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INTRODUCTORY OF EDITORIAL BOARD

In October 1996 fifty years have passed since Zagreb's Archbishop Aloysius Stepinac was after a short and staged trial, sentenced to 16 years of prison by the Yugoslav Communist Regime.

During the period of Communism in Yugoslavia several collections of documents were published like *Sudenje Lisaku, Stepincu, Šaliću i družini, ustaško-križarskim zločincima i njihovim pomagačima* (*Legal proceedings against Lisak, Stepinac, Šalić and gang, Ustaše-Križari criminals and their collaborators*, Zagreb 1946); *Dokumenti o protunarodnom radu i zločinima jednog dijela katoličkog klera* (*Documents on anti-patriotic movement and the crimes of certain clerical circles*, Zagreb 1946); *Magnum crimen* (Zagreb 1948). By extremely careful choice of documents, the editions of that period mirrored the viewpoints and the official party politics which in fact condemned the Archbishop Aloysius Stepinac. All the documents in his favor and in favor of the Catholic Church were systematically kept secret.

The research work on the role and influence of the Catholic Church and A. Stepinac had been more or less successfully and continuously done and published abroad only. Those were primarily the biography *Alojzije Stepinac, hrvatski kardinal (Aloysius Stepinac, Croatian Cardinal)* by f. Alex Benigar (Rome 1974), and *Stepinac mu je ime, Zbornik uspomena, svjedočanstava i dokumenata (Stepinac is His Name, Anthology of recollections, testimonies and documents)* edited by Vinko Nikolić (Barcelona 1978, 1980).

That fact was crucial for the choice of *FONTES* - Sources for Croatian History second number's subject materials which had been entirely dedicated to the legal proceedings against archbishop Aloysius Stepinac. The editorial board decided on three thematic units:

1. Documents of the Defense Council in Legal Proceedings against the Archbishop Aloysius Stepinac
2. Archbishop Aloysius Stepinac according to the Reports of German Embassy in Zagreb
3. The Holy See, The Croatian Independent State and the Catholic Church in Croatia 1941-1945.

Although the documents of the third unit have already been published in a well-known edition of *Actes et Documents du Saint Siège relatifs à la seconde guerre mondiale* (vol. 1-11), here we thought suitable to choose from those documents that shed light upon the politics of the Catholic Church in Croatia and specially emphasize the image of the archbishop Aloysius Stepinac.

Publishing this collection of documents we offer the subject material that helps understand better the clerical, political and social background of the role of the late cardinal Aloysius Stepinac, as well as the role of the Catholic Church in Croatia during the Second World War.

DEFENSE DOCUMENTS IN LEGAL PROCEEDINGS AGAINST ARCHBISHOP ALOYSIUS STEPINAC

On 23rd of September 1946, public prosecutor's office laid accusations against Zagreb's archbishop Aloysius Stepinac to the Supreme Court of the National Republic of Croatia and charged him with:

1. Collaboration with Italian and German occupants during the War and the collaboration with Ustasha regime of the Croatian Independent State
2. Coercion of the Serbian Orthodox believers into Catholicism
3. Militarisation of vicariate
4. Aiding Ustasha regime until its breakdown in May 1945
5. Propagating occupants' policy (after May 8th, 1945) which was considered to be the slender of the People's Republic authorities.

Previous to the formal accusation, there was a trial to a group of 18 accused, headed by the chief of Ustasha police, Erich Lisak. The main hearing of that trial started on the 9th September 1946. During the hearing the

questions for the accused were systematically directed and guided towards the archbishop Stepinac, his life and work during the War in connection with the accused. Such allegations having been made, the public prosecutor Jakov Blažević interrupted the ninth day of the trial, 17th September, in order to start with legal proceedings against the archbishop Stepinac.

The archbishop had already been detained and interrogated on September 18th. The interrogations continued on the 19th, 20th and 23rd. The criminal charges against him were brought to the Supreme Court after exactly seven days (necessary for legal procedure to become valid).

The trumped-up charge against archbishop Aloysius Stepinac officially started promptly on 30th September, 1946. It was in fact the tenth day of the main hearing when the archbishop Stepinac was asked to give his testimony and was on trial till October 3rd. The hearing ended after only eight days (October 8th) and the sentence had been already announced on October 11th, 1946.

Throughout eight days of the hearing only the prosecution had its say. Part of the documents suggested by the defense were not presented until the afternoon of the seventh day. So were the seven witnesses and the closing speech of the defense.

When he was allowed to give the statement during the hearing on September 20th, he repeatedly claimed that he would not say a word in his defense and he refused to have a lawyer to defend him in court. He also said he had no intention of complaining about the sentence (pleading innocent). On September 25th, the court officially appointed two lawyers and simply informed them about the trial being due in five days time, on September 30th. They were only allowed one visit to the archbishop. Under those circumstances they were hardly able to prepare judicially valid defense.

As the archbishop, a person in Holy Orders, was actually charged with an offense against ecclesiastical law involving matters of doctrine as well, the Archiepiscopal ecclesiastic court reacted at the same time by providing the lawyers in charge of the archbishop's defense with transcriptions of the documents of their own archives and Episcopal conferences. The defense received the transcriptions on October 4th and used most of those documents to acquit the bill of indictment on all charges.

The defense councils based the defense on the fact that the Croatian Independent State was the product of occupation and they denied it either the status or the significance. Consequently, the archbishop's collaboration with Croatian authorities was understandable, justifiable and inevitable in the war situation.

The two councils split the charges of the indictment between them: Dr Natko Katičić was to prepare the defense against the charges number 2 and 3 (the crime of coercion into Catholicism and the militarisation of vicariate) while Dr Ivo Politeo took over the charges number 1, 4 and 5.

Evidently, given such a short period of time and unfavorable conditions to prepare, the two councils were meant to represent the defendant only formally. Besides, the Public Prosecutor's Office had plenty of time and free access to the entire archives of the former State's institutions and therefore was able to classify the evidence - to remove all the evidence in favor of the defendant and to bring forward only the evidence that would prove the defendant guilty as charged. In spite of everything, the evidence material submitted to the court on October 5th, the list of witnesses and the transcriptions of the documents denying all the statements of the charge, show how diligent, courageously determined and dedicated the defense councils had been.

The main documents issued from 1941 to 1945 show the broadness and significance of archbishop Stepinac's activities during the war. Those documents, as well as the closing speech of Dr Politeo, made it obvious that the archbishop regardless of the regime, fearlessly did everything in his power for the victims of persecution, maltreatment and torture.

Croatian State Archives (HDA) has been in the possession of Ivo Politeo's fonds since 1961. He was an outstanding representative of judicature during the period between the two World Wars, his specialty being the defense rather than prosecution in criminal law. Having been appointed a defense council of the archbishop Stepinac, the documents that Dr Politeo systematically collected in his fonds included original papers, verified copies and transcriptions.

In this paper we decided to use the entire set of documents that step by step, describe the trial in detail. These documents are in fact the only source of study until the original documents of the Supreme Court no. stup 6/1946 are made public. However, in order to achieve systematic scientific research and to complete historical analysis of that period it is necessary to do the research of all the rest of the Croatian Independent State's archives. That is no easy task as some of the Croatian Independent State's fonds had been transferred to the federal archives in Belgrade. For example the Croatian Independent State's Ministry of Foreign Affairs, its embassies and councils' fonds were transferred to the Federal Department of Foreign Affairs, while the Government military documents of the Poglavnik Pavelić and his Office are likewise in the possession of the Archives of the Institute of Military History in Belgrade.

In order to be published the topics had to be selected thematically and chronologically into several units. One unit comprises the Public Prosecutor's

materials: the bill of indictment, its appertaining list of evidence and the verdict. Another unit was made up of the defense list of witnesses, shorthand records of the main hearing, the list of documents of the defense council according to the statements 1. 4. and 5. of the indictment, copies of the documents in chronological order and Dr Politeo's closing speech. A distinct unit was made out of Zagreb Archbishopry's memorandum, the Epistle of the Croatian Catholic Episcopate dated March 24th 1945, Pastoral letter of the Catholic bishops of Yugoslavia dated September 20th 1945 and two surveys: 1. »The Archbishop of Zagreb and his Clergy during the Ustasha Regime«. 2. »An Attempt to Challenge the Bill of Indictment against the Archbishop Aloysius Stepinac«. All these documents were taken from Dr Politeo's fonds.

In Some, for the reconstruction of the defense crucial parts were missing in the fond although Dr Politeo mentioned them in his list of evidence: a) the archbishop's Stepinac speech in court on 3rd October 1946, b) part of the hearing when Court Council was dividing on the testimony of the defense c) some other documents. These were taken from the records of the court.

In order to supplement the existing documents, the original documents quoted in the notes were taken from the Croatian State Archive.

ARCHBISHOP ALOYSIUS STEPINAC ACCORDING TO THE REPORTS OF GERMAN EMBASSY IN ZAGREB

The truth about the role of archbishop Aloysius Stepinac during the Second World War and his relationship to the Croatian Independent State can only be understood by a systematic and complete investigation of all the documents available. In Croatia of 1946, he was undoubtedly a victim of a tramped up trial based on the evidence which was meanly singled out of the historic context of those times. He was considered guilty of neither having intervened during coercion of the Serbian Orthodox into Catholicism nor opposing the crimes inflicted upon the Jews, the Serbs and Gypsies.

Herewith are the documents produced by the German Embassy's Department of Worship in Zagreb. The original documents are nowadays in the possession of Reich's Ministry of Foreign Affairs fonds in Bonn, while the microfilms are kept in the National Archives and Records Administration in Washington. Thorough research of those fonds would most certainly shed more light upon other data relevant for the role of archbishop Stepinac and the Catholic Church in general in the Croatian Independent State.

Based on the documents available, one may note three disputable questions: 1) the archbishop's actual opinion on the Orthodox acknowledging the Catholic church (from theological point of view, in the literature of history wrongly interpreted as »rebaptizing of the Orthodox by force«; 2) the archbishop's viewpoint of the Jews; 3) the archbishop in relation to the Pavelić's regime and to the Croatian Independent State as a sovereign and self-governed state of the Croatian people.

Religious preference of the archbishop Stepinac was based on (those days) ecclesiastical education and official policy of the Catholic church: the one and only Church is the Catholic church guided by Peter's heir, the Pope of Rome, infallible in his teachings, the foundation stone of the Church.

There is no denial that the archbishop Stepinac welcomed »genuine changes of the Orthodox to the Catholic confession«. There is also no reason why should such feelings of his have been considered evil or improper. His beliefs were confirmed by the German Embassy's reports in Zagreb sent to Berlin. In those reports he wishfully hoped that the Catholic influence gradually but steadily become stronger and he condemned every radical, hostile procedure against the Orthodox that could have only jeopardized such an influence. On the other hand, in those same reports he was quoted as a firm, outspoken opponent to any enforcement or coercion of the Orthodox to become Catholics even if it meant solving »the question of Serbs« in Croatia of that time.

His relation to the Jews was clearly emphasized in his sermons in which he condemned any form of racism or racial law. He took many personal interest in the Jews (in this volume there is a document on Dr Milan Schwarz, the Jew, as his associate). In a number of cases he used his influence and spoke on behalf of the Jews and against their maltreatment or injustice done to them. His kindheartedness and benevolence to the Jews turned out to be one of his main characteristics in the report sent to Berlin. On St. Peter and Paul's holiday in 1943 his public disclosure against racism and racial law provoked very severe reactions against the archbishop. He was reprimanded by the government officials in Croatia as well as reported to Berlin by a German reporter who described the archbishop's address as maliciously aimed against Germany itself.

Another persistent characteristic of the archbishop Stepinac was the love for his own people and the preservation of its national identity. Nevertheless, that kind of love meant no disrespect for human rights of other nations and he really felt antagonism to any kind of racism or the politics of the extreme.

In his sermon delivered during the town of Zagreb's pilgrimage to Marija Bistrica on July 9th, 1944, he defended daringly the fact »that people of Croatia

had been yearning for freedom with all the might of its being for centuries and today is defending its independence with sacrifices yet unheard of.«

In such an outspoken manner, he repeated the same before the court on October 3rd, 1946: »Whatever I have said about the people of Croatia's right to its freedom and independence, is in accordance with the Allies and the common principles pointed out in the Atlantic Charter adopted in Jalta. If according to the Charter's aims every nation's right to independence should be respected, why then deny it only to the people of Croatia? The Holy See had been pointing out times and times again that even small nations and national minority's right to freedom should be guaranteed.«

At the same time he judged severely any racism or exclusivism that would »out of its own nation make an object of worshipping to which everybody else is forced to kneel down to.« As quoted in one of the reports, according to the archbishop Stepinac, the Church must follow its peace-loving path and condemn any terror imposed on people that eventually and undoubtedly results in men running against the law and breaking up with their homes and families. In his sermons transmitted by Radio London and pressed by many international press agencies there was no pity for racial laws or any kind of hatred between the nations.

THE HOLLY SEE, THE CROATIAN INDEPENDENT STATE AND THE CATHOLIC CHURCH IN CROATIA 1941 - 1945

(What is known to the erudite, world-wide public about Croatia and the Catholic Church in Croatia during World War II according to the documents from the archives of Vatican?)

After the Second World War, an anti-Catholic press campaign started against the Catholic Church in general and the Holy See in particular in view of their involvement during the War. This kind of press campaign came to its climax in the book by Carlo Falconi, *Il silenzio di Pio XII*, published in Milano 1965. In answer to these allegations and led by the example of some states of Europe, in an endeavor to publish diplomatic documents of recent history, The Holy See brought to light the documents produced by the Papal administration that could clear out the acts of the Holy See during the World War II. So, during the period from 1965 to 1981, Vatican published 11 volumes under the title of *Actes et Documents du Saint Siège relatifs à la seconde guerre mondiale*.

In volumes number 4., 5., 7., 8., 9., and 10., there are documents on what were, among many other states, the relations of the Holy See with the Croatian

Independent State and the relations of the Catholic Church of Croatia with its own State in the time of War. Being personally deeply involved in the wide area of his diocese, the archbishop Stepinac was repeatedly mentioned in the diplomatic correspondence exchanged between Rome and Zagreb. Consequently, this was why the archbishop became »persona non grata« in the post-war times. It is, therefore, necessary to reexamine and study again thoroughly the documents on his activities during that time.

On the basis of aforementioned documents published by the Vatican, European and world public were given an opportunity to comprehend the genuine, positive picture of the archbishop. In spite of that, there are still those who question his influence reprimanding him or at least blaming him of his capital crime - »collaboration« with the Ustasha regime. Trying to make political advantages for themselves, the post-war communist authorities in fact used those unfounded accusations to discredit the archbishop. Studying those documents, no impartial reader can end up blaming him for »collaboration«. On the contrary, those documents substantiate the archbishop's well-known firm disposition to rebel with no hesitation, even against the official policy of the government if the life of a person or a group of persons was at stake and his influence was needed.

»The archbishop Stepinac, other prelates and the clergy« annotates Pope's state secretary cardinal Aloysius Maglione at the beginning of the war »act wisely, do not interfere with politics but promote the benefit of religious doctrine« (doc. 25). Nevertheless, no matter how wisely he acted, the archbishop Stepinac was well aware of how eagerly the people he was appointed to serve, wanted their own state. Not being indifferent to its long lasting desire he did everything within his power to enact regular diplomatic relationship between the Holy See and Croatia. He even procured a promise to it by the Pope himself (doc. 25).

Although it affects deeply the faith and the conscience of every individual, the problem of the Serbs in Croatia was of a political rather than of a religious nature. So Pavelić and his government tried to offer three solutions to the problem. Firstly, they tried to turn backwards the wheel of history by forcing the Orthodox populace to return to the Catholic church. As that meant unauthorized and counter-productive step into the wide sphere of the faith, the Catholic church very soon (in June, 1941) announced the main principles of who and under what condition is to be accepted under its patronage. The Government itself soon became aware of the fruitlessness of such forceful and speedy measures and began searching for another solution. The second solution was to organize displacement of about 200.000 Serbs from Croatia to Serbia. The third and final solution by the end of

February and the beginning of March 1942 was decided upon by Pavelić himself - to establish the Orthodox church in Croatia. Soon after the decision was made he had put the idea into practice.

In spite all these attempts to find the right solution, government authorities never persecuted the Orthodox because of their confession. In fact, as legate Marcone reported, in those times the Orthodox were privileged and even had a priest of their own in the Ministry's religion department who fought for their cause. However, there were many Orthodox among the Communists and the authorities acted against them on many occasions.

In doing so, the Communists started losing all the support in Croatia, and that was the luxury the politics of Greater-Serbia could not afford. Also, they had to hide the Chetnik crimes (although those crimes appeared in the legate Marcone's reports, after all). The only way to do that was to defame Croatia as much as possible or to blow up out of proportion any oversight or negligence of which Croatia might have been found guilty.

Unlike the Serbs in Croatia, the Jews in Croatia, as in fact in the whole Europe, suffered a tragic destiny. The nazi-socialist expression of searching for »the final solution to the problem of the Jews« was just an excuse for the Croatian authorities to be extremely helpless, fully dependent and influenced by Germany, German ambassador Siegfried Kasche in particular. However, the archbishop Stepinac was never passive. He helped many a Jewish family in search of a safer land. He also risked his personal safety by speaking to the Croatian authorities on behalf of many persons. He received gratitude and recognition from many Jews and Jewish committees. The archrabbi Miroslav Šalom Freiburger and Help for the Jews of Europe Committee in Istanbul confirmed his activity. In June 1943, that Committee declared: »We know that mons. dr Stepinac, if nothing else was possible, did everything in his power to at least soothe and make the destiny of Croatian Jews more comfortable. To the best of our knowledge the number of Croatian Jews, today does not exceed 2500 persons, males, women and children«.

After reading carefully all these documents, one cannot doubt the prevailingly positive image of the archbishop Stepinac throughout the Second World War. Every commendable reader of these documents issued by Vatican could come to that conclusion. All those throughout Europe and throughout the world with a distorted picture of the archbishop Stepinac did not base their knowledge on the original documents of those times. In forming their opinion, they consented to be deceived by prejudiced interpretations like those of aforementioned Falconi.