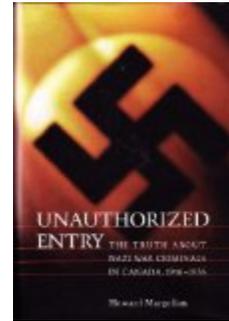


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Reviewed by Urs Obrist (University of Toronto)
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A Significant Contribution to the Discussion of War Criminals in Canada

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Even though the debate on the admission of Nazi war criminals to Canada after World War II seemed to have reached its apex in the mid-1980s, with the investigation of the Jules Deschênes Commission and its inquiries on war criminals, the issue has continued to stir historical interest in the 1990s and beyond.[1] This recent publication by Howard Margolian, *Unauthorized Entry*, revises the widely held view that Canada has been a safe haven for Nazi war criminals. Margolian is a Canadian historian with a special interest in the history of World War II and Nazi-occupied Eastern Europe. As the author of *Conduct Unbecoming*, he has already shed light on the story of the murder of Canadian POWs in Normandy and the trial and fate of the SS-General Kurt Meyer.[2] In *Unauthorized Entry*, Margolian challenges and refutes accusations stating that the King and St. Laurent governments had been negligent in the admission of Nazi war criminals and collaborators to Canada. His study concludes that neither the immigration bureaucracy, nor the immigration lobby in Canada, nor the western intelligence community were as responsible for the influx of about 2000 war criminals and collaborators as has been generally assumed. Instead, he argues, the blame is to be put on the war criminals and collaborators who gained entry to Canada by forged identities or by giving false information about their wartime history. The great majority of Nazi war criminals and collaborators who settled in Canada after the Second World War were admitted not

on purpose, but as a result of the absence of, or inaccessibility to, information about their wartime activities. Margolian summarizes that, in view of the benefit drawn from the immigration of the 1.5 million immigrants arriving in Canada between 1945 and 1955, it was worth taking the risk and admitting some 2000 war criminals to Canada.

For the purpose of his book, Margolian defines “war criminal” in a footnote as:

“any enemy or Allied national who perpetrated crimes against Allied soldiers or civilians during the Second World War. The term ‘collaborator’, on the other hand, refers to any Allied national who assisted the Germans in maintaining the occupation of conquered territories. Thus, while a western European national who took a job as a clerk at the local German Army headquarters might be considered by some to have been a traitor, such action does not, in my view, rise to the level of betrayal of one’s country. The definition posited here requires a more active role, and is therefore limited to persons who enforced German rule in an official capacity, for example as civil administrators, auxiliary police, or volunteers in the German armed forces.” (p. 214)

While this definition is acceptable, it might have been helpful to expand in the main text on the definition of these two categories and to explain particularly for the latter element the perception among Canadian immigration officials. It seems safe to say that in many specific cases a strict line of separation between collaborators and

non-collaborators was hard to define.[3] This is particularly the case in view of the war-time activities by Balts, Romanians, Croats or Slovaks.

Margolian's first chapter deals with the postwar refugee crisis in Europe. The tumultuous time right after the war allowed Nazi war criminals and collaborators from Eastern Europe to evade justice, disguising themselves as refugees and making their way towards the west. Canada kept itself in the background with regards to a solution of the postwar refugee crisis. Its initial contribution was "limited to providing money for international relief efforts" (p. 20).

Chapter 2 depicts the various actors involved with "Fortress Canada's" immigration questions. The greatest influence is attributed to Norman Robertson, who held a liberal view on immigration (p. 30). Other important men identified by Margolian include Prime Minister King, who was rather hesitant in 1945 to change immigration restrictions, Hugh Keenleyside, Maurice Pope at the Canadian military mission in Berlin and Morley Scott. It is interesting to note that the immigration branch of the Department of Mines and Resources was run by only four men: Arthur L. Jolliffe, his deputy Charles E. S. Smith, Laval Fortier and George R. Benoit. The immigration bureaucracy, as Margolian points out, gave in only to a very limited partiality. If it existed, "it tended to manifest itself in the formulation of screening criteria aimed at keeping out Nazis and Nazi sympathizers, not communists" (p. 36). This statement is a flat-out rejection of the argument made by David Matas, who in 1987 had stated that Canada was "far more concerned—indeed, obsessed—with screening out Communist sympathizers than suspected Nazi war criminals." [4]

As Margolian argues, a ban on suspected Nazi war criminals seemed unnecessary, since Canada had barred enemy aliens from Canada soon after the declaration of war in 1939. Only in the fall of 1945 did the Canadian government consider a loosening of this ban. Margolian takes a particularly strong stand against the views expressed by critics of the immigration system, such as Rodal or Matas, and emphasises that the criteria did not make it easier for ex-Nazis to enter Canada (p. 40 and p. 234 n. 101).

The third chapter presents test cases of immigration screening after the war. A particular kind of *drôles de guerre* is presented with the fate of German POWs in Canada.[5] By 1946, the Canadian government expressed its hope to keep some of the German POWs as farmers and attempted to delay their repatriation. In

view of British frustrations about this attitude, Norman Robertson suggested that if Britain would agree to make an equal number of demobilized Poles available, then Canada would honor its commitment to finish repatriating the German POWs. Therewith, Canada's economy would not suffer much from the loss of POW labor (p. 52). The prospect that 4000 Poles—some of whom notably had a record of collaboration with Germany—might be admitted to Canada, while there were still Canadians abroad, posed another dilemma and did not sit well with the Canadian people. Therefore, Norman Robertson worked out a new formula. The only Poles to be barred from admission to Canada would be those members of the 2nd corps who had joined the unit too late to have fought against Germans. Margolian qualifies Alti Rodal's claim, that Polish veterans were not subjected to security screening, as absolutely wrong (p. 244 n. 99). Rather, as far as European refugees were concerned, Canada's system of immigration screening had been put on a solid footing (p. 66).

At the end of 1946, the intensified pressure of business interests and lobby groups led to an increased danger of infiltration by Nazi war criminals and collaborators. Among the major lobbyists, the Canadian Christian Council for Resettlement of Refugees (CCCRR) stands out as an umbrella organization for various German-Canadian immigrant-aid societies. Its goal was to act as a surrogate IRO and bring in as many Volksdeutsche as possible. In November 1947, it was recognized as an agent of the Canadian government.

A shift occurred with the appointment of C. D. Howe as acting minister of the Department of Mines and Resources. Strongly in favour of immigration, Howe supported a speeding up of immigration procedures and the Cabinet followed suit. On June 6, 1947, the government enacted PC 2180, therewith formally authorizing the refugee movement. Within eighteen months, immigration reached a total of 50,000 with a significant part of Volksdeutsche included. Among the immigrants taking advantage of the IRO programs in the years to come, some 1500 evaded their criminal past as Hitler's henchmen and fled to Canada, most of them disguised within the bulk-labor contingents (p. 82).

Despite this immigration of criminals, Margolian makes his point that Canada was generally not a safe haven for them. Under the provisions of PC 1373, most German nationals, as enemy aliens, were not eligible to immigrate to Canada, unless they could demonstrate their opposition to the Nazi regime. Only by 1950 was

the government willing to ease up the restrictions on German nationals. A major change took place in March 1950, when PC 1606 authorized the admission of Volksdeutsche who had been granted citizenship during the war. Furthermore, in September 1950, the German nationals were removed from the category of enemy aliens. Margolian identifies three factors that contributed to this change: The CCCRR lobbying began to affect policy-makers in Ottawa; Germans, particularly those with professional and technical skills, were considered among the most desirable European immigrants; and the refusal to issue short-term visas to German nationals inhibited the restoration of trade between Germany and Canada (p. 90). One might criticize Margolian here for not pointing at the overriding political developments on the world stage with the integration of West Germany, i.e. since 1949 the Federal Republic, into the Western community. However, the author mentions the significance of the Cold War, particularly in the context of the war crimes tribunals, if somewhat superficially, later in the book (p. 161).

In chapter 6 Margolian describes three exceptions, namely German scientists, Estonian refugees from Sweden and former members of the Ukrainian SS-Division "Galicia", that proved the rule of a well-administered, good-faith effort on the part of Canadian immigration officials to prevent the entry of undesirables. The threat of war criminals entering Canada diminished after the autumn of 1950. Margolian finds that only about 500 war criminals gained admission to Canada during the time from 1950 to 1955. This reduction in numbers might be surprising when we consider the comparatively less restricted access. But, as Margolian argues, the shift in priority from eastern European refugees to western European immigrants raised the chances to detect war criminals.

The chapter dealing with the period from 1951 to 1956 is entitled "Era of Risk Management". Margolian admits that the preoccupation of immigration officials now shifted from the threat of Nazi infiltration to the fear of communist entries. Furthermore, Germany made its participation in the defence of central Europe dependent on an easing of the war crimes trials. This point deserved further elaboration by Margolian. German chancellor Konrad Adenauer was well aware of this diplomatic asset in his hands and used it to his favour. By the mid-1950s, Germany's demand for lenient treatment for convicted Germans was met and the trials were winding down.

Along with the growing German self-consciousness,

the CCCRR intensified its calls for a facilitating of immigration restrictions, sometimes even stating in revisionist tones that Waffen-SS troops had been subjected to the same military draft as regular army counterparts. In spite of Charles Ritchie's urges to maintain restrictions on those who had served voluntarily in the Waffen-SS, this criterion, by February 1956, was no longer a reason for automatic refusal of entry. The new role of the Federal Republic, particularly its admission to NATO, and its expectations for equal treatment called for the termination of the remnants of the past (pp. 180-181).

The last chapter is based on secondary sources and deals with the prominent cases of undetected entry of Helmut Rauca and Count Jacques de Bernonville. Due to its touch of mystery, the chapter makes for particularly interesting reading. The networks of operatives smuggling fugitives and undercover agents out of hostile territory, the so-called ratlines, grab the reader's attention, but Margolian has to admit that—due to still-classified documents—the actual number of collaborators who made it to Canada via the ratlines cannot be determined (pp. 194-195). Thus, the "truth about Nazi war criminals in Canada", as claimed in the flashy subtitle of the book, is not yet complete or absolute. As a matter of fact, in an appendix that should have been part of the introduction, Margolian admits the limitations of his own sources. Regrettably, it is almost impossible to gain access to the highly restricted files of the Canadian Security and Intelligence Service (CSIS) or the reports on individual cases.

In straightforward language, Margolian negates the accusations of Canada's presumably failing immigration screening procedures. He particularly attacks the findings of a report on war criminals prepared in 1986 by Alti Rodal for the Deschênes Commission. Rodal's extensive study had noted that the "predominant concern of screening policy and practice in the postwar decade was, in fact, not to identify and bar Nazis or Nazi collaborators, but, rather, to weed out possible communist infiltrators and spies, now seen as the primary security threat."^[6] In contrast, Margolian emphasises that Ottawa was not indifferent to the problem of war criminals immigration. Rather, it was the imperfect screening system combined with fraudulent statements of war criminals and collaborators that opened up possible sneak-in holes.

The fact that that Ottawa was simply not in a position to deal properly with the waves of immigrants from Europe presented one of the major problems in the early post-war period. The system of immigration screening

had to be developed from scratch and was “a work in progress” (p. 202). The Canadian immigration teams that were sent to Europe to interview and select the candidates out of the thousands of displaced European refugees had to improvise screening procedures. The detection of subversives and undesirable immigration candidates was based on German civil and military records. It was only after 1950 that the until-then significant criteria related to World War II were relaxed, particularly in response to the changing international circumstances.

In the era prior to 1955, Margolian depicts several problems in the system of immigration screening: the inadequate training of visa-vetting officers; an overburdened security-clearance apparatus; and the occasional political interference, human frailty, and the even more dominant problem of qualitatively inconsistent sources concerning the applicants’ background. The problem of corroborating sources was beyond the capacity of the Canadian government to resolve. Since a majority of “criminals” were Nazi-collaborators who had escaped from Eastern Europe, the evidence of their crimes remained hidden behind the Iron Curtain for decades. Relying on professional experience alone, Canadian immigration authorities were bound to commit mistakes. As Margolian argues, the mistakes committed were within acceptable limits.

Overall, Margolian’s study makes for an interesting counterpoint to the works presented by Alti Rodal or Reginald Whitaker.[7] The exaggerated numbers of some alleged 6000 war criminals living in Canada is corrected by Margolian to a number of 2000, as was already mentioned by Edward Greenspan in 1983.[8] Margolian’s study impresses with its meticulous research (106 pages of notes for 206 pages of text), based primarily in the National Archives of Canada. Other sources include a limited number of archival holdings from the national archives in the United States and in France. The inclusion of some holdings in the Archive of the German Foreign Office (Politisches Archiv Auswärtiges Amt, Berlin) might have added to the discussion of the war criminals issue. In particular, there are documents in the Record Groups B10, B11 and B32 that deal directly with the issue of war criminal tribunals in Canada and shed light on the significance of Germany’s changed role in the 1950s. Furthermore, the link between the war crimes issue and German participation in the defence of Western Europe, even though mentioned by the author, would deserve a closer examination. These are, however, only suggestions for a book that deserves the reader’s attention.

The juxtaposition of Margolian’s positive judgement of the Canadian policy makers, who “followed a sensible middle path”, with Alti Rodal’s negative assessment of “the policy of inaction with regard to alleged war criminals settled in Canada” promises a continuing historical controversy. Margolian’s book will enhance the continuing research and debate on Nazi war criminals, as a balanced and less emotional account of the issue is still wanting.

Notes

[1]. See Hon. Jules Deschênes, “Commission of Inquiry on War Criminals Report; Part 1: Public,” (Ottawa, December 30, 1986). Shortly before, Alti Rodal prepared a report for the Commission of Inquiry on War Criminals, “Nazi War Criminals in Canada: The Historical and Policy Setting from the 1940s to the Present” (Ottawa, September 1986). For the 1990s, Patrick Brode, *Casual Slaughters and Accidental Judgments: Canadian War Crimes Prosecutions, 1944-1948* (Toronto: University of Toronto Press, 1997), puts an emphasis on the legal perspectives; James E. McKenzie, *War Criminals in Canada* (Calgary: Detselig Enterprises, 1995), is a journalistic, secondary-source-based listing of single cases with no in-depth analysis. For two recent examples of a revival of the issue see “The Man Ottawa Won’t Leave Alone,” *The Globe and Mail* (June 10, 2002), and “Ottawa May End Effort to Expel Nazis,” *National Post* (September 20, 2002).

[2]. Howard Margolian, *Conduct Unbecoming: The Story of the Murder of Canadian Prisoners of War in Normandy* (Toronto: University of Toronto Press, 1998).

[3]. For a definition of war crimes, see Deschênes, “Commission,” pp. 37-44, which also includes an interesting discussion on the status of the members of the “14th SS Volunteer Division Galicia”, pp. 249-261.

[4]. David Matas and Susan Charendoff, *Justice Delayed: Nazi War Criminals in Canada* (Toronto: Summerhill Press, 1987), p. 21.

[5]. For a first-hand account of the German POW experience in Canada, see Yves Bernard and Caroline Bergeron, *Trop loin de Berlin: des prisonniers allemands au Canada (1939-1946)* (Editions du Septentrion, 1995). The book does not provide an in-depth historical analysis, but its numerous illustrations and personal accounts give an idea of individual POW experiences in Canada.

[6]. Alti Rodal, *Nazi War Criminals in Canada: The Historical and Policy Setting from the 1940s to the Present* (Ottawa: Canadian Centre for Management Develop-

ment, 1996), pp. 475-476.

[7]. Reginald Whitaker, *Double Standard: The Secret History of Canadian Immigration* (Toronto: Lester and Orpen Dennys, 1987).

[8]. See the listings of alleged numbers of war criminals living in Canada presented in the Deschêches "Commission", pp. 245-249. The alleged number of 6000 was given by Simon Wiesenthal in the *New York Daily News* (May 16, 1986). Also see Edward Greenspan's findings in *The Globe and Mail* (November 21, 1983).

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