morality but by its consequences," Mr Santamaria says, stressing the way that a clear moral debate had been muddled by importing the ASIO issue.

Mr Santamaria, laying down guidelines for the standards of justice to be applied in Nazi war crime trials, also points out that if crimes by Nazis are to be proved, so should all those committed by other political regimes, and those by the Nazis against peoples other than the Jews.

The Australian Government, having unwisely permitted matters to reach the present point, should put up or shut up," Mr Santamaria says — focusing on the rights of the accused as well as those of the victims.

This troubled reaction to the Menzies review in some circles itself shows just how confused were the original motives for Australia's investigation into Nazis. Four decades of forgetting have suddenly given way to frantic Nazi-hunting, triggered in part by the urge to unmask war criminals in the political world and to track down Nazi-sympathisers in the shadow world of intelligence.

Mr Menzies makes plain that the reason for punishing war criminals is not to take revenge, but to express a moral stand. "The Australian community would express its determination that the crimes should not re-occur and its deep-seated abhorrence of the crimes," he says, noting that long passage of time does not mitigate the severity of any war crimes committed.

The Menzies review, in calling for further investigation of suspected war criminals, gives its own unequivocal answer to the question: "Should we stop pursuing the Nazis?"

But it remains crucial for Australia, now facing protracted legal pursuit of war criminals living here, that the basic principles of justice should not be sacrificed in this quest. Even as the country brings its war criminals to justice, it should never forget what happens when justice itself is thrown overboard.

Politicians have muddled the moral terms of the debate

although it was commissioned in part in response to the trial in Miami of an Australian citizen on war crimes charges, Konrad Kales, and in part as a result of a Canadian royal commission into war crimes.

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new lives. His cause, naturally, is opposed to critics of the CIA and conspiracy theorists, was taken up by an Australian journalist with family links to the Communist Party of Australia, Mr Mark Aarons.

The Aarons broadcasts, making a series of allegations about ASIO's role in bringing former Nazis to Australia, and referring to a "list" of names, some of which were given by Mr Lottus overseas but not reported in the Australian press, helped create a turbulent witchhunt climate — oppressing the ethnic communities said to be represented on this unofficial list and politicising the Holocaust.

So it was that the Menzies Review came to be set up with twin goals, making the task of

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