

“Evil creeps back, if good people stand aside”

An address delivered by Malcolm McCusker AC CVO QC to the
Council of Christians and Jews Western Australia Inc
COMMEMORATION of KRISTALLNACHT, “The Night of Broken Glass”
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Imagine that you are an 11-year-old girl, living in a nice home in Berlin. For no reason, other than that you are a Jew, you are expelled from the school you love. As you are walking home, you see men smashing windows of Jewish shops, beating Jewish men and women, some of them family friends, relatives. You see your synagogue set alight and blazing. You arrive home, to be told your dear Papa has been arrested, and you will never see him again. It is 10 November 1938 – Kristallnacht.

Kristallnacht, The Night of the Broken Glass, did not just come “out of the blue”. Sadly, there had been a long history of decades of antisemitism, often virulent, not only in Germany but throughout much of Europe, particularly in the Russian Empire and Eastern Europe, where massacres of Jews and destruction of their property, called pogroms (a Russian word) sometimes occurred.

The publication in Germany of a book by “a Germanised Englishman” Houston Chamberlain in 1900 is but one of many examples of how Jews were portrayed in scurrilous and denigratory terms. His book was a bestseller.

So, against that background it was not difficult for Hitler and the Nazi Party, when he came to power as Chancellor, to whip up antisemitic prejudice. Shortly after he became Chancellor, in January 1933, one discriminatory move after another was made against Jewish people. Jews were banned from the Civil Service, from practising as doctors or lawyers; schools would not admit their children, and expelled those who were already students at the schools. No Jew could marry an “Aryan”. Jews were deprived of voting rights. They were made social outcasts in a country which they, and their families, had regarded as their homeland for generations, and for which many had fought in the 1914-18 war.

In March 1938, Germany annexed Austria (to the wild applause of most Austrians). Violence against Jews, and vandalism and confiscation of their properties, intensified. Many Jews sought to escape; but where could they go? Which country would take them? In July 1938, President Roosevelt had convened a conference at Evian, a French town known for its bottled water, to consider the crisis. A number of Western democracies were represented, including Australia. Although sympathy was expressed for the plight of the Jewish people, few offered any real assistance. They all had quotas for the intake of Jewish refugees, and they were not willing to enlarge them. One observer at the conference, Golda Meir (who later became Prime Minister of Israel) commented that Australia,

to its shame, resisted more than a token intake of refugees, with the extraordinary explanation that Australia as yet had no antisemitism, but if large numbers of Jewish refugees came in, that might develop. President Roosevelt firmly refused to increase the American quota; so too, did England.

In October 1938, 17,000 Jews living in Germany, of Polish origin, were arrested (for no reason other than that they were Jewish) and sent to Poland, in deplorable conditions, crowded into insanitary and unheated cattle trucks. Many died en route.

A 17-year-old Jewish lad, Herschel, living with his uncle in Paris, learned that his family had suffered this fate. He was so angered that he boldly (or foolishly) went to the Germany Embassy in Paris, on 7 November 1938, planning to shoot the Germany Ambassador in revenge against the Nazi Government. Luckily for the Ambassador, he was away; so young Herschel shot, instead, a luckless German senior diplomat (who, ironically, was not a Nazi sympathiser).

This incident became the pretext for a co-ordinated series of attacks by Nazi thugs on Jews, and destruction of Jewish properties, throughout Germany and Austria. Just before midnight on 9 November 1938, the Gestapo Chief issued a directive, swiftly obeyed, that violent action be taken against Jews, their businesses and their synagogues, and that nothing must be done to stop it. At least 90 Jews were killed in this rampage, many hundreds injured, and at least 1,000 synagogues destroyed by fire or vandalised. An estimated 30,000 Jewish men were taken from their homes or picked up on streets, without warning, and interned in concentration camps, to be held there until their relatives and friends could raise enough money to pay for them to emigrate – if they could; but not all were able to.

Most of the destroyed or damaged Jewish homes and businesses were insured with Germany insurance companies, so Goering, a member of Hitler's Nazi hierarchy, imposed a fine (as he called it) of 1 billion Reichsmarks on the Jewish community and organisations, to recoup the insurers. This sent many bankrupt.

Imagine the feelings of horror and disbelief that must have almost overwhelmed the Jewish people of Germany and Austria. What they and their parents, grandparents and great-grandparents had regarded as their home was that no longer. They were not only unwelcome; they were in great danger. That date, November 10, 1938, marks the beginning of a State organised scheme, to rid Europe of all Jewish people, initially by expelling them, but later by mass murder, the so-called Final Solution. After Germany invaded Poland the following year, the infamous Auschwitz concentration camp (or more correctly "death camp") was established. It was one of many established by the Nazis. It is estimated that some 6 million Jews died, over the 7 years, 1938 – 1945, in this and other death camps from disease (typhus was endemic), starvation, brutality, shooting, or the gas chambers. Of these, it is estimated that 1.5 million were children and little babies.

It is very hard to fully comprehend what it must have been like during those turbulent times. The eminent Paul Oestreicher, now an Anglican Priest and human rights activist, was 6 years old at the time, living in Berlin with his mother and father. His father, a Christian born to Jewish parents, was forbidden by law to continue working as a doctor. Paul, his mother and father had fled to Berlin from the small town in Germany where his father had been practising. The 6-year-old Paul was kept hidden in the basement of some non-Jewish friends, while his father went from one Consulate to the next trying to get a visa for his family to go to some country safe from the Nazis. On the eve of Kristallnacht, Paul's mother, who was non-Jewish (and had therefore committed the unpardonable sin of a mixed marriage between Aryan and Jew) was walking with him along a Berlin street when jack-booted men wielding wooden clubs emerged from trucks parked at intervals along the road, and began running up and down the street, smashing the windows of Jewish owned department stores. Immediately after seeing that, the terrified family fled Berlin. They were hidden in Leipzig by a sympathetic German, even though a member of the Nazi Party. As Oestreicher much later commented "*In times of crisis, people are not always what they seem to be*". His family managed to gain a visa to New Zealand, for which they had to pay a substantial sum. Most refugees could not possibly raise the money. New Zealand admitted only 1,000 German, Austrian and Czech Jews. Paul's grandmother had hoped to follow them, but could not. She died in the Holocaust that followed.

A Perth man has told me how his Jewish father, when a young man living in Germany, used to deliver parcels for a German Jewish business across the German border. On 9 November 1938 (the evening of Kristallnacht) he was stopped at the border by two Nazi border guards. They were former school friends. They warned him to get out of Germany, across the border, and not to return, as it would be dangerous for him to remain. The Jewish business that he had worked for was destroyed that night. As Paul Oestreicher remarked, people are not always what they seem to be. Humanity sometimes prevails.

Just last month, another former Jewish refugee died. As a young boy he had experienced Kristallnacht firsthand, in Berlin. He was Sir Clive Callman, who with his father and mother had managed to escape from Berlin and get to England, just before the outbreak of the Second World War in May 1939. On 10 November 1938, his father had been arrested by the Gestapo, for no other reason than that he was Jewish. He was interned in a concentration camp until his wife managed, with a bribe of 50,000 marks to the Gestapo, to secure his release. Sir Clive (originally Claus), arrived in England with his parents, virtually destitute, and with almost no English. He later (by hard work and study) became a leading Circuit judge in England, a prominent figure in higher education.

Although immigration for Jewish adults to Britain remained fairly restricted, after Kristallnacht the British House of Commons expressed the revulsion of the House about

what the Nazi party had done. It resolved to allow an unlimited number of Jewish children under the age of 17 to enter Great Britain, provided they had a sponsor to care for them when they arrived. It was the only Western nation to do so. President Roosevelt rejected such a proposal because he said it would be politically unpopular in the USA. The first Kindertransport arrived in December 1938 bringing 200 children from a Jewish orphanage in Berlin which had been destroyed during Kristallnacht. Priority was given to children whose immigration was urgent because their parents were in concentration camps or no longer able to support them, and to homeless children and orphans. The last transport from Germany left on September 1, 1939 just as WWII broke out. In all, some 7,500 Jewish children were rescued in this way. Few ever saw their parents again. They were murdered during the Holocaust. I was reminded of this when I recently read the obituary of Professor Sir Guenter Treitel. He was on a Kindertransport. At the age of 11 he arrived in England with his brother and sister, not knowing where he would live or what he would do. Despite that unpromising start, he became a distinguished academic lawyer. Before he died, he was Professor Sir Guenter Treitel, knighted for his services to law. He was one of many of the Kindertransport Jewish refugee children who overcame adversity and the tragic loss of their parents, to give great service to their adopted land.

I recently met with and talked to Shirley Stanwyx, a charming, intelligent lady in her 80's. As a young girl, she lived in Germany at the time of Kristallnacht. Her father was arrested by the Gestapo. They never saw or heard from him again. Her grandfather was also arrested, but her aunt managed to secure his release with a massive bribe to two prison guards – a car for each of them! After immense difficulty, and at enormous cost, she and some of her remaining family managed to obtain visas and came to Western Australia.

The historian, Ian Kershaw, in his book *"Hitler Myth"*, has written that Kristallnacht was unpopular with many ordinary Germans, but that by 1938 the ordinary population of Germany had been cowed by the Gestapo, and by the concentration camp apparatus and threats. An example of that was when, during Kristallnacht, a synagogue was set ablaze, the town's fire brigade came racing to the scene, and was about to commence dousing the flames, when the brigade chief was ordered by an SS officer not to turn the water on. Puzzled, the chief started to question this order, when a bystander said *"Don't say a word, the enemy are watching you"*. So, despite his good intentions, the fire chief let the blaze continue and destroy the synagogue. He was too afraid to disobey. It was a typical incident.

The seeming indifference of the Western democracies towards the plight of the Jews, together with the infamous Munich Agreement of September 1938 when the British and French allowed Germany to occupy the Sudetenland of Czechoslovakia in return for what Chamberlain claimed would be "peace in our time", encouraged the Nazis to take ever more severe action against the Jewish people, and other so-called "inferior races" (such as Gypsies and Poles) both in Germany and its occupied countries. In January 1939, Adolf

Hitler made a speech in which he proclaimed that if war broke out in Europe, that would be the end of European Jewry. It made little impact on the Western democracies, probably because no-one imagined that he was forecasting a program of State-organised genocide. When, in September 1939, Britain and France finally declared war on Germany, it was not because of its barbaric treatment of the Jews and other minorities, but because of Germany's invasion of Poland. One may only speculate whether the progressive mistreatment and ultimately murder of millions of Jews (and others) by Germany might have been avoided if the Western democracies, soon after Nazi Germany had commenced persecuting the Jews, had stood up against Germany, and demanded that it observe basic human rights. What if those countries, or their leaders, had not been mere bystanders, but upstanders?

Speaking of "upstanders", Eli Rabinowitz of "*We are Here!*" Foundation has kindly provided me with information about a most extraordinary and admirable human being, the late William Cooper, an aboriginal activist and leader of his community in Victoria. When William read about Kristallnacht in 1938, he organised a delegation of aboriginal men and women to march from country Victoria to the office of the German consulate in Melbourne, where he presented a letter condemning Jewish persecution. The German Ambassador refused to accept the letter, but the mere presentation of it by William made him a hero, especially in the eyes of the Jewish community. In 2017, nearly 80 years later, 88-year-old Alfred Turner, grandson of William Cooper, travelled to Berlin, where the German government accepted William Cooper's letter from him and thanked him for it. The son of Alfred Turner, Lance, who lives in Perth, is here this evening with his wife Mary. I look forward to meeting them.

William Cooper was definitely an "upstander" not merely a "bystander". He had the courage to speak out for what he believed to be right, in the hope of making a difference.

But it is all too easy to be judgmental about those who participated in some of the Nazi atrocities committed against the Jews, the Gypsies, the Poles, the Russians, the mentally or physically disabled, homosexuals ... the list of the victims of Nazi persecution is large. Under threat of death to yourself or your family (or being sent as a soldier to the Eastern Front, a fate worse than death) a person may do things – sometimes very bad things - against his or her moral conscience.

Consider, for example, those prisoners in the infamous Auschwitz death camp who were conscripted, under threat of torture and death, to do work which made them complicit in some of the atrocities and murders directed by the Nazis, described in the book "*The Volunteer*". Witold, a Polish resistance fighter, purposely got himself admitted as a prisoner into Auschwitz, so that he could try to organise an uprising, and get word to the West about the mass murders taking place there on a daily basis. Sadly, his report of the horrors he risked his life to record were almost ignored, even dismissed by some as incredible. As the author, Jack Fairweather, asks "*How did this average man ... manage to*

piece together, name and act on the Nazis' greatest crimes while others looked away?". Two things stick in my mind about Witold's story: After some months as a prisoner, he felt he was becoming almost immune to the horrors of seeing thousands of Jewish and other people being sent to their death in gas chambers; but that feeling was dispelled when he saw a young woman with a crying baby being herded like sheep to their deaths. And the other is a photograph of 3 handsome, smiling teenagers, Nazi guards in Auschwitz, sons who any mother would be proud to have. What process of indoctrination caused them to appear to be so happy in that place of death?

Perhaps you have seen the film "*Denial*", based on the true story of a young American Jewish journalist, Deborah Lipstadt? She publicly called David Irving, the "Holocaust denier", a liar and a fraud. He sued her for defamation, in England. She, or rather her brilliant barrister, Richard Rampton QC, satisfied the court that she was right: Irving was a liar. The Holocaust did take place, contrary to Irving's claims. Before the trial began, Rampton visited Auschwitz, to clarify in his mind the layout of the camp, including the gas chambers and crematorium. When they returned to England, Deborah saw that he was utterly sad and dejected. She asked whether the visit, and the thought of the hundreds of thousands of Jewish people, men, women and children, who had been sent to their deaths, had been almost too much for him to bear, as it was for her. He said that it was unbearable to think about it; but he was also deeply troubled that he found himself unable to answer honestly to himself the question, "*would I have refused to go along with what took place there, even if it meant death, torture, or the arrest of my family?*".

To be an "upstander" not a bystander, is not always easy.

It is gravely concerning that there has been, over the last few years, an alarming growth, or resurgence, of antisemitism around the world, including Australia. In June this year, a conference was held in Berlin called "A Transatlantic Wave of Antisemitism? Jew-Hatred in Europe and USA", to discuss this resurgence, and what might be done about it.

Last week, the City of Dresden in Germany took steps to try to prevent what is seen as an enormous tide of racial vilification, directed not only towards Jews but also Muslims.

But this wave of hatred has not been confined to Germany by any means.

In England there have been, similarly, outbreaks of antisemitic actions and publications, with anti-Jewish graffiti and Nazi swastikas plastered on walls. The Labour leader, Jeremy Corbyn has appeared to tolerate antisemitism within his own Party, so much so that some disaffected members of the UK Labour Party are urging supporters to vote against Labour in the next election.

And this year, at a public school in Melbourne, a 12-year-old Jewish boy was forced to kiss the feet of another boy under threat of violence. He was told that he was "Jewish vermin". This was all filmed by other children and then posted on social media.

As that excellent columnist, Gemma Tognini, commented in The West Australian, *“This isn’t run of the mill schoolyard bullying. Your average school bullying incident doesn’t typically involve one kid calling another a dirty Jew or a Jewish cockroach. It’s the language of racial vilification. It’s the hate speech we all agree has no place in Australia”*.

This is far from being an isolated incident in Australia. The ABC reported last year a 60% increase in antisemitic incidents in Australia, involving assault, abuse, vandalism and graffiti. During the last Federal election campaign, Josh Frydenberg, our Treasurer, and a Jew, had his office defaced with swastikas, and antisemitic graffiti.

Gemma asked *“I genuinely wonder if perhaps this next generation is so far removed from the horror of the Holocaust – both in an educational setting and perhaps with a passing of family members, that it means very little. That the fact that there was a solid crack at wiping out an entire people has become somewhat wispy, like fog in our collective conscientiousness and our memory”*.

She concluded by saying *“I am reminded of the words of Italian born Jewish writer, Primo Levi, an Auschwitz survivor”*. Speaking of the Holocaust, he said *“It happened; therefore, it can happen again, this is the core of what we have to say, it can happen and it can happen everywhere”*.

Chilling words. As Gemma said *“May we all have the courage to prove him wrong”*.

How very sad, indeed tragic, that when that 12-year-old Jewish boy in Melbourne was being taunted and vilified, none of his fellow students had the courage to come forward and stand up for him against his tormentors. Even sadder, and more worrying: where did they learn such behaviour, such racism? Was it from their parents? If so, how deeply ingrained has it become in some Australians?

I recently saw an instructive video produced by some young students at a public school in the USA. They acted out various imaginary incidents at school, where a student was being bullied by some, with fellow students simply standing by and doing nothing to prevent it, until one student had the courage to stand up for the person being bullied. Then, one by one the other students, the bystanders, put to shame by the example of this young “upstander”, became upstanders too, standing up for the student who was being unfairly bullied. That is the kind of precept and moral courage which needs to be instilled in our young people, as well as teaching them how, in the past, standing aside and allowing aggression to happen can lead to disaster.

In the well-known words of Pastor Martin Niemöller:

“First the Nazis came for the Communists, and I didn’t speak up, because I wasn’t a Communist. Then they came for the Jews, and I didn’t speak up, because I wasn’t a Jew. Then they came for the trade unionists, and I didn’t speak up, because I

wasn't a trade unionist. Ultimately, they came for me, and there was no-one left to speak up for me".

Social media and gaming forums have now heightened the concern that young people, in particular, may be radicalised and indoctrinated, to become racists. Federal Labor MP and counter-terrorism expert, Anne Aly warned of this after a special investigation showed how right-wing extremists are using online gaming forums to post sick comments applauding Christchurch mosque mass murderer Brenton Tarrant as a hero, giving vile tips for carrying out mass shootings of Muslims and Jews and mocking the Holocaust, and gas chambers, and displays of swastikas.

Ayaan Hirsi Al, born in Mogadishu, formerly a Muslim and once a member of the Netherlands Parliament, whom I had the privilege of meeting this year, wrote an important piece in *The Australian* in July, called "*Unlearning Antisemitism*". She explained how, at 15, she had become an Islamist by joining the Muslim Brotherhood, received an education in "the depths and breadths of Jewish villainy", and taught to pray "*Dear Allah, please destroy the Jews, the Zionists and the State of Israel*". She explained how difficult it is to unlearn prejudice, bigotry and racial hatred once instilled in young people in their formative, impressionable years. She did so, and as she says, it's living proof that it is possible – but admits that perhaps it was due to her leaving home as a refugee, becoming a student, and then a member of the Netherlands Parliament, before the indoctrination she had received as a child became "welded on". She is pessimistic about the prospects of millions of young Muslims, indoctrinated to hate Jews (and Western democracies) "unlearning" that hatred.

What can – or must be done, to combat this surging tide of antisemitism? As Josh Frydenberg says, we must all work together, at every level, to see that children – and adults too – are better educated about the lessons of history, the horrors of the Holocaust when millions of people, including 1.5m children, some merely babies in their mothers' arms, perished. The lessons of history should be taught as part of the schools curriculum. Ignorance and complacency are the enemies of freedom. Elie Wiesel – Auschwitz survivor – Nobel Peace Prize winner – Like Primo Levi, was concerned that such a horrific thing can happen again – not only to Jews, but to other minority or oppressed peoples.

As the great statesman and philosopher Edmund Burke said "*The only thing necessary for evil to triumph is for good people to do nothing*". Given the undeniable rise in antisemitism and racism, it is important that, as Gemma Tognini has urged, we should not appease attitudes and actions that must be called out for what they are – evil racism – a virulent toxin that can come back unless we continue to keep alive the memory and reality of what happened during Kristallnacht and the horrors that followed.

Tomorrow, 11 November, is Remembrance Day. We should all remember that many men and women, of Australia and other democratic nations, fought against Nazi tyranny,

racism and totalitarianism. Let us all honour their memories by being upstanders, not just bystanders.

There must never be another Kristallnacht, nor another “Shoah”.