

The Arrest of the Basilians Atanasie Maxim and Gheorghe Marina in the Attempt to Incriminate the Greek-Catholic Bishop Alexandru Rusu

Ionuț Vida-Simiti

Faculty of Medicine, Iuliu Hațieganu University

Cluj-Napoca, Romania.

E-mail: ionut_jus@yahoo.com

Abstract: *The arrest of the Basilians Atanasie Maxim and Gheorghe Marina in the attempt to incriminate the greek-catholic Bishop Alexandru Rusu.* The present study analyses the beginning of the Communist regime's offensive against the Romanian Greek-Catholic Church in competition with other Communist states in applying a Soviet pattern of mock trials. For this purpose, the object of the repression authorities at the beginning of 1948 was the staging of a high treason trial to the Metropolitan Bishop unrecognised by the Communist regime of the Romanian Church United with Rome, Greek-Catholic, the Bishop of Maramureș Alexandru Rusu. In order to create a criminal case, the Abbot of the Greek-Catholic Monastery from Bixad, Father Gheorghe Marina, was initially arrested and later was the Provincial Superior of the Order of St. Basil the Great, Atanasie Maxim. The legal indictment has changed many times, because neither with the gross violation of the criminal procedure sufficient rules of evidence could not be provided.

Keywords: Basilian monks, the Order of St. Basil the Great, Bixad Monastery, Gheorghe Marina, Atanasie Maxim, Alexandru Rusu, The Greek-Catholic Church.

Rezumat: *Arestarea bazilienilor Atanasie Maxim și Gheorghe Marina în încercarea de a-l incrimina pe episcopul greco-catolic Alexandru Rusu.* Prezentul studiu analizează începutul ofensivei regimului comunist împotriva Bisericii Greco-Catolice din România în concurență cu alte state comuniste în aplicarea unui tipar sovietic de procese spectacol. În acest sens, obiectul organelor de presiune la începutul anului 1948 a fost înscenarea unui proces de înaltă trădare Mitropolitul nerecunoscut de regimul comunist al Bisericii Române Unite cu Roma, Greco-Catolică, Episcopul de Maramureș Alexandru Rusu. În scopul creării unui dosar penal a fost arestat inițial Starețul Mănăstirii Greco-Catolice Bixad, Părintele Gheorghe Marina, și ,ulterior, Superiorul Provincial al Ordinului Sf. Vasile cel Mare, Atanasie Maxim. Încadrarea juridică s-a schimbat de nenumărate ori deoarece nici cu încălcarea grosolană a procedurii penale nu s-a putut constitui un probatoriu suficient.

Cuvinte-cheie: călugări bazilieni, Ordinul Sf. Vasile cel Mare, Mănăstirea Bixad, Gheorghe Marina, Atanasie Maxim, Alexandru Rusu, Biserica Greco-Catolică

The Order of St. Basil the Great is a Greek-Catholic monastic order whose rules are inspired by the work and spirituality of St. Basil the Great founded by the Metropolitan Rutzky and St. Jozafat at General Chapter in 1617; particularly, within the Romanian Church United with Rome, the Basilian Order was founded through the *Rationi Congruit* Bull of 1721. The impact of the Basilians' activity on Romanian society is impossible to estimate because starting with the hieromonks from Blaj, Leontie Mosconas, Gherontie Cotorea, Silvestru Caliani, Atanasie Rednic, also starts the revitalisation of the religious life in the right faith, until then atrophied in superstition, folklore and folk practices. The actual manifestation of religious living led to the cultural emancipation of Romanians through the Blaj Schools founded by the Basilian Petru Pavel Aron, Greek-Catholic Bishop of Blaj, whose result is the Transylvanian School of the Basilian clergy Samuel Micu-Klein, Gheorghe Şincai, Petru Maior. Also, the political-national action starts with the Basilian Inochetie Micu-Klein, Greek-Catholic Bishop of Blaj, author of the *Supplex Libellus* in 1743 and continues with the Basilian Ignatie Darabant, Bishop of Oradea Mare, author of the *Supplex Libellus Valachorum* in 1791. However, this effervescence is diminished by the anti-monastic politics of the Emperor Joseph II, which begins with the decree of 1781 regarding the Holy Trinity Basilian Monastery from Blaj.¹ Nevertheless, all the branches of the order were attacked by the Emperor Joseph II at the end of the 18th century; and, despite their survival, all the reform attempts in the second half of the 19th century have stagnated² until after the Great Union on the 1st of December 1918 (an event in which the Basilians Leon Iulian Manu, hegumen of the Greek-Catholic Monastery from Prislop in Haţeg Country, and Augustin Maxim, hegumen of the Greek-Catholic Monastery from Brixad, in Oaş County, were decisively involved).

¹ Daniel Dumitran, *Un timp al reformelor. Biserica Greco-Catolică din Transilvania sub conducerea episcopului Ioan Bob (1782-1830)* [A time of reforms. Greek-Catholic Church in Transylvania under the leadership of Bishop Ioan Bob (1782-1830)], (Cluj-Napoca: Argonaut, 2007), pp. 79-80.

² Ana Victoria Sima, *Affirming Identity. The Romanian Greek-Catholic Church at the Time of the First Vatican Council* (Milano: Vita e Pensiero, 2013), p. 339.

In 1947, the Ministry of Cults had a precise record of Greek-Catholic monastic orders and congregations³ with a detailed description of the composition of each (monasteries, number of monks, if they have or not schools, etc.), subscribed by themselves or by the Greek-Catholic Dioceses, who responded to the Ministry's request⁴ to sign up within the Register of Orders in compliance with Law no. 608/1940⁵ amending art. 36 of the Law of Cults.⁶ Thus, the Order of St. Basil the Great is registered with 5 monasteries and a total of 98 monks (Obreja with 15 monks, Nicula with 9 monks, Prislop with 2 monks, Moisei with 4 monks, Bixad with 68 monks); the Order of the Assumptionist Fathers is also registered with 5 monasteries and 23 monks (the St. Nicholas Monastery from Hârșeni, Făgăraș County, with 5 monks, St. Augustin Monastery from Bucharest with 6 monks, St. Mary's Monastery from Beiuș, Bihor County, with 4 monks and Lord's House, the Gratitude Institute from Blaj, Târnava Mica County with 8 monks); the Sisters of Mary congregation is mentioned with 252 nuns, established in the House of the Nursing Sisters TB Sanatorium from Aiud, Alba County, the Central House in Cluj, Betania - House of the Nursing Sisters from the Academic Clinics in Cluj, Primary School from Cluj, House in Jucu de Jos Cluj County, the House of the Nursing Sisters from the State Hospital in Mediaș Târnava Mare, Primary School in Bucharest, House of Immaculate Heart from Blaj Târnava Mică County, St. Theresa Institute in Cluj; the Congregation of the Annunciation is recorded with 20 nuns in Moreni, Prahova County; and the Oblate Assumptionist Sisters of Congregation is mentioned with 50 nuns and 3 monasteries (St. Mary's Monastery from Beiuș Bihor County with 31 nuns, the girls' boarding school from Beiuș Bihor County with 10 nuns, Panduri Hospital in Bucharest with 9 nuns).

Yet, knowing the extent of the Greek-Catholic monasticism, the official public plan⁷ (the incorporation of the Greek-Catholic parishioners in the Romanian Orthodox Church) and the secret plan (the interdepartmental action of Ministry of Cults - Ministry of Home Affairs, Ministry of Information, the organizational department of the Romanian

³ Serviciul Arhive Naționale Istorie Centrale [The National Historical Central Archive Service] (further SANIC), Fond *Ministerul Cultelor și Artelor* [Fund *The Ministry of Cults and Arts*], File 80, Volume 10, 1956, f. 17.

⁴ SANIC, Fund *The Ministry of Cults and Arts*, File 86, Volume 11, 1948, f. 3.

⁵ Published in the *Monitorul Oficial* [Official Gazette], no. 230/02.10.1940.

⁶ SANIC, Fund *The Ministry of Cults and Arts*, File 86, Volume 11, 1947, f. 24, 49, 64, 84-85, 100.

⁷ SANIC, Fund *The Ministry of Cults and Arts*, File 86, Volume 3, 1948, f. 124-136.

Working Party Central Committee), detailed and in stages, of outlawing the Greek-Catholic Church through a forced incorporation within the Romanian Orthodox Church, has no provisions, neither as method, nor as objective, regarding the Greek-Catholic monasticism.

From the legal point of view, the legal and administrative anti-Catholic measures from the second half of the year 1948 (Decree no. 151/1948 denouncing the Concordat, Decree-Law no. 177/1948 regarding the general regime of cults), that have targeted the de-structuring of the Romanian Catholic Church, in general, and the Greek-Catholic Church, in special, (reducing the number of Dioceses to just two, retiring the Bishops, the dismissal of Bishop Alexandru Rusu, etc.) in order to facilitate the taking over of its lower structures (the Greek-Catholic parishes) by the Orthodox Church, in compliance with the new legal frame, it did not alter the legal existence of the Catholic orders and congregations (Latin, Greek, Armenian). The proof is represented by the Decision no. 810 given only in 1949⁸ through which the Council of Ministers decided that: “the formations and the organizations of the following Greek-Catholic orders and congregations shall cease to function, with all the institutions depending on them in any way [...]”; but not because of the denouncing of the Concordat with the Holy See, and not because the Decree-Law no. 177/1948 didn’t allow their existence, but in compliance with art. 9, paragraph 2, letter b of the Law no. 11/1944 regarding the control of the non-profit legal persons. So, in autumn 1948 the Greek-Catholic monastic orders were existing legally (unlike some Dioceses that were no longer recognized), and for their component parts (monasteries) there was no legal frame for passing from one cult to another (like art. 37 of the Decree-Law no. 177/1948 for parishes). We could be witnesses of a legal loophole motivated by negligence; but things are not like that at all because in art. 1 of the Decree no. 358/1948 regarding the cancelation of the legal personality of the Greek-Catholic Church, the Greek-Catholic orders and congregations are not ignored, but disbanded distinctly and expressly.

The same paradox can also be noticed at the political-administrative level of implementing the official policies: “The actual plan regarding the return of the Greek-Catholic Church to orthodoxy”, initially suggested by the Ministry of Cults to an interdepartmental commission, offering details regarding the organization of a hierarchic structure with material and territorial attributes, that would practically work together with the state

⁸ Published in the *Monitorul Oficial* [Official Gazette], no. 51/29.07.1949.

authorities and Orthodox hierarchy in order to stage a three-step “reunion”⁹; it does not mention the orders or at least the monasteries.

It can be argued that this is not a negligence because, for example, the order of the Assumptionist Fathers, although in Romania was part of the Greek-Catholic Church, its members were not of byzantine rite to be able to enter the Orthodox Church, but they represented an exception, the Greek-Catholic monasticism being represented mainly by the Order of St. Basil the Great, the Sisters of Mary Congregation and the Congregation of the Annunciation. Again we can argue that the orders and the congregations are not structures compatible with the structure of the Orthodox Church, but their component parts – monasteries – could have been incorporated in the Orthodox Church just like after the disbandment of the Greek-Catholic Dioceses their component parts – the parishes – were included in the Orthodox Church, which didn’t happen because the Greek-Catholic monasteries were disbanded distinctly and expressly in compliance with art. 1 of the Decree no. 358/1948.

For this purpose, it is extremely eloquent the answer given through Note 1649/949 by the Ministry of Cults to the Letter 2947/27.11.1949 of the Nunciature regarding the police aggression toward the nuns from the Congregation of the Annunciation Monastery in Moreni: “The Romanian police did not invade the monastery for the simple reason that in the R.P.R. [Romanian People’s Republic] there is no institution with that name and that with its disappearance, the customs of the old bourgeois police disappeared as well”.¹⁰ At that moment all the monasteries belonging to the Sisters of Mary congregation had already been closed, none of them became orthodox. Thus, through the Decree 146/1948¹¹ the following had already been expropriated: the “Sisters of Mary” primary school and the kindergarten, in Bucharest, street Ghe. Palade no. 56, the academic Greek-Catholic girls’ high-school and St. Theresa regular school, in Cluj, str. Avram Iancu, no. 74, the Gratitude Institute in Blaj, and the nuns were regrouped in Jucu Monastery and Obreja Monastery. Both are disbanded and the nuns sent

⁹ Ioan-Marius Bucur, *Culpa de a fi greco-catolic. Procesul Episcopului Alexandru Rusu (1957)* [The guilt of being greek-catholic. The trial of Bishop Alexandru Rusu (1957)], (Cluj-Napoca: Argonaut, 2016), p. X-XIV.

¹⁰ André Kom, “Unificarea Bisericii Unite cu Biserica Ortodoxă Română în 1948” [The Union of the Uniate Church with the Romanian Orthodox Church], in *Studii de Istoria Bisericii* [Studies of Church History], coord. Ovidiu Bozgan (București: Editura Universității din București, 2000), p. 102.

¹¹ Published in the *Monitorul Oficial* [Official Gazette], no. 177/03.08.1948.

to the Orthodox Bistrița Monastery in Vâlcea County, where on the 1st of November 1949 the superiors were already arrested and the others sent back to their families. Of course, they were offered the possibility to switch to orthodoxy, which they declined and their monasteries remained closed and they were dislocated in another region. This happened only because the return to orthodoxy was just the state policy, its essence being the destruction of the Greek-Catholic Church. In the case of the Greek-Catholic monasticism, the destruction was not meant to happen using the *soft* method of incorporation within the Orthodox Church, in compliance to the Ministry of Cults plan, but through total liquidation using the force institutions of the state.

This aspect is more obvious in the case of the Order of St. Basil the Great. Seen in perspective, the attack against the Order of St. Basil the Great seems as a general rehearsal of the campaign against the entire Catholic Church, in general, and against the Greek-Catholic Church, in special, right before drafting the Ministry of Cults' reuniting plan. The first Catholic clergy representatives ever arrested in Romania, until that moment, and the greatest representatives of the Church, in any cult, arrested in Romania since the arrest in 1866 of the Orthodox Metropolitan Bishop of Moldavia who had personally led the armed fights from Iasi of separation of Moldavia from the Wallachia and orientation towards the Russian Empire, were in April 1948 - the Provincial Superior of the Order of St. Basil the Great, Atanasie Maxim, and the Abbot of Bixad Monastery, Gheorghe Marina. Initially, in April, the Order was not the target, its members being collateral victims in the attempt to incriminate the Bishop Alexandru Rusu; but in October 1948, the victim in the attempt to incriminate was the new superior of the Bixad Monastery, and the main centre of the Order of St. Basil the Great - Bixad Monastery - was closed long before the withdrawal of the legal personality and before the disbandment of the order and the monasteries through the Decree 358/01.12.1948.

So, on the 19th of November 1948, Andras Zakar, the secretary to Hungary's Primate Cardinal József Mindszenty, is arrested by the Hungarian secret police; and later, on the 23rd of December 1948 he's brought to the search carried out in the headquarters of the Esztergom Archdiocese to show the police where to look. After the search, on the 26th of December 1948, a new search is carried out at the headquarters of the archdiocese and the Cardinal Mindszenty is arrested under the charge of conspiracy to overthrow the Government and illegal currency

transactions.¹² What is most shocking in terms of proof is the fact that exactly the same scenario was applied, half a year before that, by the *Siguranță* (the old secret police) to the Greek-Catholic Bishop of Maramureș, Alexandru Rusu. So, exactly in 1948 after some searches, the collaborators of Bishop Rusu were arrested, under the same charge of currency traffic; however, without the cooperation of those arrested they could not take legal actions against the Bishop of Maramureș. The proof that it is not simply a coincidence is given by the informative note issued by *Siguranța*, in which a parallel was made between the role played by the Cardinal Mindszenty in the 1945 Hungarian elections and the importance of the future Metropolitan Bishop of the Greek-Catholic Church in the 1946 Romanian elections;¹³ position to which one of the favourites was Bishop of Maramureș Alexandru Rusu with “his entire political activity enemy to democracy, to the Government, to the Soviet Union and to the rights of the co-habitant nationalities” for which a cross-examination commission led by priest Ion Vâscă considers “that it is absolutely necessary to put his Holiness and his Holiness’ main advisors in the impossibility to harm our country”.¹⁴

About the activity of one of the collaborators of Bishop Alexandru Rusu, the Superior of Bixad Monastery Gheorghe Marina, being the liaison with the Nuciature, *Siguranța* seems to have been informed by the theologian Ioan Nistor.¹⁵ What is for sure is that based

¹² Ion Mihai Pacepa, *Dezinformarea. Un fost spion-șef dezvăluie strategiile secrete de subminare a libertății, de atac împotriva religiei și de promovare a terorismului* [Misinformation. A former chief spy reveals secret strategies of undermining freedom, attacking religion and promoting terrorism], (București: Humanitas, 2015), pp. 103-106.

¹³ Arhiva Consiliului Național pentru Studierea Arhivelor Securității [The Archive of the National Council for the Study of Securitate Archives] (further ACNSAS), File D 2322, f. 148-155, quoted by Ioan Marius Bucur, “Tentative de manipulare a Bisericii Române Unite. Sinodul electoral din martie 1946” [Attempts to manipulate the Romanian Uniate Church. The 1946 electoral Sinod], in *120 de ani de la nașterea Episcopului dr. Alexandru Rusu* [120 years from the birth of Bishop PhD Alexandru Rusu], coord. Romul Pop (Baia Mare: Scriptorium, 2004), p. 237.

¹⁴ ACNSAS, File D 2322. From Annex 1 to Annex 5, quoted by Marcel Știrban, “Episcopul Maramureșului dr. Alexandru Rusu în notițele de informare al Siguranței și Securității (1945-1966)” [The Maramures Bishop PhD Alexandru Rusu in the informative notes of Siguranta and Securitate], in *120 de ani de la nașterea Episcopului dr. Alexandru Rusu* [120 years from the birth of Bishop PhD Alexandru Rusu], coord. Romul Pop (Baia Mare, Scriptorium, 2004), p. 255.

¹⁵ ACNSAS, File I 151675, f. 200, quoted by Ioan Furtună, *Ordinul Sf. Vasile cel Mare și raporturile lui cu societatea (1918-1989)* [The Order of Saint Basil the Great and its

on exact pieces of information, on the 2nd of April 1948, the *Siguranța* Office in Baia Mare carried out a search between 22.45 o'clock and 01.00 o'clock in the house of family Berindean (where supposedly they have found 2980 dollars), after which the *Siguranța* Service in Satu Mare made another search on the 3rd of April between 15.00 o'clock and 22.00 o'clock in Bixad Monastery (where supposedly they found 160 dollars, a machine gun and a pistol), and the Superior Atanasie Maxim, the Abbot Gheorghe Marina, the monks Emil Ajaki (as gardener who scared off the thieves with the reminiscence of a broken gun found in the search) and Pavel Petruța (because in his room were found the 160 dollars and it was him who brought from the army the pistol received as orderly), the Jesuit priest Otto Farencopf (with no connection whatsoever, except that he was in Bixad for spiritual exercises) were arrested. Following the investigation, *Siguranța* established the following state of affairs: in March 1948, Father Gheorghe Marina makes a couple of day's trip to Bucharest, with a stop in the Monastery from Obreja and Blaj Archdiocese, in the unconcealed purpose of picking up the help approved by the Nunciature. Taking advantage of this opportunity, the Bishop Rusu sent with Father Marina a letter to the Nunciature and the amount of 6000 Swiss francs to be converted in lei. In Bucharest, Father Marina visits the Nunciature two times, first in order to personally hand in to the Nuncio O'Hara the correspondence from Bishop Rusu and to receive a refusal to the request to convert the francs, and the second to pick-up the correspondence for Bishops Rusu of Maramureș (to whom he also brings a letter from the Bishop Vasile Aftenie), Hossu of Cluj-Gherla, Scheffler of Satu Mare and the help consisting of 2980 dollars. On his way back, Father Marina figures it out that he is being followed and he changes the route (he does not stop in Satu Mare, but keep on going to Baia Mare) and he throws from the train (somewhere between Ilba and Cicârlău) the unofficial correspondence and the money covered in cloth. In Baia Mare, Father Marina hand in the official letter to Father Vida and he visits his sister, Ana Berindean, in order to obtain the help of her son, Vasile Berindean, in recovering the package thrown from the train. The next day, her son, in exchange for a promise of 10 000 lei or a new suit, recovers the package, and together with his mother they open the package and hide the correspondence (in the well in the courtyard under some rocks) and the money (packed in paper and cellophane, in a jam jar). After a week,

relationship with the society (1918-1989)], (Teză de doctorat [PhD Thesis], Cluj-Napoca, 2013), p. 123.

the Father Marina picks-up just the correspondence and the Swiss francs he returns to the Bishop Rusu.

In a paper¹⁶ it was argued that this case “seen solely from the legal point of view in compliance with those times legislation, blames the monks of possession of guns and currency operations”. Nevertheless, from the legal point of view the things are exactly the other way around.

First, from a procedural point of view, in the report for the search carried out on the 2nd of April 1948¹⁷ and in the telephone transcript (in writing)¹⁸ police chief commissioner Iosif Pavlovici expressly states that they carried out the search in the house of Vasile Berindean because they had exact information that they would find there foreign currency, *i.e.* he was informed regarding the violation a criminal law, which means denunciation in compliance with art. 180, paragraph (1) of the Criminal Procedure Code. In order to comply with the law, either this denunciation should have been written by the denunciator, or the oral information should have been written down in a report and signed by the denunciator and the prosecutor, the instruction judge or the judicial police officer who drafted the report. This procedural act is not just a simple bureaucratic document, but a document with extremely important legal consequences because the General Directorate of State Safety (June 1947 - August 1948), founded through a simple Ministry order and not through an act with law power, had mainly (but not exclusively, because there was another Criminal Investigation Service) gathering information attributions¹⁹ (not even its successor General Directorate for the Safety of the People didn't have, in compliance with art. IV, of its founding act, Decree no. 221/30.08.1948,²⁰ a general substantive competence, which would grant the attribute of investigating any crime, but only the crimes that “endanger the democratic regime and the safety of the people”, which means that legally they just took over from the judicial police attached to military

¹⁶ Furtună, *Ordinul Sf. Vasile cel Mare*, p. 123.

¹⁷ ACNSAS, File P 50676, f. 11.

¹⁸ ACNSAS, File P 50676, f. 10.

¹⁹ Florian Banu, “‘Strămoșii’ Securității - Structuri de poliție politică din România în perioada 23 august 1944 - 30 august 1948” [‘Ancestors’ of Security - Political Police Structures in Romania between 23rd of August 1944 - 30th of August 1948], in *Clipe de viață. Comandorul dr. Ilie Manole la 60 de ani* [Moments of life. Comandor PhD Ilie Manole at 60 years], eds. Aurel Pentelescu, Gavril Preda (Ploiești: Editura Karta-Graphic - Printing, Publishing, Editing, 2007), pp. 456-484.

²⁰ ACNSAS, File DMRU, Volume 1, f. 8.

Courts a special material competence over the political crimes).²¹ So that, if, as presented expressly and repeatedly by the police chief commissioner Iosif Pavlovici, he found about the committing of a criminal act involving possession of foreign currency, he would not have legal competence to investigate it (procedural non-urgent act filed by himself being void in compliance with art. 98 Criminal Code), but he had the obligation to send the case further to the competent authority: judicial police or the representative of the Romanian National Bank, who would, later, send the file to the Public Prosecutor's office attached to the Court of Appeal, the civil Court authorized in compliance with art. I from Law no. 28/1947²² (amending art. 7, point 8 from the Law regarding the foreign currencies on the 1st of October 1932) - the law indicated by the report drafted on the 29th of April 1948.

Proof of the fact that this was the legal procedure to follow is that in the criminal file, besides the search report drafted on the 2nd of April 1948²³ by the chief of the *Siguranța* office in Baia Mare himself, chief commissioner Iosif Pavlovici, in the same file appears a new search report drafted on the 29th of April 1948²⁴ (after 4 weeks since the search) by Teodor Maidic, economical inspector (commission no. 58411-335 of 16th of October 1947 issued by the Romanian National Bank) ascertaining the existence of a crime in compliance with Law no. 285/1947 and stating that he had sent the report, through the *Siguranța* Service of Satu Mare County, to the Public Prosecutor's office attached to the Tribunal in Satu Mare. For the same purpose, the official propaganda underlined that the searches were carried out by the Police, and the Public Prosecutor's office in Satu Mare was to send the case to the Court of Appel in Oradea,²⁵ in compliance to the art. I from Law no. 285/1947.

It would be a great mistake to believe that an institution such as *Siguranța* (and later *Securitatea* - the new secret police), an institution centralized and controlled indirectly by the Soviets, took care of the small crimes regarding foreign currency or that it would have some subtle activity through which some monks were being under surveillance in a procedural way in order to be legally proven as committing common law crimes to

²¹ Corneliu Pintilescu, *Mecanisme judiciare ale represiunii politice în România (1948-1956)*. *Studiu de caz: Tribunalul Militar Cluj* [Judicial Mechanisms of Political Repression in Communist Romania (1948-1956). Case study: The Military Tribunal in Cluj], (Teză de doctorat [PhD Thesis], Cluj-Napoca, 2010), p. 93.

²² Published in the *Monitorul Oficial* [Official Gazette], no. 186/15.08.1947.

²³ ACNSAS, File P 50676, f. 11.

²⁴ ACNSAS, File P 50676, f. 43.

²⁵ ACNSAS, File I 151675, f. 244.

dissimulate an ideological repression. The purpose and the methods of the *Siguranța* (and later *Securitatea*) were much more direct and brutal, and from the propaganda point of view the success of the ideological repression was a victory. Thus, the attributions of *Siguranța* (and later *Securitatea*) were related to political crimes and in exercising the attributions they acted according to some national plans in compliance with general policies of the regime, among which was the plan of eliminating the Greek-Catholic Church.²⁶ The method of reaching this target was equalizing the reports between the Greek-Catholic Diocese and the Apostolic Nunciature in Bucharest with an espionage network in favour of United States of America. For this purpose, in an informative note dating 3rd of February 1948,²⁷ Regional Inspectorate of Safety in Oradea was bragging that the secret liaison between the Greek-Catholic Diocese from Oradea and the Nunciature regarding the American Mission in Bucharest was broken with the arrest of Father PhD Hirțea, who personally translated and took the secret correspondence from Oradea to Bucharest.

The current case is the sequel of that action since the Regional Inspectorate in Oradea had also jurisdiction in Satu Mare County and Maramureș County. Father Gheorghe Marina was not just a regular priest with local influence, but on one hand, he had an important position in a monastic order including monasteries from Satu Mare to Alba, from Maramureș to Hațeg; on the other hand, he was the secret courier taking the correspondence between Nunciature and the Catholic Bishops (Rusu, Hossu, Scheffler). For these considerations, the central structures approved the investigation and followed up the reports from the local and regional structures in order to classify it as a crime against the regime such as art. 184 Criminal Code 1948 (“The Romanian citizen committing a crime, meant to submit the State’s territory or part of the territory to the sovereignty of a foreign state, or to suppress or to prejudice the independence of the State, commits the crime of high treason and he/she will be sentenced with forced labour for life. With the same punishment shall be punished the crime committed with the purpose of destroying the unity of the State”) or art. 186 Criminal Code 1948 (“The Romanian Citizen plotting or agreeing with foreign Government or their agents, or with foreign parties, associations or

²⁶ Corneliu Pintilescu, *Justiție militară și represiune politică în România comunistă (1948-1989)* [Military Justice and Political Repression in Communist Romania (1948-1989)], (Cluj-Napoca: Editura Presa Universitară Clujeană, 2012), p. 129.

²⁷ ACNSAS, File D 1222, Volume 2, f. 51, published entirely in Sergiu Soica, *Eparhia Greco-Catolică de Oradea și Securitatea în anul 1948* [The Greek-Catholic Diocese of Oradea and the Securitate in the year 1948], (Cluj-Napoca: Mega, 2014), p. 142.

groups, with political character, in order to declare war against the Romanian State, to facilitate or to bring foreign occupation, commits the crime of high treason and he/she will be punished with forced labour for life”) under the jurisdiction of *Siguranța*, to carry out a national plan against the Catholic Church by involving the Bishops and the Nunciature. Analysing the constitutive content of these crimes we notice why in the economy of the investigation the emphasis is on the 18 envelopes sent from America,²⁸ the American brochures regarding the war in the Pacific,²⁹ the meeting between Father Marina with Sam Buta from the “American military mission”,³⁰ the origin of the foreign currency from USA and from the Nunciature; not only because of an ideological adversity, but with a practical exact purpose: evidence for high treason crime (committed through “liaisons dangerous for the State safety with agents of foreign powers”)³¹ in which the Bishop Alexandru Rusu is involved. Only for this purpose we can interpret the note drafted on the 6th of April 1948³² in which it is suggested the exploitation for data of Father Gheorghe Marina, at a point in which the rules of evidence regarding the foreign currency was practically (although non-procedural) completed.

This aspect was realized by Bishop Rusu himself who presented the situation of the monks from Bixad to the Episcopal Conference in Oradea on the 16th of June 1948,³³ requesting the Conference to send a letter to the Government regarding this issue.³⁴

In the end, the Bishop Alexandru Rusu was convicted exactly for the crime of high treason in compliance with art. 184 Criminal Code, but only in 1957,³⁵ but in 1948, *Siguranța* failed and against Bishop Rusu there was not even a criminal file. The proof that the source of this failure was the non-cooperation of Father Marina is represented by the Romanian

²⁸ ACNSAS, File P 50676. Report drafted on the 04.04.1948, f. 1.

²⁹ ACNSAS, File P 50676. Report drafted on the 03.04.1948, f. 15.

³⁰ ACNSAS, File P 50676. Report drafted on the 18.04.1948, f. 28.

³¹ ACNSAS, File P 50676, f. 17.

³² ACNSAS, File P 50676, f. 38.

³³ ACNSAS, File D 1222, Volume 2, f. 64, published in full in Soica, *Eparhia Greco-Catolică de Oradea*, p. 148.

³⁴ Report drafted on the 17.06.1948. Arhiva Episcopiei greco-catolice de Lugoj [Archive of the Greek-Catholic Diocese of Lugoj], Fond *Dieceza greco-catolică de Lugoj* [Fund Greek-Catholic Diocese of Lugoj], published in full in Soica, *Eparhia Greco-Catolică de Oradea*, p. 151.

³⁵ Bucur, *Culpa de a fi greco-catolic*, p. XXXVIII.

language campaign³⁶ started against these two, which was projected as a subsidiary measure in case of Father Marina's refusal to cooperate, through the above-mentioned note. However, a simple denigration campaign is not a conviction and, thus, it was a great failure within an institution in which there were "socialist rivalries" between the Regionals, regarding the numbers and the results of the investigations reported to the plan that needed to be fulfilled.³⁷ As far as the analysed case goes, the plan exceeded the national frame, and the results needed to be compared with conviction in a mock trial of the Cardinal Stepinac in 1946 in Yugoslavia, of that of the Cardinal Mindszenty arrested right in 1948 in Hungary. The situation was extremely embarrassing because following the same purpose, with the same scenario, using the same methods, the Hungarian repression organs managed to obtain the criminal conviction of the Cardinal Archbishop-Primate, namely a person extremely difficult *to touch*, because having the highest ecclesiastic position within the Catholic Church of Latin rite, in a country mostly Catholic, very influent and visible in his country and abroad; unlike their colleagues from Romania, who didn't obtain anything, although their clergyman didn't have such a high position, officially he was one of the six Bishops of the Catholic Church of Byzantine rite, in minority in Romania. Hungary was already a big Soviet success due to counsellors Makarov and Likhatchev, who shared their experience with their Hungarian colleagues during the mock trial Rajk, copied by the Czechoslovakians in the Slansky trial and invoked by Gheorghe Gheorghiu-Dej in 1949, in order to expressly request Soviet help in instrumenting the files.³⁸ The Romanian-Soviet agreement was concluded on the 5th of February 1950 and the results appeared immediately, because on the 17th of July 1950, the Bishop of Timișoara Augustin Pacha was arrested, to whom, together with other 9 defendants among which the clandestine bishops Joseph Schubert and Adalbert Boroș, it is staged a mock trial for the "spies of the Vatican" between 10-

³⁶ Gavril Băle, "Figura episcopului Alexandru Rusu oglindită de ziarul 'Graiul Maramureșului' în perioada 1932-1950" [The image of Bishop Alexandru Rusu as mirrored by 'Graiul Maramureșului' newspaper in the period 1932-1950], in *120 de ani de la nașterea Episcopului dr. Alexandru Rusu* [120 years from the birth of Bishop PhD Alexandru Rusu], coord. Romul Pop (Baia Mare: Scriptorium, 2004), p. 407.

³⁷ Marius Oprea, *Banalitatea răului. O istorie a Securității în documente, 1949-1989* [The platitude of evil. A history of the Securitate in documents, 1949-1989], (Iași: Polirom, 2002), p. 108.

³⁸ Pintilescu, *Justiție militară și represiune politică*, p. 125.

17.09.1951 for espionage in favour of America and Vatican, and, of course, for the unfailing, currency traffic and possession of weapons.³⁹

Nevertheless, in the analysed case, it was not possible to reach the mock trial for espionage and, in order to hide the failure; the emphasis was made on the currency traffic. But, this crime, taken separately, must follow the special procedure provided within the Law no. 285/1947 and, thus, within the investigation already closed, appears the economical inspector Teodor Maidic who participated in the search carried on in the house of the family Berindean on the 29th of April 1948, although the search took place on the 2nd of April 1948, and who gets the statement from Vasile Berindean⁴⁰ and his mother, Ana Berindean,⁴¹ on the 7th of March 1948, *i.e.* three weeks before they committed the crime they were accused of. Moreover, within the documents drafted by the economical inspector Teodor Maidic there is no reference to the search made to the Bixad Monastery, namely the main action that stood at the base of the monks' incrimination; and this is because for the inspector Maidic, Vasile and Ana Berindean stated that they have no knowledge of the dollars found in their home, *i.e.* they did not incriminate Father Marina, so that there would be at least an excuse for the search carried out in Bixad Monastery. However, *Siguranța* placed on file two undated and unsigned statements⁴² of Vasile Berindean, in which he described the origin of the foreign currency from Father Marina. The difference of the content of the three statements can be explained by the fact that, given that the files were secret, either due to a bureaucratic reflex, or to prove to the superior their effort, the investigators were keeping both the real documents (the statements given by the defendants), as well as the fictive ones (those which they got to possess during the investigation), result of the persuasive measures of the investigators. Such an example is the file, from the same year, 1948, of the Greek-Catholic priest Gheorghe Neamțu which contains two statements with identical content: first statement with the mention of the investigator that the priest states that "he does not keep the present statement because he had written it under duress" and the second statement, typed, with the signature of the same priest and the mention: "This is my statement that I support and

³⁹ Claudiu Călin, "Dr. H. C. Augustin Pacha (1870-1954). Succinct excurs biografic al primului Episcop Romano-Catolic de Timișoara" [PhD H. C. Augustin Pacha (1870-1954). Short biographical excursus of the first Romano-Catholic Bishop of Timișoara], *Banatica*, no. 19/2009, p. 254.

⁴⁰ ACNSAS, File P 50676, f. 47.

⁴¹ ACNSAS, File P 50676, f. 48.

⁴² ACNSAS, File P 50676, f. 12, 30.

signed, not being under duress".⁴³ But there are contradictions even between the incriminatory statements, because in one of those Berindean shows that he had hidden the dollars and the francs in paper and cellophane in a jar with jam, and in the other one, he states that he had put the dollars and the francs in a cow's intestine and then put it in a pot of jam. It would be absurd to believe that a person cannot make a difference between a cow's intestine and cellophane, so, the logical conclusion is that Vasile Berindean not only that it wasn't him who hid the currency, but he didn't even know where the authorities had found it during the search in which he, presumably, took part.

Second, from the point of view of the substantive law, without a crime regarding the safety of the state, regime, etc., they tried to classify the actions in foreign currency traffic and possession of weapons.

What can be noticed from the first sight is the fact that, although within the procedural acts is mentioned the crime of *foreign currency traffic*, there are no references to a legal text, because there is absolutely no regulation that stipulates the *foreign currency traffic*. From the point of view of the propaganda, the term is a very efficient one through its despicable resonance, but from the legal point of view, it does not exist, and the monks cannot be hold guilty of a crime that is not regulated by any legislation. This does not mean that the facts could not have been legally classified, because art. 14 of the Law no. 284/1947⁴⁴ incriminated *lato sensu* the possession of foreign currency, and art. I of the Law no. 285/1947 (amending the art. 5 and 6 of the Law regarding the trade with foreign currency on the 1st of October 1932) incriminated *lato sensu* the transfer of any nature of the foreign currency from one person to another. And still, in the hypothesis of applying these laws, there is no guilt of the monks, because even the Romanian State adopted the Law 591/2004⁴⁵ amending the O.U.G. (Government Emergency Ordinance) no. 190/2000, admitting expressly the abusive character of the seizures carried out in compliance with the Law no. 285/1947 and the Decree no. 210/1960 (the successor of the Law no. 284/1947). Meaning that it cannot be argued the existence of a legislation applied, in general, correctly and, exceptionally, in the case of the monks, applied excessively for political reasons, but still within the law; because these laws were *a priori* abusive, by not trying to sanction guilty persons, but they represented a masked repression. Exactly because all the *offenders*, in general were not guilty,

⁴³ Pintilescu, *Justiție militară și represiune politică*, p. 293.

⁴⁴ Published in the *Monitorul Oficial* [Official Gazette], no. 186/15.08.1947.

⁴⁵ Published in the *Monitorul Oficial* [Official Gazette], no. 1224/20.12.2004.

but victims, the Romanian State adopted a reconstructive legislation (art. 26 and the following O.U.G. (Government Emergency Ordinance) no. 190/2000) and reimbursed everybody (those who requested it) the seized goods; which means that from the legal point of view, the Romanian State took civil responsibility towards its victims.

The Law no. 190/1947 incriminated the last crime, the possession of weapons.⁴⁶ This law, too, was considered, from the legal point of view, as a regulation with the sole purpose the political repression, because its enforcement was not meant to sanction the guilty persons, but directly repress some victims, even if, legally speaking, it was not classified as laws trying to protect the Communist regime; and, in consequence, in compliance with art. 1, paragraph 92, letter c of the Law no. 221/2009,⁴⁷ all convictions based on the Law no. 190/1947 are convictions with political character, and towards the convicted persons the Romanian State took civil responsibility – the obligation to remedy the damage. Still, strictly related to the legal provisions in force in 1948, the question to be asked is whether the Basilians were not guilty of possession of weapons? In order to answer this question we must make a difference between the propaganda that spoke, in the newspaper *Crișana* no. 137/12.06.1948, about “huge quantities of weapons and ammunition”,⁴⁸ the search report drafted by the *Siguranța* mentioning just a pistol with two cartridges and a military gun Steiner, model 95 (Austrian-Hungarian production) with 29 cartridges for other gun models (Russian),⁴⁹ and the exact evidence, *i.e.* what they really found in reality and photographed. Therefore, in this only photo, present in all files,⁵⁰ the Steiner 95 military gun (modern, recently produced in 1895) was missing the gunstock and the barrel.

The proof that the accusations were so obviously ill-founded is represented by the letter 15217/05.06.1948, sent by the General Director N. Popescu to the Oradea Regional in which it is stated: “In the event that they will be freed by the Justice, they could be held further on by the *Siguranța*, reporting immediately to this Directorate for decisions”.⁵¹ So, on one hand, at the highest level it was seriously taken into consideration the fact that this file could not stand, not even in front of

⁴⁶ Published in the *Monitorul Oficial* [Official Gazette], no. 34/16.06.1947.

⁴⁷ Published in the *Monitorul Oficial* [Official Gazette], no. 396/11.06.2009.

⁴⁸ ACNSAS, File I 151675, f. 244.

⁴⁹ ACNSAS, File P 50676, f. 15.

⁵⁰ ACNSAS, File P 50676, f. 16; File I 151675, f. 41.

⁵¹ ACNSAS, File D 11715, f. 145. Annex 5 in Știrban, “Episcopul Maramureșului dr. Alexandru Rusu”, p. 273.

an obedient justice; on the other hand, regardless their innocence, the fate of the monks was already decided.

Probably, therefore, no official document could be identified to record any procedural act subsequent to the criminal investigation (the initial stage of the criminal proceeding) performed without substantive competence by the *Siguranță*. All the details regarding the trial can be inferred from indirect sources because the Court decision does not exist in the criminal file of Father Marina and not even in the next informative files, where there are made biographic references mentioning the execution of the custodial sentence by the person under investigation, no reference made to the number and the year or the Court that delivered the sentence.

Regarding the procedure, from the newspaper *Crișana* no. 137/12.06.1948 we find out only about the imminence of sending the file from the Satu Mare Public Prosecutor's Office to the Court of Appeal Oradea, and in the newspaper *Graiul Maramureșului* no. 28/19.06.1948 allegations are made regarding the search carried out at the two Bishops Rusu and Scheffler;⁵² probably this is why the subject was taken over by the German media (*Temesvarer Zeitung* on the 24.06.1948) and the Hungarian media (*Magyar Nemzet* on the 11.07.1948).⁵³ We can infer only that, after more than a month from the reluctant order given by the General Directorate of State Safety to advance in the case, the justice system made no progress.

This aspect is expressly mentioned by the Prime-Minister himself Petru Groza in his speech on the 19.10.1948 in front of the Holy Synod of the Romanian Orthodox Church, organised especially to calm down the orthodox superiors regarding the methods used against the Greek-Catholics.⁵⁴ In this speech, the Prime-Minister refers to the fact that he has confronted the Bishop Alexandru Rusu regarding a file and a report received from the Ministry of Internal Affairs in which 70000 francs (10 times the amount mentioned in the criminal file) had circulated round-a-clock between the Nunciature and the Baia Mare Diocese with the help of the archpriest courier (instead of prier) Martin (instead of Marina), who

⁵² Bâle, "Figura episcopului Alexandru Rusu", p. 407.

⁵³ Furtună, *Ordinul Sf. Vasile cel Mare*, p. 127.

⁵⁴ SANIC, *Fond Președinția Consiliului de miniștri. Transcrieri, 1944-1959* [Fund *The Presidency of the Council of Ministers. Transcripts, 1944-1959*], File 10, f. 16-22, published in Cristian Vasile, *Istoria Bisericii Greco-Catolice sub regimul communist, 1945-1989. Documente și mărturii* [The History of the Greek-Catholic Church under the Communist Regime, 1945-1989. Documents and testimonials], (Iași: Polirom, 2003), pp. 74-79.

allegedly threw out from the train the money before the police caught him, but at the first train station, they followed the person accompanying the archpriest "Martin" and they caught him while he was recovering the money. Petru Groza would have intervened so that the Bishop Rusu would not share the same fate as the fate of the archpriest "Martin" who: "now is arrested and is waiting for the day of the trial, with no chances to defend himself". We can draw three conclusions from this. First, the file was fabricated by the Ministry of Internal Affairs not to be sent to Court, but to be sent to the Prime Minister Petru Groza to blackmail the Bishop Alexandru Rusu. Moreover, the Prime-Minister Petru Groza decided who should go to prison and who should not, practically who will be arrested and who will not and if they can defend themselves or not. This is not a matter of just establishing general politics, but about a direct decisive involvement in cases of punctual repression from the Prime Minister himself. The second conclusion was that in October, after 4 months since the letter no. 15217/05.06.1948, the case did not follow the normal legal-procedural course, but it was still under the decision of the political factor, concluding: "with no chance of defending himself". But, a very important aspect for our analysis is the fact that this case was considered so important to be chosen for presentation by the Prime-Minister himself in a speech regarding an on-going action in October 1948 (the unification pressure) in front of the Holy Synod of BOR (Romanian Orthodox Church), considered so important that Petru Groza went there personally. However, there are still flagrant disparities between the data in the criminal prosecution file and the data of the Prime Minister. Some of them, such as the name of "Martin" instead of Marina, can be simple errors, others, such as the amount 10 times bigger from 7000 to 70 000 francs, are simple exaggerations; but the fact that Petru Groza, son of an Orthodox priest, himself member of the Church Assembly of the Orthodox Metropolitan Church in Sibiu, did not know the difference between an archpriest and a prier is implausibly. This aspect led us to the conclusion that there was a scenario (the francs from the Nunciature for the Bishop Rusu, thrown from the train by the courier and recovered later) with several versions (one with the archpriest "Martin" and one with the prier Marina, one with the arrest of the accomplice at the recovery of the money, another with finding the money during the search carried out in the house of the nephew several days later), hence the procedural problems (the confuse rules of evidence, the delays in the process, etc.).

Later, the method of fabricating such files discreditable not by their content or by the solidity of the proof, but by the aberrant

accusation itself⁵⁵ was continued by Petru Groza to blackmail the Bishop Iuliu Hossu also, following the same scenario of a denouncement from a person within the Diocese, the priest Emil Iuga, who, unlike Father Marina, cooperated with fables the Prime-Minister did not believe, but used: "Afterwards Hossu needs to be removed for fraud, theft and immorality. Actually, if Hossu is confronted face to face with these facts, he, terrified, will remove himself".⁵⁶

Regarding the fate of the file against Father Marina, it is more than confusing, because on the 02.01.1950 the Bishop Alexandru Rusu is picked-up from the camp-monastery Căldărășani and investigated until the 22.10.1950 directly by the Ministry of Internal Affairs regarding the amount of money given to a monk for conversion in Bucharest.⁵⁷ From this it can be inferred that the investigation had not been completed even after two years since the imputed facts; although it is apparent from a statement given by Father Leon Manu that the Basilians had already been sentenced between 3 to 6 years, executed in a prison in Caransebeș.⁵⁸ Of these, Ioan Emil Ajaki, according to the letter no. 31/325/1951,⁵⁹ allegedly died of old age; and the Provincial Superior Atanasie Maxim died shortly after being released in 1951.⁶⁰ Father Gheorghe Marina was released in 1954,⁶¹ so he must have got the biggest sentence of 6 years, of which he executed in Poarta Albă (from where he took news about Iuliu Erdei to his family).⁶² Regarding the Jesuit priest

⁵⁵ Silviu Augustin Prunduș, Alexandru Nicula, "Episcopul Cardinal dr. Iuliu Hossu - un suflet pentru Cristos" [The Bishop Cardinal PhD Iuliu Hossu - a soul for Christ], in *Credința noastră este viața noastră. Memoriile Cardinalului Dr. Iuliu Hossu* [Our faith is our life. The memoirs of Cardinal PhD Iuliu Hossu], (Cluj-Napoca: Editura Viața Creștină, 2003), p. 22.

⁵⁶ Cristian Vasile, *Între Vatican și Kremlin. Biserica Greco-Catolică în timpul regimului comunist* [Between the Vatican and Kremlin. The Greek-Catholic Church during the communist regim], (București: Editura Curtea Veche, 2004), p. 137.

⁵⁷ Ioan M. Bota, *Pagini de istorie creștină românească, 1940-2010* [Pages of romanian christian history], (Cluj-Napoca: Editura Grinta, 2011), p. 247.

⁵⁸ ACNSAS, File P 931, f. 489 quoted by Furtună, *Ordinul Sf. Vasile cel Mare*, p. 134.

⁵⁹ ACNSAS, File I 5376, Volume 1, f. 14.

⁶⁰ Atanasie Maxim, *Memorii* [Memories], (Baia Mare: Scriptorium, 2009), p. 117.

⁶¹ ACNSAS, File I 151675, Volume 1, f. 3.

⁶² Angela Costin, "O familie victimă a represiunii comuniste" [A family that fell victim to communist repression], *Analele Sighet* [Sighet Annals], *Volumul 2: Instaurarea comunismului între represiune și rezistență* [Volume 2: Communism coming to power between repression and resistance], (București: Fundația Academia Civică, 1995), p. 68.

Otto Farencopf, although arrested in Bixad, it is not known whether he was sent to Court or not, but certainly he was not convicted this time.⁶³

Paradoxically, after the entire investigation effort and after all the media measures taken in this case, the victory of conviction itself is completely occulted even in the record of the *Siguranța* (and later *Securitate*). Absurdly, the criminal prosecution (the secret phase of the criminal trial) was presented in the media, but the trial (the public phase of the criminal trial) did not benefit of coverage.

In some works⁶⁴ it is mentioned the "Release note no. 138/1952" according to which Father Marina was convicted through sentence no. 1017/1949 by the Military Tribunal in Oradea for sabotage – crime that did not exist in 1948. The existence of this *release note* proves that the concern of the General Directorate of State Safety regarding the obtaining of a conviction was more than justified and that another pretext was required so that the detainees should be "further on arrested by the *Siguranței*". This would explain the lack of any concrete, direct and explicit mention regarding the success of the conviction for possession of weapons and currency, because a new failure occurred that needed to be hidden, just like the simulation of the currency case after the high treason case could not be built.

⁶³ ACNSAS, File P 50676, f. 62.

⁶⁴ Valentin Băițan, *Martiri și Mărturisitori ai Bisericii Române Unite cu Roma din Eparhia Greco-Catolică a Maramureșului (1948-1989)* [Martyrs and Confessors of the Romanian Uniate Church from the Greek-Catholic Diocese of Maramures 1948-1989], (Baia Mare: Editura Gutinul, 1999), p. 189; Ioan Timbuș, "Părintele dr. Gheorghe Marina (1908-1989)" [Father PhD Gheorghe Marina (1908-1989)], *Lumea Credinței*, no. 4/2013, p. 18.