

THE COMMISSION THAT COULDN'T SHOOT STRAIGHT

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On July 23, 2001, Seymour Reich, the chairman of the International Jewish Committee for Interreligious Consultations (IJCIC), announced the suspension of The International Catholic-Jewish Historical Commission evaluating a collection of Vatican documents on Pope Pius XII's actions during the Holocaust. What went wrong?

The Commission, which was set up by the IJCIC and the Vatican's Pontifical Commission for Religious Relations with Jews, concluded that the documents left many unanswered questions and requested the opening of the Vatican archives. Reich told the press that Walter Cardinal Kasper, the current president of the Pontifical Commission, explained that "technical reasons" were keeping the archives closed for the present. Without additional materials, the scholars on the panel said that they could not continue their inquiry.

Reich expressed his "deep disappointment" with the Vatican's decision, and the Jewish scholars on the Commission publicly criticized the Vatican.

On August 8 *L'Osservatore Romano*, the Vatican newspaper, published a reply by the Rev. Peter Gumpel, S.J., the Vatican official who is the independent judge for Pius XII's beatification. Gumpel asserted that the Commission did a poor job of evaluating the material and accused some of the Jewish scholars of undermining the Vatican's initial co-operation with the Commission by leaking confidential information to the press and making false, inflammatory statements against the Vatican. Many Jewish groups were angered by Gumpel's statement, insisting that his charges were "totally unfounded."

How did the International Catholic-Jewish Historical Commission come into existence, and what went wrong?

In March 1998 the Vatican issued its statement on the Holocaust, *We Remember: A Reflection on the Shoah*, which was drafted by a committee headed by Edward Cardinal Cassidy, then president of the Pontifical Commission. Some Jewish organizations strongly objected to the statement's defense of Pope Pius XII and called on the Vatican to open its archives from World War II. The Vatican replied that it already published many documents from its archives in the 11-volume collection with the French title *Actes et documents du Saint Siege relatifs a la Seconde Guerre Mondiale (Actes)*, which has received little attention from historians and journalists.

In response to Rolf Hochhuth's play *The Deputy* (1963), which condemned Pius XII

for his "silence" during the Holocaust, Pope Paul VI in 1964 asked a team of three Jesuit historians, the Rev. Pierre Blet, S.J., the Rev. Burkhart Schneider, S.J., and the Rev. Angelo Martini, S.J., to conduct research in the Vatican archives and publish the relevant documents from the war. A few years later, the three Jesuits were joined by the Rev. Robert A. Graham, S.J., the author of an acclaimed book about Vatican diplomacy. The first volume was published in 1965, the last in 1981.

In each volume the documents are presented in their original languages, with most in Italian. Volumes I, IV, V, VII, and XI detail the Vatican's diplomatic relations with all the belligerent governments during the war. Volumes VI, VIII, IX, and X record the Vatican's efforts to alleviate the suffering of civilians, especially the Jews. Volume II is a collection of Pius XII's private wartime letters to the German bishops. Volume III, which is published in two parts, discusses the persecution of the Catholic Church in Poland and the Baltic nations.

The *Actes* reveal that until his death in August 1944, Vatican Secretary of State Luigi Cardinal Maglione, the first person to see the Pope every morning, frequently instructed the Vatican's diplomatic representatives in many Nazi-occupied and Axis nations, including Japan, to intervene on behalf of endangered Jews. After Cardinal Maglione's death, his deputy, Msgr. Domenico Tardini, the Secretary of the Congregation of Extraordinary Ecclesiastical Affairs, continued to send out instructions until the end of the war.

Dismayed by the criticism of *We Remember* and the continued attacks on Pius XII, Cardinal Cassidy, in 1998, proposed the creation of a joint panel of Catholic and Jewish scholars to study the *Actes*. At first, Jewish groups rejected the offer. In a letter to the editor published in *The New York Times* (Nov. 7, 1998), Reich explained that "the published items were selectively chosen by Vatican administrators and constituted a small fraction of the total wartime archive." Reich added that until "independent researchers" were given free access to the complete archives, Pius XII's role during the Holocaust "will remain an enigma." The implication was that the four Jesuit editors may have refused to publish incriminating documents.

In late 1999 Reich changed his mind without any public explanation and agreed to Cassidy's proposal. Cassidy recruited Dr. Eugene Fisher, the American bishops' highly respected representative in dialogue with Jewish organizations, to serve as the "Catholic coordinator" for the Commission. Reich named Rabbi Leon Feldman, a Professor Emeritus in Hebraic Studies at Rutgers University in New Jersey, to serve as the "Jewish coordinator." Reich and Cassidy agreed to a panel of six scholars, three Jewish and three Catholic, who were assigned to study the *Actes*. On Fisher's recommendation, Cassidy appointed the Rev. Gerald Fogarty, S.J., Professor of Religious Studies and History at the University of Virginia, the theologian Eva Fleischner, Professor Emerita at Montclair State University in New Jersey, and the Rev. John F. Morley, Professor of Religious Studies at Seton Hall University in New Jersey. On the Jewish side, Reich selected Michael Marrus, Professor of Holocaust Studies at the University of Toronto, Robert S. Wistrich, Professor of History at the

Hebrew University in Jerusalem, and Bernard Suchecky, a researcher with the Free University in Brussels, Belgium.

The Commission's makeup immediately caused concern. Five out of the six scholars, Fleischner, Morley, Marrus, Wistrich, and Suchecky, had previously criticized Pius XII in their writings and public statements. For example, in an interview with the *Jerusalem Report* (Dec. 20, 1999), Wistrich said, "Pius XII did not perform in a way that reflects any credit on the Vatican or on the Catholic church. He wound up in a position where he was complicit in German policy." Marrus told the *Toronto Star* (Nov. 24, 1999) that the Pope's top priorities during World War II were preserving "the institutions of the church so souls can be saved...this was the supreme value over everything else, including the victims of the Holocaust." According to the *National Catholic Reporter* (Apr. 10, 1998), Morley described *The Deputy* as a good thing "because it forced the Vatican to start making statements." In 1997 Fleischner and Michael Phayer co-wrote the book, *Cries in the Night. Women Who Challenged the Holocaust*, which contrasted the heroic actions of individual Catholics to save Jews with the indifference of the Vatican. (The odd man out, Catholic scholar Fogarty, had published books on the Holy Sees relations with the American bishops, but was not known for defending Pius XII.) Several observers asked why other scholars with different perspectives on this controversy, such as the Rev. Vincent Lapomarda, S.J., the Rev. John Jay Hughes, Sr. Margherita Marchione, John Conway, William Rubinstein, John Lukacs, Sir Martin Gilbert, Michael Tagliacozzo, Monica Biffi, Ronald Rychlak, Owen Chadwick, the Rev. Michael O'Carroll, Michael Feldkamp, Emma Fattorini, and many others, were not approached. The makeup of the Commission invited allegations that it was deliberately stacked with scholars who were critical of Pius XII in order to ensure that it reached unfavorable conclusions.

In October 2000 the Commission submitted its preliminary report to the Vatican. "No edited collection can put such an important historical issue definitely to rest," the report said. "It is plain from the [*Actes*] that important pieces of the historical puzzle are missing from that collection." The Commission drew up 47 questions, which it claimed could not be answered by the *Actes* or other sources. In the same month, the six scholars, Fisher, Reich, and Feldman all traveled to Rome to see if the questions could be answered by opening the archives.

The Vatican referred the Commission to Gumpel, who prepared detailed answers to all 47 questions, many of which could be easily answered. The Jesuit said that his meeting with the scholars, which was recorded on tape, was cordial. At one point, Rabbi Feldman said that he personally remembered Eugenio Pacelli, the papal nuncio in Germany and future Pius XII, keeping silent and not doing anything as he watched the Nazis burn books in Berlin in 1933. Gumpel politely replied that this was impossible since Pacelli had left Berlin in 1929 to become the Vatican Secretary of State and never returned. "After that," Gumpel told this writer, "Feldman sat back down, didn't say another word, and eventually fell asleep."

After Gumpel answered about six of the questions, Bernard Suchecky leaked the report to the Paris daily *Le Monde* and attacked Pius XII in an interview with the newspaper on October 25, 2000. The worldwide publicity that followed ended Gumpel's co-operation with the Commission. Despite the Vatican's outrage over the leak, Reich never removed Suchecky from the panel.

Several months before the Commission's work was suspended, Reich, Fogarty, and Marcus all publicly said how they were still waiting for the Vatican to reply to the report, acting as if the meeting with Gumpel never took place. (Fleischner resigned from the Commission in December 2000, and no replacement was announced.) Wistrich even attacked Gumpel and the Vatican in the German magazine *Der Spiegel* (Apr. 24, 2001) and told the *Jerusalem Report* (Jul. 2, 2001) that the Vatican had acted in "bad faith" by refusing to open the archives. Reich and Wistrich have asserted that "the Vatican" promised them the scholars would have access to the archives, a claim that both Fisher and Fogarty have denied. There isn't a single statement in the public record by Pope John Paul II, Vatican Secretary of State Angelo Cardinal Sodano, or any other Vatican official making such a promise. If Reich and Wistrich received an assurance in private from a Vatican official, then they should have little difficulty in revealing his name, but they have refused to do so.

The Commission's 47 questions are prefaced with general statements that provide small pieces of information. Apart from this, the report provides few insights into what the 11 volumes contain and does not address to what extent the documents refute the allegations against Pius XII. A review of the report shows that the six scholars ignored many documents in the *Actes* and other sources that answered many of their questions. Space allows me to answer 11 of the questions.

The second question asks if the "archives reveal internal discussions among Vatican officials" regarding an appropriate response to *Kristallnacht* in November 1938. The Vatican's response is well known. Over a two-week period, the Vatican newspaper published many articles about *Kristallnacht*, noting the moral outrage around the world and quoting the critical dispatches of the Jewish-owned Havas News Agency. Pope Pius XI instructed three prominent cardinals, Idelfonso Schuster of Milan, Pierre Verdier of Paris, and Joseph-Ernest Van Roey of Belgium, to publicly condemn Nazi racism. "Very close to us, in the name of racial rights, thousands and thousands of people were tracked down like wild beasts, stripped of their possessions, veritable pariahs who are seeking in vain in the heart of civilization for shelter and a piece of bread," Cardinal Verdier said. "There you have the result of the racial theory." In November 1938 the Vatican newspaper published all three statements and a strong attack on totalitarianism delivered by Michael Cardinal Faulhaber of Munich. *The New York Times* (Nov. 12, 1938) quoted Pius XI during the beatification ceremony of Mother Cabrini as saying, "It is necessary to pray as our Divine Redeemer has taught, recommended and ordered you because you know there are forces which are seeking to ruin souls. It is necessary, very beloved children, to do what we can and what is in our power to react against these powers

of evil." Was the Pope talking about events in Germany? The New York Times believed he was and placed his statements below an article about *Kristallnacht*.

The Commission's seventh question alleges that Giovanni Montini, the Substitute Secretary of State and future Pope Paul VI, and Msgr. Tardini told Leon Berard, Vichy France's Ambassador to the Vatican, that the Vatican had no objections to France's anti-Semitic laws just as long as they "were administered with justice and charity and did not restrict the prerogatives of the Church." During a diplomatic reception, Msgr. Valerio Valeri, the papal nuncio in France, personally objected to the anti-Semitic laws with Marshall Henri Philippe Petain, the French head of state. Petain replied that he consulted with Vatican officials, who had no objections to the laws. Valeri immediately informed Cardinal Maglione about what Petain had claimed (*Actes*, vol. VIII, pp. 295-297). The Cardinal looked into the matter and discovered that Berard had, in fact, met with both Montini and Tardini. However, neither of them told Berard anything that could be interpreted as approval of France's anti-Semitic laws. On October 31, 1941, Cardinal Maglione replied to Valeri (vol. VIII, pp. 333-334). After clarifying the matter, the Cardinal backed up the protest that Valeri had made to the anti-Semitic laws and encouraged him and Pierre Cardinal Gerlier of Lyon to intervene with the Vichy regime in order to soften the application of the laws.

The ninth question asks if the Vatican approved of the interventions on behalf of Jews by Msgr. Andrea Cassulo, the papal nuncio in Romania. In his January 14, 1943, letter to Cassulo, Cardinal Maglione wrote that he "read with particular attention...all the steps that you made, behind the instructions of the Holy See, on behalf of Jews in general and the Jews converted to Catholicism especially..." (vol. IX, p. 81). The Cardinal asked Cassulo to inform him if reports about the mistreatment of Romanian Jews were accurate, and if so, to act with prudence and a charitable spirit to "modify certain measures that are in contrast with the directives of Christian morality." On February 15, 1943, Cardinal Maglione sent Cassulo a sum of money to help alleviate the miserable conditions of Jews who were imprisoned in Romania's concentration camps (vol. IX, p. 129).

In question 11 the Commission asks if then Archbishop Adam Sapieha of Krakow, Poland, ever informed the Vatican about the extermination of Jews since the notorious Auschwitz death camp was located in his diocese. In his book *The Pope and Poland in World War!* (1968), Fr. Graham already answered this very question, writing, "Sapieha and the Polish bishops, guarded as they were in writing about the concentration camps where their own Catholic faithful were languishing and dying, refrained even from mentioning the systematic murder of the Jews which had been going on throughout the length and breadth of Poland." Additionally, the Gestapo kept Sapieha under constant surveillance, and communication between the Holy See and the Polish bishops who weren't exiled or sent to concentration camps was limited.

In question 13 the Commission acknowledges that then Archbishop Aloysius

Stepinac of Zagreb, Croatia, "condemned atrocities against Serbs and Jews and established an organization to rescue Jews." However, in order to answer a few unspecified questions, the Commission requests more documents from the Vatican archives and Stepinac's beatification. The 11 volumes provide ample documentation of his actions. For example, an appendix to document 130 in volume IX of the *Actes* lists 34 separate interventions by Stepinac against the persecution of Jews and Serbs in Croatia from 1941-1943. The scholars could have consulted two excellent books, *The Case of Cardinal Aloysius Stepinac* (1954) by Richard Pattee and *Il Processo dell'archivesco di Zagabria* (1947) by the Rev. Fiorenzo Cavalli, S.J. Both books reproduce many documents and address the allegations against Stepinac. In an interview with the Croatian newspaper *Glas Concila* (Apr. 21, 1996), Amiel Shomrony, the personal secretary of Zagreb's Chief Rabbi Miroslav Freiburger of Zagreb, who died at Auschwitz in 1943, recalled that Stepinac "personally saved a lot of people and children by hiding them. He gave the community flour every month and financially supported Jews who had been left without any means of support by the persecution," as quoted in the book *Croatia: A Nation Forged in War* (1997) by Marcus Tanner. During his meeting with the Commission, Gumpel noted that the French-Jewish scholar Alain Finkielkraut defended Stepinac in an article written for *Le Monde* (Oct. 7, 1998). According to Antonio Gaspari's book *Gli Ebrei Salvati da Pio XII* (2000), Wistrich dismissed Finkielkraut's testimony by observing that he had a Croatian wife.

Question 21 notes that Casmir Papee, Poland's Ambassador to the Vatican, on April 23, 1943, sent Cardinal Maglione an article from a Swiss newspaper that describes "the martyrdom of many Polish priests interned at Dachau." The scholars ask if there are any documents in the archives that detail how the Vatican responded to Nazi atrocities against the Church in Poland. This question overlooks an important document. On March 2, 1943, Cardinal Maglione sent a long letter protesting the Nazi persecution of the Catholic Church in Poland to German Foreign Minister Joachim von Ribbentrop (*Actes*, vol. III, part 2, pp. 742-752). The letter cited atrocity after atrocity against the Church. "No less painful was the fate reserved for the regular clergy," the Cardinal wrote. "Many religious were shot or otherwise killed; the great majority of the others were imprisoned, deported or expelled." When asked about this Vatican protest by Allied interrogators after the war, Ribbentrop replied, "I don't recollect it at the moment...but we had a whole deskful [sic] of protests from the Vatican" (*Nazi Conspiracy and Aggression*, Supplement B, p. 1,235).

Question 26 asks if the Vatican ever gave any encouragement before November 1944 to Msgr. Angelo Rotta, the papal nuncio in Hungary, who aggressively opposed the deportations of Jews. It seems the Commission failed to read volume X carefully. The Nazis invaded Hungary on March 23, 1944. Jewish groups around the world were alarmed, rightly thinking that Hungary's one million Jews were in danger. The American War Refugee Board appealed to the Vatican two days later to bring the threat against the Hungarian Jews to Rotta's attention. On March 28, 1944, the Vatican telegraphed the nuncio, instructing him to see to what could be done to

protect Hungary's Jews. Cardinal Maglione repeated these instructions to Rotta on April 5. Two days later, Rotta replied that he intervened in the name of the Holy See with the Hungarian government to mitigate the anti-Jewish measures, but his efforts were unsuccessful. The deportations of Jews began in May 1944. On June 25, 1944, Pius XII addressed an open telegram to Hungarian Regent Nicholas Horthy, urging him to stop the deportations. The combined protests of Pius XII, King Gustav of Sweden, President Franklin Roosevelt, and the International Red Cross brought a temporary halt to the deportations. When the deportations resumed in the fall, Rotta, acting on instructions from Rome, made more protests.

In question 34 the Commission asks how the Vatican replied to a memorandum dated March 17, 1942, by Gerhart Riegner, a representative of the World Jewish Congress in Geneva and Richard Lichtheim, a representative of the Jewish Agency for Palestine. Riegner and Lichtheim submitted a memorandum that detailed the persecution of Jews in several countries to Archbishop Filippo Bernadini, the papal nuncio in Switzerland, who immediately forwarded it to the Vatican (*Actes*, vol. VIII, p. 466). Contrary to what is frequently alleged, the memorandum made no mention of Jews being exterminated in gas chambers in concentration camps. In volume VIII of *Archives of the Holocaust* (1990), there is a letter dated April 2, 1942, from Bernadini to Riegner and Lichtheim that states, "I have just received the information from His Eminence, the Cardinal Maglione, according to which the Holy See has already undertaken steps to attempt to influence the Slovak authorities to revoke the recent measures set under way in that country against the `non-Aryans.'" In their reply to Bernadini on April 8, 1942, Riegner and Lichtheim wrote, "We also note with great satisfaction the steps undertaken by His Excellency, the Cardinal Maglione, with the authorities of Slovakia on behalf of the Jews...and we ask you kindly to transmit to the Secretariat of State of the Holy See the expression of our profound gratitude," as quoted in the book *Hitler, the War, and the Pope* (2000) by Ronald Rychlak.

Question 42 admits that there is little evidence that Pius XII favored the Nazis as a bulwark against the Soviet Union, citing "the Vatican promotion of the American bishops' support for the alliance between the United States and the Soviet Union in order to oppose Nazism." The Commission, however, asks if there is "further evidence on this question." In response to diplomatic appeals made by President Franklin Roosevelt in the fall of 1941, Pius XII agreed that American Catholics could support the extension of military aid, through the Lend-Lease program, to the Soviet Union after it was invaded by the Nazis (*Actes*, vol. V, pp. 170-300). As for "further evidence," the scholars could have consulted the book *The Undeclared War, 1940-1941* (1953) by William L. Langer and S. Everett Gleason. The two authors discuss Pius XII's surprising concession to Roosevelt by citing documents in the American archives.

In question 44 the Commission wants to see a report prepared by the Jesuits at the Vatican's request that defends the Pope's reserved policy toward Poland. I found the report myself several years ago in the Library of Congress. The report is actually a

pamphlet, *Pope Pius and Poland*, which was anonymously written (by Zygmunt Jakubowski) and published by America Press in 1942. The pamphlet summarizes the Vatican's relief efforts on behalf of the Polish people and quotes Pius XII's speeches, Vatican Radio broadcasts, and articles from *L'Osservatore Romano* that concern Poland.

Question 45 tries to discredit the many tributes that Pius XII received from Jews during the war by asserting that such statements were actually desperate appeals for help "couched in language of effusive praise." The scholars ask for specific cases where expressions of thanks from Jews follow a specific action on their behalf by the Vatican. Many examples from the *Actes* and other sources can be cited. On April 14, 1942 the leaders of the Jewish inmates at the Ferramonti concentration camp in southern Italy wrote to the Vatican, thanking the Pope who sent an "abundant supply of clothing and linen" to the children at the camp (vol. VIII, pp. 505-507). On February 23, 1943 Msgr. Joseph Marcone, the Vatican's "apostolic visitor" in Croatia, reported that Chief Rabbi Freiburger expressed his gratitude to the Vatican for helping a group of Croatian Jewish children, including Freiburger's son, find refuge in Turkey (vol. IX, p. 139). In his February 14, 1944, letter to Cassulo, Chief Rabbi Alexander Shafran of Bucharest, Romania acknowledged the concern of the "Supreme Pontiff, who offered a large sum to relieve the sufferings of Romanian Jews" (vol. X, pp. 291-292). On July 21, 1944, several weeks after the liberation of Rome, the National Jewish Welfare Board cabled the Vatican, lauding Pius XII for saving most of Rome's Jews (vol. X, pp. 358-359).

How could the six scholars have overlooked so much evidence that answered their questions? In an e-mail submitted to the American bishops, Fisher revealed that each scholar read no more than two volumes each. *Inside the Vatican* magazine (Jan. 2000) reported that none of the Jewish scholars read Italian, the language of most of the documents. It seems that a group of first-graders studying Italian could have done a better job understanding this material than the Commission, whose members were all hailed by Fisher as "top-notch people."

Speaking Italian since birth and being fluent in Italian, I have read through the 11 volumes many times. Although I agree that the material leaves some questions unanswered, I have no doubt that the documents overwhelmingly contradict the allegations that Pius XII did "little" or "nothing" to help Jews and "collaborated" with the Nazis. The *Actes* along with documentary collections from the U.S., Germany, Italy, France, the United Kingdom, and other sources provide a clear and balanced portrait of Pope Pius XII during World War II.

In an article published in the Vatican journal *La Civiltà Cattolica* (Mar. 21, 1998), Fr. Blet wrote, "We did not deliberately leave out any meaningful document because it seemed to us that it might harm the Pope's image or the Holy See's reputation." He added that releasing the documents not published in the *Actes* will not alter what is already known about Pius XII. In an interview with the Associated Press (July 24, 2001), Fr. Fogarty, who appears to be the most sensible member of the Commission,

said that there were no "smoking guns" in the Vatican's archives. Unfortunately, critics have placed the Vatican in a position where it has to prove its innocence against every allegation. In February 2002 the Vatican announced that it will open its archives from 1922-1939 in 2003 and release more documents from the papacy of Pius XII by 2005. No doubt legitimate scholars, whether they are Catholic or Jewish, will find this material valuable in shedding light on those turbulent times. However, if evidence that establishes the Vatican's guilt is not found, then we can expect pseudo-scholars, political activists, anti-Catholic journalists, Catholic dissidents, and bigots to accuse the Vatican of destroying any incriminating documents or still hiding them somewhere, along with the Roswell UFO.

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The Gang That Couldn't Shoot Straight is a 1971 American Mafia comedy film directed by James Goldstone and written by Waldo Salt, based on the 1969 novel of the same name by Jimmy Breslin, which in turn was based on the life of gangster Joe Gallo. The film stars Jerry Orbach, Leigh Taylor-Young, Jo Van Fleet, Lionel Stander, Robert De Niro and Irving Selbst. The film was released on December 22, 1971, by Metro-Goldwyn-Mayer. The Commission reports that the annual cost of crime in the U.S. is \$4,747,000,000. (The total figure quoted by the Commission is larger, but it included such non-crimes as gambling.) Government expenditure directly related to police work is pegged at \$4,212,000,000 per year (mostly local), while citizens spend another \$1,910,000,000 for privately financed protection. Perhaps this seems like an efficacious expenditure of money. But if the Commission's figures are inaccurate by way of including non-crime, they are also untrue to reality by omission of a very large quantity of real crime. A