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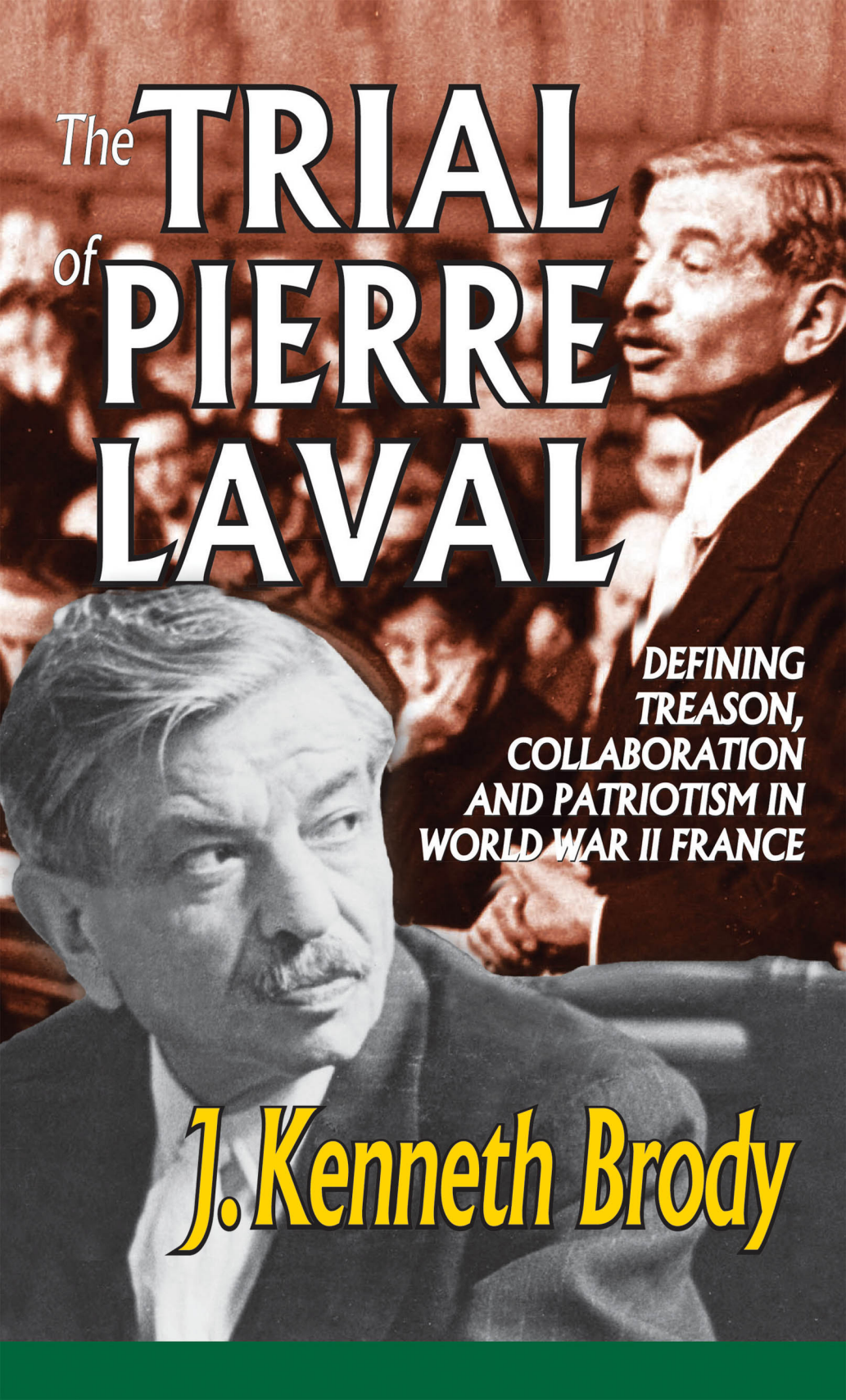

DEFINING TREASON, COLLABORATION AND PATRIOTISM IN WORLD WAR II FRANCE

J. Kenneth Brody

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In Loving Memory

Alton A. Johnson

and

Wineva E. Johnson

We shall never know what he spared us.
We shall never know what France would
have been without Vichy.

Albert Camus

Contents

Acknowledgments

The basic document for the study of *The Trial of Pierre Laval* is the trial transcript published in 1946 by Albin Michel, Paris, and extensively used herein with the generous permission of the publisher.

Of prime importance is the account by Yves Frédéric Jaffré of his prison visits to Laval as junior member of the defense team. It was published in 1953 by Andre Bonne, Paris, under the title *Les Derniers Propos de Pierre Laval*. The copyright having since reverted to the author, extensive excerpts are here made with the kind permission of Maitre Jaffré who has given extensive interviews and read and critiqued the manuscript.

The late Comte René de Chambrun was the son-in-law of Pierre Laval. He figures prominently in this narrative. Over a long life he accumulated a vast archive of documents, artifacts and memorabilia of Pierre Laval all of which, in addition to many interviews, he made available to the author. The many books he published on Pierre Laval are cited in the text and listed in the Bibliography. M. de Chambrun also reviewed and commented on the manuscript. I am profoundly grateful to Maitre Jaffré and M. de Chambrun for their signal contributions to this work and to Ambassador Walter J. P. Curley for introducing me to M. de Chambrun.

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Introduction

Pierre Laval was born in humble circumstances in the village of Chateldon in France's Auvergne region on June 28, 1883. He studied and practiced law, entered politics and in 1914 was elected mayor of Aubervilliers, a Paris suburb. In the same year, he became the youngest member of the French Chamber of Deputies.

He held several ministerial posts in the 1920s and in the 1930s was three times prime minister of France and *Time* magazine's 1931 Man of the Year. He was foreign minister and then prime minister in 1934-1936. Alert to the rapidly growing threat of Adolf Hitler's Nazi Germany, he attempted to align Benito Mussolini's Italy with Britain, France, and the Soviet Union in a defensive front to contain that threat. Italy's 1935 aggression in Abyssinia complicated matters. In December 1935, Laval entered into an agreement with British Foreign Secretary Sir Samuel Hoare to settle Italy's aggression in Abyssinia and at the same time to retain Italy as an ally against Hitler's Germany. That agreement was derailed by hostile British opinion. Laval resigned and a disappointed Italy in time became Germany's partner in the Rome-Berlin Axis and its World War II ally.

The German attack on Poland on September 1, 1939 signaled the start of the Second World War. France collapsed under the German attack in May, 1940 and signed an armistice in which Laval played no part. But he was a leader in Parliament in the transfer of power in July, 1940 from the Third Republic to the Vichy French regime headed by World War I hero Marshal Philippe Pétain. Laval served in that government as vice premier and minister without portfolio from July to December 13, 1940 when he was dismissed.

He returned to government in April, 1942 as prime minister of the Vichy regime and continued to serve during Allied campaigns in North Africa, Italy, and finally France. During that period he was widely seen, both in France and abroad, as the leading proponent of collaboration with Germany. The persecution and deportation of Jews in France, German

demands for labor and military assistance, and the fate of Alsace-Lorraine were prominent among the issues in which he was involved as Vichy prime minister.

As the Allies approached Paris in August, 1944, he tried and failed with former Prime Minister Edouard Herriot to reconvene Parliament. Instead, he resigned all governmental functions when taken into captivity in Germany in August, 1944 where he remained until the war ended in May, 1945.

After seeking refuge in Spain, he returned to France on August 1, 1945. He was promptly arrested and charged with treason and intelligence with the enemy. Both charges carried the death penalty.

His trial began on October 4, 1945. What Laval did at Vichy and why he did it would be the basic issues of the trial. This book is, as the title indicates, the story of the trial of Pierre Laval. It considers the pre-trial proceedings, or lack thereof, all of the evidence adduced and all of the arguments made by the prosecution and Pierre Laval's vigorous defense in the first days of the trial. Because of grave irregularities in the preliminary proceedings, Laval's defense counsel declined from the outset to participate in the trial. For those reasons and because of the prejudicial conduct of the prosecution, the judge, and the jury, on the third day of the trial Pierre Laval declined to participate further. What his defense would have been both in a regular pre-trial proceeding and in a fair trial are today matters of conjecture. Nevertheless, this book presents the defense that might have been but never was made and then relates the final judgment, its execution and its aftermath.

Prologue: The Black Plane

July 31, 1945. The JU 88 aircraft which took off from the Prats de Lobregal Airport in Barcelona headed for Innsbruck in the American zone of Austria was a remnant of the defeated Luftwaffe, the German Air Force of the Second World War. That conflict had recently ended in Europe with the unconditional surrender on May 5 of Nazi Germany, but it still raged on against Japan in the Pacific.

The plane was painted all black. It bore no distinctive markings or national insignia. But the civilian-clad crew were German: the pilot, Sergeant Gerhard Boehm and navigator Helmut Sunk. They had brought the same plane to Barcelona on May 2 from Feldkirche, Germany in the rapidly expiring Third Reich. On both journeys the principal passengers aboard the black plane were Pierre Laval, often dubbed Pierre le Noir or Black Peter, and his wife Jeanne.[1]

Who was Pierre Laval? As the youthful Prime Minister of France in 1931, *Time* magazine reported that he "loomed calm, masterful and popular as the Man of the Year who…rose from obscurity to world prominence, steered a Great Power safely through 1931, (and) closed the year on a peak of popularity among his countrymen."[2] Today this sometime Man of the Year was the most hated man in France.

As prime minister again in 1935-36, Laval had labored diligently with Italian dictator Benito Mussolini to construct a defensive alliance against the growing and chilling menace of Nazi Germany, only to be frustrated by British reluctance.

That same Nazi Germany ignited the Second World War on August 1, 1939. With the total defeat and disintegration in 1940 of the French armed forces and the French government, Laval had been a driving force in replacing the defunct Third Republic with a new government which took its name from the small spa city of Vichy in central France where Parliament met to effect the necessary constitutional changes and where the seat of the new government of France came to rest.

The head of the new French state was Marshal Philippe Pétain, the deeply revered hero of Verdun and of the victorious World War of 1914-1918. Pierre Laval served from July 1940 to December 1940 as one of two vice premiers under Pétain and returned to Vichy in April, 1942 as Prime Minister of the Vichy regime. Had Laval retired in 1940 to his beloved farm and fields in the Auvergne village of Chateldon, his name would have been no more than a footnote in French history. Instead he took center stage during France's darkest years.

No two men could have been more different: the taut, spare, erect, handsome octogenarian soldier, his rosy complexion set off by his white hair and moustache and his cerulean eyes, jarringly contrasted with the squat, swarthy, dark-eyed, rumpled scion of Auvergnat peasants. The contrast extended to their manner – Pétain so reserved, laconic, distant, Laval so vigorous, voluble, expressive. Pétain was seen as an icon of rectitude, of old fashioned virtues, of patriotism and of duty. He liked to say that he had made a gift of his person to France. Laval was widely perceived as flexible to the point of slipperiness – did not his name spell the same forward and backward? – a fixer, a dealer in the corridors of power. Pétain was respected, he was admired, he was loved. Laval, sturdily independent, never courted popularity and never, after 1931 attained it.

As the armies of liberation approached Paris in August 1944 both Pétain and Laval refused to serve further in a government of what was left of Vichy France. They were taken by the Germans into captivity, first in a Hohenzollern Castle at Sigmaringen, then in the village of Willflingen. During this time Laval toiled arduously in collecting documents and preparing his defense for the trial he knew he must face. Amid the chaos of the collapsing Third Reich, he sought and failed to find refuge in Switzerland. He had had ties with Spain and it was there that the black plane took him on May 2, 1945. He received a frigid welcome. On landing, he was asked if he would not prefer to continue his journey to Ireland in which case the plane was fueled and ready. Declining this offer, Laval and his wife were interned in the fortress of Montjuich.[3]

The Spanish dictator, Franco, had been close to Nazi Germany which had supported him in the Spanish Civil War. He had contributed troops to the German assault on the Soviet Union. In the hour of the German surrender he needed to seek the favor of the victors. Laval was an embarrassment and his welcome expired after three months. The black plane stood by on July 31. Laval was asked if he would prefer to seek refuge in Portugal or Ireland. "A Prime Minister of France," he replied icily, "is not a traveling salesman."[4] Marshal Pétain had earlier crossed over

into France. His trial was then in progress. He would be found guilty of treason, but with the death sentence commuted to life imprisonment. Laval's enormous self-confidence buoyed his hopes that once back in France he could persuade his fellow citizens in general and a jury in particular that all he had done at Vichy was for the protection, for the benefit and for the well-being of France and the French.

A captive in Germany, a fugitive in Spain, Pierre Laval was returning to France to face an accounting for his role in these tumultuous years. Whether that accounting would be a process of justice or of revenge remained to be seen.

When the black plane landed at Innsbruck, a crowd of military police and newspaper correspondents surged forward to catch their first glance of the famous (or infamous) passenger. Laval emerged wearing a rumpled grey suit and his trademark white tie. He tried to smile. U.S. Brigadier General John Copeland was crisp and brief. Turning to Laval he said, "I have the duty of arresting you and turning you over to the French authorities."

Laval's attempt at humor was ill-timed: "I would have preferred to go to New York," he replied, "but I wasn't given the choice." He proceeded to field the journalist's questions as if he were a prime minister conducting a press conference. His wife, pale and seemingly ill, was more somber. "I don't believe in justice anymore," she said, mustering the faintest of smiles for the photographer.[5]

While these discussions were going on, Laval's voluminous baggage was unloaded from the black plane. Contained in it were not only the clothing and personal effects of the Lavals. Far more precious were the documents Laval had collected and the materials he had so laboriously prepared in the long months of his detention in Germany. They would constitute the basis for his defense in the trial he knew he must soon face. The fate of the documents and the fate of Pierre Laval would be intertwined.[6]

The next day the Lavals left for Paris at 3:40 P.M. At an intermediate stop they boarded a Beechcraft wearing French colors. It arrived at Le Bourget, Paris, at 7:30 P.M. A crowd of about 300 had gathered to meet them. The pilot and a French officer emerged from the plane followed by Madame Laval. Where was Laval? After a few tentative steps forward, he momentarily retreated back into the plane. Only when a police vehicle pulled up alongside did he, for the first time in a year, set foot on French soil. Observers noted how emaciated Laval was, his clothes hanging limply about him, his dark skin further bronzed by the sun of Spain, his

fleshy lips trembling, his dewlaps unrestrained by the collar of his white shirt. He clutched close to him a briefcase containing his most important documents and carried his ever present cane.[7]

Was this the much photographed, well-remembered image of France's premier, the president of the Council of State? Or was this simply an old man, an uneasy, an apprehensive old man? Positive identification was not difficult. It was what in its report *Les Nouvelles Du Matin* called the "supreme *coquetterie*," the ultimate signal, his perennial white tie.[8]

Laval had reason to be apprehensive. As he appeared there were raucous shouts, many from the police: "*Salaud*," "Down with Laval," a manifestation which the *New York Times* primly called "unprofessional."[9] Pierre Beteille, one of the members of the commission that would take part in the trial of Pierre Laval, stepped forward. "In the name of the law, I arrest you," he said. Laval seemed not to notice him and embraced his wife. Over his vigorous protests, Beteille then confiscated the seventeen valises containing the results of Laval's arduous labors in the castle at Sigmaringen, and at Willflingen. They were now, for the moment, lost to Laval and if and when they would reappear no one could tell.[10]

The Lavals were escorted to a waiting car which would take them to the Fresnes prison. At the gates of the airport a crowd had been waiting for two hours to see Laval. When they saw him, slouched in the rear of the car, there were angry shouts of "Death to Laval." Attended by two outriders, the car took back streets to avoid crowds and traffic. When they arrived at the prison, the Lavals were taken to separate cells.[11]

Charges would promptly be lodged against Pierre Laval. They would be plotting against the security of the state and intelligence with the enemy. The single word to comprehend both charges is treason. For each charge the penalty was death.

France had been liberated, more by the efforts and sacrifices of others than by its own. France had suffered large losses of life, military and civilian. France had sustained grievous damage to its fabric, both by the action of the invaders and of the liberators. France had suffered hunger. France had suffered cold. France had suffered the shame of defeat, its armies reduced to two million prisoners languishing in German camps. France had suffered the daily humiliation of occupation. France was now among the victors. For all that France had suffered, there had to be someone to blame. France did not turn an accusatory gaze upon its statesman who had averted their eyes from the clear and present danger of Nazi Germany and who had blundered into war, nor upon the generals who had so assiduously prepared to fight the wrong war. It was Pierre

Laval, who had met with Hitler, who had close ties to the Germans, who had pursued the policy of collaboration, who had drafted French labor for German factories, whose police had harried resistants and deported Jews, at whom all fingers were now pointed. What indeed had he done and why and to what end and to what effect? These were the issues that a trial could, but not inevitably would, illuminate.

Unlike Pétain, who chose to remain mute at his trial, Pierre Laval would address the issues and contest the charges against him with a confidence born of his years of holding the highest offices of France, with fervor, with skills developed over his long career in law and politics, and with all of the immense physical and moral energy he possessed.

1

Pierre Laval

The mule knew the way as it pulled the mail cart down the leafy country road from the ancient Auvergne village of Chateldon to neighboring Puy-Guillaume. This intelligent animal allowed the driver, twelve-year-old Pierre Laval, to give his undivided attention to his Latin grammar. He was, as he would always be, squat, dark-skinned, and hardly prepossessing. But the black locks that fell over his forehead could not obscure the lively black eyes nor detract from the warmth of his smile.

The year was 1895. The old century was drawing to a quiet close in rural France. The Third Republic, which had arisen from the ashes of total defeat by German arms in the Franco-Prussian War of 1870 would face the German challenge and another German invasion not once but twice in the new century so close at hand.

Young Pierre was a likely lad, bright and ambitious. And even at that early age, he had charm. He attracted a circle of sponsors, the priest, the magistrate, his teachers, and above all Dr. Claussat, the local notable and political eminence.

Their help was welcome. Young Pierre's father, in addition to being postmaster, was also an innkeeper, a café owner, a butcher, and the proprietor of several vineyards. He had done well according to his lights and it pleased him to think Pierre would join him in these enterprises. This didn't please Pierre, who was eager to continue his education and eager, too, for broader vistas than Chateldon had to offer. He was persuasive and he succeeded, enrolling at the Lycée Saint Louis in Paris at fifteen. He continued his education while working as a *pion* or monitor at a series of provincial schools. He had intended to study zoology, but it became clear to him that the law offered broader vistas, especially for one so personable and self-confident as young Pierre Laval.[1]

Three decades later, Pierre Laval was indeed enjoying broader vistas. He was, in 1931, the prime minister of France and at that moment at the center of a classic tickertape parade up New York's Broadway. He was seated in an open touring car, crowned by an unlikely and uncomfortable high silk hat. At one side His Honor, Mayor James J. Walker, wore his own topper with an ease and insouciance Pierre Laval could never match. On his other side sat New York's perennial greeter and chief of protocol, Grover Whelan, whose pince-nez dignity, his silk hat jammed squarely fore and aft over his ears, contrasted to Jimmy Walker's nonchalance.

The tickertape drifted down, the crowds cheered and a large volume of those cheers was for Mlle. Josée Laval, the prime minister's nineteen-year-old daughter. Her mother, Mme. Laval, had no taste for the limelight and Josée was accompanying her father on his state visit to America and to President Herbert Hoover.

She was petite, exceedingly pretty, with black hair and eyes as dark and sparkling as her father's. The staid *New York Times* was moved to report that "...she proved captivating by her charm of expression, her lively eyes and graceful carriage—an arresting girl of the distinctly Latin type."

Her costume was, the *Times* added, "at least six months ahead of New York," and it supplied the details: a blue ensemble of wool corduroy, a blue angora hat of the modified beret type, light colored stockings, brown shoes and brown gauntlet type gloves. "A cluster of orchids adorned the shoulder and she admitted that an unknown admirer had sent her flowers every day during the voyage."

On landing she had been mobbed by reporters who asked her views on marriage, on domestic life and for her impressions of New York to which she could only reply "C'est formidable."

If she was pretty, if she was fashionable, she had a serious side, too. She was a law student at the University of Paris who was said to be her father's "right hand man" and would "unhesitatingly leave a dance to help her father with his speeches or work."[2]

If she captivated the Broadway crowd, there was one young Frenchman on whom she made a lasting impression. He was spending an apprenticeship in a famous News York law firm. He saw her from afar. He couldn't forget her. He clipped her newspaper picture and pasted it on his mirror where he could see it every day when he shaved. He was the young René de Chambrun, vivacious, irrepressible, known to his intimates as Bunny. He was heir to two great traditions, on the paternal side descendant of Lafayette and on his American mother's side nephew to Alice Roosevelt

Longworth and godson to President William Howard Taft. One day he would marry Josée Laval.[3]

Father and daughter proceeded to Washington where Josée's youth and style contrasted to Mrs. Hoover's matronly frumpery. With what pleasure the sometime butcher's boy from Chateldon must have looked upon his daughter as guest of honor at the Washington dinner given by France's ambassador and Mme. Claudel. And what delight he must have taken in the ball which followed the dinner party. It was attended, the *Times* reported, by one hundred of the "younger set," and "Miss Laval's dinner partner, with whom she opened the ball afterward, was Count François Buisseret of the Belgian Embassy staff."

Pierre Laval made a solid impression. Henry Stimson, the secretary of state, said, "Laval stands in a class by himself for frankness and directness and simplicity and he is different from all other Frenchmen with whom I have negotiated in these respects."[4] That echoed the opinion of the British Foreign Secretary, Sir John Simon, who praised Laval's directness and stability of mind.[5]

Father and daughter attended ceremonies at the Arlington National Cemetery with Stimson. The military was represented by the Iron Commander of the American Expeditionary Force, General of the Armies John J. Pershing and by France's General Count Adelbert de Chambrun. Coincidence again, he would one day become Josée's father-in-law.

It had been an exhilarating experience for Pierre Laval and his daughter. It gave her a large view of the world of affairs and it strengthened, if that were possible, the bond between them. Across the years no one would fight harder for Pierre Laval than his devoted daughter Josée.

Pierre Laval had clearly come a long way from Chateldon and in rapid stages. What were the personal qualities and what were the paths by which he had engineered this vertiginous ascent?

He was, as has been said, far from handsome. His broad brow and squat physique were those of an Auvergnat peasant. He was swarthy of complexion and his expressive eyes were black. He was totally disinterested in dress and style.

But he was persuasive. He had charm. He married well: his bride was the daughter of his Chateldon sponsor, Dr. Claussat. He opened his first law office in Paris in the industrial area of the Faubourg St. Martin. It was in an old house dating from the reign of Louis Philippe. It had on the one side a tripe shop and on the other a cobbler. Up the narrow, twisting stairs, his neighbors were a midwife, a three-franc dentist and a disbarred notary who functioned from time to time as a pawnbroker.

Laval sometimes borrowed the notary's white tie.[6] In his political ascent, he was shrewd enough to recognize the value of a trademark which is what Pierre Laval's habitual white necktie became.

Laval's practice was at first modest: petty clients, criminals, small affairs. He was, unsurprisingly, like most of his clients, an ardent socialist. Representation of labor unions brought him larger issues and more remunerative clients. His persuasiveness and his incisive intellect began to produce notable results. He frequented political clubs and debating societies where his gregarious nature and ready wit won him friends and supporters.

He was, in the language of the sporting world, a natural in politics. He became the perennially popular mayor of the blue-collar Paris suburb of Aubervilliers, and Aubervilliers gave him its loyal support until the day of his death. In 1914, at thirty-one, he became the youngest member of Parliament.[7]

Over the years, he traveled from the left to the right emerging as an independent member of Parliament. But he never lost the friendship and often retained the support of the friends of his socialist youth, a phase of his political life which he was always proud to recall. He held ministerial posts in the twenties and in January, 1931, he became prime minister at the age of forty-seven. He introduced social insurance, he settled labor strikes, always on the basis of man-to-man, head-to-head negotiations where his innate human qualities were at maximum advantage.

The social insurance bill was typical of his methods. It had been debated and tabled year after year. Laval was unimpressed with the statistics, the tables, the drafts, and the proposals. He knew the language and the psychology of the workers. "Look," he said, "Suppose I'm a worker who pays four francs a month and the boss pays the same. What do I get when I'm sixty?" He arranged a plan of employer-worker contributions with the state contributing its share. The program passed Parliament with a minimum of debate. Get to a broad agreement, that was his method, and the details, he called them "honorable amendments," could be worked out over time in the mutual self-interest of the parties.

In settling a major textile strike, he was again a realist. "You can't talk to workers in Marxist slogans," he advised. "If you don't know the language of the working man you're not a Socialist."[8]

A contemporary said, "He believed stoutly in himself and in his genius. He distrusted conventional diplomacy. He proposed that the only prompt and fruitful method lay in direct conversation, in personal contacts, man-to-man.... A free exchange of ideas, in tête-à-tête, stripped of the elaborate

terminologies and of such childish timidity as inspires professional diplomats, must surely lead to solutions of the most complex problems."[9] It was in such a characteristic tête-à-tête that Prime Minister Pierre Laval met the Italian dictator Benito Mussolini in Rome in January, 1935. The issue of supreme importance to them was the menace of Adolf Hitler's rapidly rearming and expansion-minded Nazi Germany. Mussolini had been the champion and defender of Austria in 1934 when Nazi thugs assassinated the Austrian chancellor Dollfuss in an attempted takeover that was to be the first step in Hitler's program of European domination. Mussolini's troops on the Austrian border and Mussolini's declaration that he would defend the independence and integrity of Austria had forced Hitler to back down. The warning Mussolini sent to his British and French allies was chilling: "Hitler will create an army. Hitler will arm the Germans and make war, possibly even in two or three years. I cannot stand up to him all alone. We must do something..." and he added for emphasis, "we must do something quickly."[10]

Pierre Laval needed no urging. Italy was not only the champion of Austrian independence but it was the guarantor, under the Locarno Treaty, of the demilitarization of the Rhineland, the German territory bordering France. The demilitarized Rhineland was France's greatest safeguard against another German invasion like those of 1870 and 1914. To Pierre Laval, Mussolini's Italy was the linchpin of the containment of Nazi Germany.

Pierre Laval sensed immediately that he could do business with Mussolini. They were country boys, born in the same year, youthful socialists, now heads of state. After the formal ceremonies, the exchange of declarations, the public functions, they retired to a more personal talk, one-on-one. They emerged with a broad series of agreements safeguarding Austria and the Rhineland and laying the foundations for military cooperation. Laval later met with Stalin in Moscow after bringing the Soviet Union, on May 2, 1935 into a treaty of friendship and mutual assistance with France. The combined strength and determination of France, Italy, the Soviets, and France's Polish, Czech, and Yugoslav allies, plus Great Britain were in Pierre Laval's mind the vital counterbalance to the looming threat of Hitler's Germany. This was his goal, and this was the program in which he nearly succeeded.

Laval's path was strewn with obstacles. Great Britain was loath to join in the efforts to contain Germany, preferring instead its own direct dealings with Germany. Moreover, the Italian dictator made a disastrous decision to create a new Roman Empire in Africa by his attack on the

Abyssinian realm of the Emperor Haile Selassie. This, Mussolini thought, he could accomplish in time to concentrate his attention on Europe and the Nazi menace.

Adolf Hitler had long ago proclaimed that he would never go to war without an ally and his chosen ally was Italy, both for strategic and ideological reasons. There was enormous opposition, especially in Britain, to Italy's act of aggression against a fellow member of the League of Nations, led by supporters of the League of Nations and the powerful peace movement.

Pierre Laval knew what was vital lay not in Africa, but on the borders of Austria and in the Rhineland. He knew that League sanctions and anti-Italian policies could drive Mussolini into Hitler's welcoming arms. It fell to Pierre Laval and Sir Samuel Hoare, the British Foreign Secretary, to work out a solution acceptable to Mussolini that provided significant rewards for his Abyssinian aggression in order to preserve him as the vital ally against Nazi Germany. This was the celebrated Hoare-Laval agreement of December, 1935.[11]

When it learned of the agreement, the moral indignation of the British public was immediate and furious. It saw Hoare-Laval as an immoral reward to aggression. That was not how Pierre Laval saw it. "Morals are one thing," he had earlier said, "The interests of the nation quite another."[12]

The British government yielded to the popular outcry. The Hoare-Laval agreement was withdrawn. Left stranded by his allies, Mussolini persisted in and won his Abyssinian war and, disconsolate, looked for a friend. The friend he found was Adolf Hitler and the understandings they arrived at resulted not long after in the German reoccupation of the Rhineland, the German takeover of Austria, the Rome-Berlin Axis, the Second World War, and the total frustration of Laval's strategy of containing Nazi Germany. This sad chapter is epitomized by the observation of Sir Eric Drummond at the time British ambassador to Rome, that it is easy to choose between good and evil, but that there are however, some situations in which one is only offered a choice of two evils, one greater and one less. Laval had concluded that it was in the nation's interest to embrace the lesser evil.

France collapsed under the German assault of 1940 and British forces were routed from the continent. France lay prostrate at the conqueror's feet. How France would live, how France would survive until the day of liberation were excruciating questions since, for all but the smallest number of French, how to live and how to survive in occupied France were not theoretical questions but a daily reality.

The fading government of the Third Republic concluded an armistice with Germany in which Laval had no part. But he was a leader in forming the Vichy French government of Marshal Philippe Pétain as head of state in which he served as a minister from July until December, 1940 when he was dismissed. Recalled to government in April, 1942, he served under Petain, with increasing powers, as prime minister of the Vichy regime until the liberation of Paris in August, 1944.

There fell to him during these years the task of governing a conquered and occupied France and defending its people as best he could.

In October, 1945, on the morrow of victory the same man now stood arraigned before the High Court in Paris. He was charged as a minister and then prime minister of the Vichy regime with crimes against the security of the state and with intelligence with the enemy, or, in popular parlance, collaboration. The simpler word to comprehend these charges is treason.

The penalty was death.

2

Preliminary Proceedings

The youthful lawyer was twenty-three that August evening when the telephone call came that changed his life. His name was Yves-Frederic Jaffré. He was of medium height, slim, clear-eyed and, with his chiseled features, undeniably handsome. His dark hair curved down over his collar in a length distinctly longer than the style of the time.

His caller was the celebrated lawyer Jacques Baraduc: "Come see me tomorrow morning. I have something important for you."

Jaffré had only met Baraduc once or twice. He had no idea what the important matter might be. He found Baraduc the next day in his bathroom, his face covered with lather. "The Batonnier has appointed me and Naud to defend Pierre Laval. I'd like to have you on our team. Do you accept?"

Jaffré's response was immediate. "I accept."[1]

Baraduc was surprised. Not many in this time of turmoil wanted to take on controversial and unpopular causes. Many of Jaffré's colleagues questioned not only his alacrity but his judgment. "You're crazy," they said, "to put your family at risk. Pierre Laval will be convicted and shot. Any defense is hopeless, even if you succeed in proving he wasn't a traitor."

Jaffré was not to be deterred. He was twenty-three and his ideals were intact. He later reflected,

> When I came to the bar, confident in what my professors had taught, I knew that perfect justice didn't exist in this world. But still there were principles, codes of law assuring every citizen minimal guarantees: that individual liberty is not an empty word, and that, if human practice is not infallible, still in our country it is founded on these grand concepts, objectivity, impartiality, serenity.[2]

That faith was to be sorely tested in the weeks to come. But for the moment, he knew the task ahead. Pierre Laval's life was at risk. It was the task of his defenders to save him.