

Trials Fact Sheet: Trials of Historical Leaders

1. Trial Name: Crown vs. Pope Pius XII

2. Trial Date: Thursday, January 17, 2008

3. a) Your Name: Vivian Lee

b) Prosecution Lawyers: Vivian Lee and Meaghan Uyede

c) Defense Lawyers: Angela Chung and Ruba Khan

4. Your Opening Statement

Your honour, members of the jury, my name is Vivian Lee and today I am representing the Queen in her prosecution of Eugenio Pacelli, otherwise known as Pope Pius XII. I intend to prove Pacelli's guilt in failing to exercise his diplomatic power to, equally, protect as many Jews as possible from suffering from persecution. You will see, by the end of today, that Pacelli knew of more than twenty reports of atrocities being committed against the Jewish population in Europe. Yet he did not act. He knew of this valuable information – details of deportations that would be infinitely helpful to those who wanted to take action to help these Jews – yet he did not make his knowledge public. Not only that, but he also did not circulate this information within the Catholic Church, which would have maintained his neutral position. On the rare occasion that he did reach out to help the Jews, he picked and chose whom he would protest for, and whom he would protect. Pope Pius XII simply did not do all that was in his diplomatic power to prevent Jews from persecution. Today, you will be presented with evidence and you will hear testimony from my witness, Bishop Karl Graf von Preysing, a close friend and honourable servant of the Catholic Church. He will leave no doubt in your mind of the guilt of the accused. Please find Eugenio Pacelli, Pope Pius XII guilty.

5. Your Charge

Failure to exercise his diplomatic power to, equally, protect as many Jews as possible from suffering from persecution.

6. Arguments / Evidence proving the charge

1. The accused did not share knowledge of atrocities being committed

- “The fact was that the Holy See did not make public the reliable Holocaust reports of church leaders or members of its diplomatic corps; nor did it circulate them privately among Vatican diplomats and church leaders in Europe.” (Phayer, 49)
- “Nor did the Holy See share its information about the Holocaust with the Catholic resistance movements that were trying to save Jews. Volume eight of the Vatican's World War II documents contains numerous reports from French bishops and Nuncio Valerio Valeri that briefed the Holy See on their statements opposing Vichy anti-Semitic policies, made known the courageous rescue work of the Témoignage Chrétien group, and gave voice to their fears for the Jews. But one looks in vain in these subsequent volumes of the documents for any kind of response from the Vatican regarding Jews. It would have been quite possible to share information about the Holocaust with Zegota in Poland, with Catholic resistance movements in greater Germany that were centered in Berlin and Vienna, and with the Témoignage Chrétien circle in France. Historian Gerhard

Weinberg believes that had Pope Pius spoken out about the murder of the Jews, many more Catholics would have had the courage to hide them. Such encouragement, even given privately, would certainly have bolstered the world of the four groups mentioned here..." (Phayer, 52)

- If his knowledge had been shared, he would not have "violated his neutral position", as he would've been merely informing the public of what was occurring (he did not have to tell them to take a side)
- If he had shared his information, more people, who didn't have to maintain a position of neutrality, could have taken action to help the Jews
- His views could influence at least 400 million Catholics, including those in all the occupied eastern territories (Schoenburg)

2. *The accused presented passports for European Jews to travel to Brazil, but then revoked 2/3 of them*

- In March 1939, the accused obtained 3000 visas to enter Brazil for European Jews who had been baptized and converted to Catholicism(Schoenburg)
- When the accused discovered that the Jews had begun practicing Judaism in Brazil, he revoked 2/3 of these passports (Schoenburg)
- This meant that these Jews were sent back into Europe, where they were most likely persecuted and sent to death camps by Nazis
- He stated that this was because of "improper conduct" (Schoenburg)
- The accused did nothing to save practicing Jews, only ones that had converted to Catholicism – this means that he did not protect Jews equally, only the Catholic ones
- It had cost the accused more time and effort to revoke these passports and have the Jews sent back then to just leave them there
- Thus, he did not do as much as he could to rescue Jews from prosecution

3. *The accused failed to act on the multiple pleas of religious leaders and Catholics*

- "In October of 1941, the Vatican got reports from Chargé d'Affaires Guiseppe Burzio, Slovakia, about Jews being immediately shot by Germans." (Phayer, 47)
- "In March of 1942, Burzio informed Maglione that 80 000 Jews were likely to be deported to a certain death, and in May he reported that they had been deported." (Phayer, 47) The accused had atleast two months to act on this knowledge.
- Cardinal Luigi Maglione was appointed Cardinal Secretary of State by Pope Pius XII himself (Rittner, 190)
- "In the summer of 1942, Abbot Ramir Marcone wrote...telling him that Coation Jews were to be deported to Germany and killed, and that 2 million Jews had already met this fate." (Phayer, 47)
- "Bishop Szeptyckyj of Lwow, Poland, notified the Holy See that 'the number of Jews killed in this small region has certainly passed two hundred thousand'" (Phayer, 47)
- "Memos of Ambassador Kazimierz Papée (Poland) and Envoy Myron C. Taylor...dated September 26, 1942, reported on the liquidation of the Warsaw ghetto, mass executions at special killing centres, and mass deportations of Jews from various European countries." (Phayer, 47-48)
- "On October 3, 1942, the Polis ambassador to the Vatican reported that all over Poland Jews were being put in camps to be murdered." (Phayer, 48)
- "Archbishop Anthony Springovics wrote Pius XII on December 12, 1942, that most of the Jews of Riga, Latvia, had been killed." (Phayer, 48)
- In spring of 1943, Vatican heard from three sources (religious leaders in Hungary, Switzerland, and Slovakia) that 80 000 Slovak Jews were going to be deported and killed. In June, confirmations of these deaths were reported by the Polish government. (Phayer, 48) The accused had months to take action with this knowledge.

- “Bishop Preysing wrote to Pope Pius on March 6, 1943, to tell him of the roundup of Jews in Berlin that had taken place from February 27th to March 1st. Preysing indicated that their deportation probably meant their death. They were in fact sent directly from their workplaces in Berlin to Auschwitz and gassed immediately, without even being registered.” (Phayer, 49-50)
- Around the same time, “...Margit Slachta asked him in a personal audience to intervene to save Slovakian Jews.” (Phayer, 50)
- “On July 16, 1943, Father Marie-Benoit Peteul of Marseilles had an audience with the pope to plead for his help in rescuing Jews in the Italian-occupied part of France.” (Phayer, 50)
- The accused claimed he could not act because at “the present time it has not been possible to verify the accuracy” of the reports. However, it is questionable that the accused did all that he could to help the Jews as he received multiple (12 listed here already) reports, but did nothing to verify them (even though these reports were highly credible, as some were sent by his own Bishops and Cardinals) nor did he attempt to find the truth for himself.

4. *The accused did not help Jews EQUALLY, because he protested and assisted in the emigration of some Jews, but turned down other pleas.*

- The Pope protested against the deportation of Hungarian Jews over and over again (Schoenburg)
 - This was during March 1944
 - His demands lead to the ceasing of deportations on July 8, 1944
 - He protested against these deportations in public, which violated his policy of neutrality
 - If he was going to violate this policy, why had he not helped the Jews who were being deported in Berlin? Nor had he assisted the Jews who were being deported from Poland and Slovakia?
- He answered the request to save 6000 Jewish children in Bulgaria by helping transfer them to Palestine (Schoenburg)
 - However, he did not save the many accounts of people who were also being persecuted?
 - This also did not follow his policy of neutrality
 - If he was going to violate it, why not do more?
 - He clearly did not want to help ALL the Jewish people, but merely selected a few groups and instances
- As mentioned earlier, the Pope obtained passports for Jews who had converted to Catholicism. However, when he discovered that they had started practicing Judaism again, he had these passports revoked and had them sent back
 - This means that the accused only wanted to help Jews who had converted to Catholicism
 - He did not want to EQUALLY protect Jews, he merely picked and chose which ones he wanted to help
 - Had he used his effort in revoking these passports into rescuing more Jews, perhaps more could have been saved

7. a) **Your Witness:** Bishop Karl von Preysing (character’s name) played by Jennifer Leung (student’s name)

b) Information / Arguments/ Evidence / Questions for witness

1. Will you state your name and occupation for the court?
 - Konrad Graf von Preysing
 - Secretary to Eugenio Pacelli for eleven years (Balfour, 225)
 - Bishop of Eichstadt (Balfour, 225)
 - Bishop of Berlin in 1935

- Cardinal in 1946 (This was after the war)
 - I was one of the leaders of the anti-Nazi movement in Germany (Balfour, 225)
2. Please describe your relationship with the accused?
 - I was his secretary for 11 years before he became the Pope. He was Papal Nuncio at the time.
 - Five years after I was appointed Bishop of Eichstadt, the accused was appointed Pope.
 - Even though I was no longer his secretary, we remained close.
 3. What was your relationship with the accused like after he became Pope?
 - We remained close
 - We kept in contact by letter and I sometimes visited him
 - However, there were some things we disagreed on
 4. Oh, really?
 - Yes, for example, our views on how to act in regards to the atrocities being committed against the Jews during the Holocaust
 5. Tell us about how the accused learned about the Holocaust.
 - Well, I was actually the one who informed the accused.
 - In January 1941, I wrote him a personal letter about the atrocities in Kovno. So by 1941, the accused knew about the approaching and imminent genocide. (Phayer, 43-44)
 6. How did you find out about Kovno?
 - Margarete Sommer, a member of the Berlin Catholic Resistance Circle, filed a report to me about Kovno. (Phayer, 43-44)
 - This report was later circulated among German Bishops
 - I was able to read a first hand account of that atrocities being committed
 7. When you wrote this all in a letter to the accused, how did he respond?
 - He didn't respond, and he did not act. (Phayer, 44)
 8. How much time did the accused have to act on this knowledge?
 - Will, I am certain that the accused knew about these atrocities since 1941, and these atrocities were being committed till 1945, so I would say he had approximately 4 years to act on his knowledge
 9. Why does the accused have a responsibility to act with this knowledge?
 - The accused, as a leader, has the responsibility for the welfare of his people
 - I can quote directly: "A pope is the leader of a religious institution and as such he is charged with the responsibility for the...welfare of the faithful of that institution, a fact often forgotten in the historiographical controversy surrounding Pius." (Sánchez, 14)
 - Not only that, be the accused has the responsibility to lead those who follow him in the right direction.
 10. I see. So what happened next?
 - The next year, many more reports of atrocities being committed toward the Jews were filed
 11. Please elaborate this for us.

- In October 1941, the Vatican got reports from Guiseppe Burzio about Jews being immediately shot by Germans in Slovakia (Phayer, 47)
- In March 1942, the same man informed him that 80 000 Jews were likely to be deported to their death (Phayer, 47)
- In May of the same year, these Jews were actually deported and met their deaths, so he atleast 2 months to act with the previous knowledge (Phayer, 47)
- The Bishop of Poland personally notified the accused that, I quote directly: “the number of Jews killed in this small region has surly passed two hundred thousand”. This meant that Poland was suffering mass Jewish deaths, yet the accused did not respond. (Phayer, 47)
- The accused was personally informed by the Ambassador of Poland on September 26, 1942, that the Warsaw ghetto was being liquidated, mass executions were taking place at special killing centres, and mass deportations were occurring from various European countries (Phayer, 47)
- The same Ambassador also told the accused that Poland Jews were being put in camps to be murdered (Phayer, 48)
- Archbishop Springovics also told the accused on December 12, 1942 that most of the Jews in Riga and Latvia had been killed (Phayer, 48)

12. How did the accused react to all these reports?

- He didn't react, nor did he do anything to stop these pleas for help. (Phayer, 48)

13. Why do you think that is?

- He claimed that he needed to remain neutral, but I am skeptical.

14. Why is that, Mr. Preysing?

- He did help SOME Jews. So he wasn't exactly remaining neutral. He was helping some Jews, and he was publicly protesting for some. But for most, he did not act.
- For example, he protested against the deportation of Jews when he discovered that Hungarian Jews were being treated horribly. But he did not protest the deportation of Jews when he learned that 80 000 Slovakian Jews were being deported, nor did he act when he discovered that 200 000 Jews in Poland had already met their deaths. (Schoenburg)
- He appealed to several Latin American governments to accept “emergency passports”, and when they did, Jews were able to escape. This would have been excellent, but he revoked many of them later on. You see, he obtained 3000 visas for European Jews to enter Brazil. But he revoked 2/3 of them when they began practicing Judaism in Brazil. (Schoenburg)

15. So what happened next?

- Well, more reports of atrocities came floating in the year after that.
- In January 1943, the accused received a letter from the Polish government in exile, detailing Nazi horrors in Poland (Phayer, 49)
- I personally wrote a letter to him on March 6, 1943 to tell him about the roundup of Jews in Berlin that had taken place from February 27th to March 1st. I indicated clearly that this deportation meant that they were walking to their deaths. They were in fact, sent directly from their workplaces in Berlin to Auschwitz and gassed immediately, without even being registered. I appealed to him for an intervention. (Phayer, 49)
- Around the same time, the accused received another appeal for intervention from Margi Slachta, who asked him in person to intervene to save Slovakian Jews (Phayer, 50)
- On July 16, 1943, Father Marie-Benoit Peteul of Marseilles ask the accused in person to help rescue Jews in the Italian-occupied part of France (Phayer, 50)

16. And how did the accused react to this second round of pleas?

- Not only didn't he respond or intervene, but he kept these atrocities a secret!
- I can quote directly: "The fact was that the Holy See did not make public the reliable Holocaust reports of church leaders or members of its diplomatic corps; nor did it circulate them privately among Vatican diplomats and church leaders in Europe." (Phayer, 49)
- He wrote 18 letters to me through this period of time, and he hardly even mentioned the horrible events that were occurring. (Phayer, 51)
- He barely mentioned Jews, whether to me or in public, and when he did, it was of no action. (Phayer, 51)
- When he wrote to me in April 1943, he merely told me, and I quote directly: "he was heartened to hear that Berlin Catholics were showing empathy for the city's Jews". (Phayer, 51)
- When I consistently urged him to assist emigrating Jews, he merely said to me that he, quoting directly: "didn't want to mention all the difficulties the United States made for Jewish immigration." (Phayer, 51)
- He was using the United States as a scapegoat for why he wasn't acting on something that was CLEARLY his responsibility.

17. Could the accused have shared his information?

- Yes, most indefinitely.
- I can quote directly: "Nor did the Holy See share its information about the Holocaust with the Catholic resistance movements that were trying to save Jews. Volume eight of the Vatican's World War II documents contains numerous reports from French bishops and Nuncio Valerio Valeri that briefed the Holy See on their statements opposing Vichy anti-Semitic policies, made known the courageous rescue work of the Témoignage Chrétien group, and gave voice to their fears for the Jews. But one looks in vain in these subsequent volumes of the documents for any kind of response from the Vatican regarding Jews. It would have been quite possible to share information about the Holocaust with Zegota in Poland, with Catholic resistance movement in greater Germany that were centered in Berlin and Vienna, and with the Témoignage Chrétien circle in France. Historian Gerhard Weinberg believes that had Pope Pius spoken out about the murder of the Jews, many more Catholics would have had the courage to hide them. Such encouragement, even given privately, would certainly have bolstered the world of the four groups mentioned here..." (Phayer, 52)
- This way he would not have violated his neutrality, if only he had revealed his knowledge privately. But he did not even do that, which could've prevented the deaths of thousands, possible hundreds of thousands, of Jews.

8. a) Cross Examination of witness for opposition: Eugenio Pacelli, known as Pope Pius XII (character's name) played by Cameron Haines (student's name)

b) Information / Arguments/ Evidence / Questions for witness

1. On the spring of 1943, you received information about 80 000 Slovakian Jews being deported, correct?
2. And Margit Slachta told you personally that this was occurring?
3. She made a personal plea for you to intervene to save these Jews, didn't she?
4. And you were aware that these Jews were to be deported and then killed, weren't you?
5. You proceeded to receive confirmation in June from the Polish government that these deaths had occurred, didn't you?

6. There were about four months from between the time you were made aware of this information and between the time these deaths occurred, weren't there?
7. But you didn't act, did you?
8. You knew about these imminent deaths, you had time to act, yet you didn't?
9. So wouldn't it be safe to say that you didn't do ALL you could to save the Jews?

10. But neutrality doesn't seem to be the problem here. You didn't hesitate in speaking out against the deportation of Hungarian Jews, did you?
11. You spoke out against the deportation of Hungarian Jews, didn't you?
12. But you didn't speak out against the deportation of Slovakian nor Polish Jews, did you?
13. So it would be safe to assume that you didn't EQUALLY protect Jews, as you only protested against the deportation of some?

14. On July 16, 1943, Father Marie-Benoit Peteul of Marseilles came to see you, didn't he?
15. He informed you about the Jews that were being prosecuted in the Italian-occupied part of France, correct?
16. And he pleaded for your help, didn't he?
17. But you didn't protest their deportation, nor did you help these Jews, did you?
18. And your reason for this was that you needed to remain neutral, am I correct?
19. But isn't it true that you spoke out against the deportation of Hungarian Jews?
20. So that wouldn't be neutral, would it?
21. Yet you wouldn't help the Italian Jews in France?

22. You also believed that you needed to ensure the accuracy of these claims, am I correct?
23. But you received multiple reports on the atrocities being committed, didn't you?
24. And many of these claims were from your own Bishops and Cardinals, isn't that correct?
25. So that means that you didn't think your own Bishops and Cardinals were accurate, did you?
26. But didn't you appoint these Bishops and Cardinals yourself? OR But you just stated that you needed to ensure the accuracy of these claims, didn't you?

27. You received multiple reports about the atrocities being committed against Jews, didn't you?
28. But you didn't make them public, did you?
29. And you didn't share them within Vatican church leaders or diplomats, did you?
30. Nor did you share them amongst anti-Nazi movements?
31. Isn't it true, Mr. Pacelli, that you could've privately circulated this information?
32. And isn't it also true, that you would've still remained neutral to your position, as you would've merely been distributing information rather than taking a side?
33. You wouldn't have to pay any sort of price, would you, to distribute this information, isn't that correct?
34. And isn't it also correct that this information would have been valuable for people who WERE trying to save Jews?
35. Because they would be able to know secretive information on when and where Jews would be deported?
36. But yet you didn't distribute this information, did you?

37. You obtained 3000 visas for European Jews to travel to Brazil, didn't you?
38. And these were only for Jews who had converted to Catholicism, isn't that correct?
39. But you discovered that they had begun practicing Judaism, isn't that correct?

40. So you had these passports revoked and had them sent back to Europe, didn't you?
41. Even though you fully knew that they would be persecuted in Europe for being Jewish?
42. Tell me, Mr. Pacelli, did it cost you anything to let the Jews stay in Brazil, where they were free from persecution?
43. And wouldn't you agree that it took more effort for you to have them sent back than to let them stay in Brazil?
44. Isn't it safe to say that the effort you used to send the Jews back could have been better used ...perhaps to save more Jews?
45. You only wanted to protect Jews who converted to Catholicism, didn't you?
46. Then isn't it also safe to say that you didn't do all was in your power to equally protect Jews?

10. Closing Statement

Your honour, members of the jury, today you have seen evidence which has left no doubt in your mind of the guilt of Eugenio Pacelli, Pope Pius XII. I have represented the Queen in her charge of Pacelli's failure to exercise his diplomatic power to, equally, protect as many Jews as possible from suffering from persecution. My witness, Bishop Karl Graf von Preysing, has left no doubt in your mind of the guilt of Pacelli. Today, you have seen that Pacelli not only knew of the atrocities being committed against the Jews, but that he did not act. Not only did he have this valuable knowledge, but he did not publicize them. With his power, he could've easily at least circulated this information within the Catholic Church, so that others could have taken action where he could not. His words alone would have given courage to Catholics in Europe who wanted to help the Jews. Today, I have also shown you the lack of equity in Pacelli's protection of the Jews. To the Hungarians, he was willing to publicly protest deportation multiple times – violating his policy of neutrality. To the Polish and the Slovaks, he was not as generous. To the Jews converted to Catholicism, he obtained passports for their escape. For those who practiced Judaism, he sent them to their deaths. These facts not only show that the accused did not do all that was in his power to protect the Jews, but that he did not protect them equally. Please find the accused guilty.

11. Bibliography

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