

Vladislav Bevc  
AMERICAN DIPLOMACY  
AND CARINTHIAN SLOVENIANS

TIMEO DANAOS ET DONA FERENTES



## THE HISTORIC PRINCES STONE

"For centuries the symbol of Slovenian sovereignty in the land of Carinthia. Upon this stone sat the freeholder prince while receiving the new duke and performing the ritual of the inauguration."

Vladislav Bevc

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DIPLOMACY  
AND CARINTHIAN  
SLOVENIANS

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## Foreword

This narrative, centered around a demarche made by the Austrian Ambassador in the United States Department of State, gives a perspective of Austria's representations in the international arena concerning the fulfillment of its obligations toward the Slovenian national minority under the Austrian State Treaty of 1955.<sup>1</sup> The treaty obligations were imposed on Austria, once a willing partner in the Nazi aggression for the expansion of German *Lebensraum*, by the victorious Allies who, while having indeed broken the military might of the Third Reich, failed to eradicate the Nazi and Greater German nationalist attitudes in Austria where they still find a fertile soil.

The rights guaranteed to the Slovenians under the Treaty are the most basic human rights on the use of a nationality group's native language and the preservation of its national identity and culture. The Treaty also provides for international arbitration of disputes concerning its implementation. Apparently only a government who is a signatory of the Treaty may set the arbitration process in motion while nationality groups directly affected by acts or omissions contrary to the Treaty, such as the Slovenians in Carinthia or Croats in Burgenland and their organizations, have no standing to do so.

It is interesting to see what is the disposition of the United States, one of the four principal signatories of the Treaty—the others are the Soviet Union, France

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1 Austrian State Treaty of 1955, in particular Articles 6, 7, 34, and 35, *Major Peace Treaties of Modern History*, v. 4, pp. 2709–2727, Chelsea House and McGraw-Hill Book Co., New York, 1967.

and Great Britain—with regard to the fulfillment of its provisions on the human rights of a national minority in view of President Carter's declaration that worldwide championship of human rights was to be a cornerstone of the United States foreign policy. Influential domestic constituencies who have in the past experienced oppression were mainly responsible for this commitment which the present Administration finds inopportune to disavow, because of its propaganda value in setting off America's virtues while exposing the villainy of its adversaries, if for no other reason.

In carrying out this policy the United States, in absence of an international treaty, seldom has standing to interfere directly in the internal affairs of another country, therefore it must of necessity rely mainly on the moral persuasion buttressed by the United Nations covenants and, in some cases, on the Helsinki Final Act of 1975 on the Security and Cooperation in Europe. The initial approaches intended to secure an improvement of a foreign country's attitude toward human rights thus take the form of quiet diplomacy in preference to publicized diplomatic exchanges, the latter are resorted to only when the former have failed and the issue is being played out for whatever propaganda value it may have. In case of friends and allies or countries that are being wooed into the Western camp, overt interventions and public denouncements are ruled out because friendly governments are not to be antagonized. Indeed, it appears that the United States, finding itself aligned with a number of countries whose respect for human rights is hardly much better than that of its archenemy, prefers to tread in this area softly or not at all. To satisfy the pressure groups demanding action it is then sometimes necessary to give assurances that observance of human rights on the part of those friendly governments is being pursued through private channels or the so-called policy of constructive engagement. Naturally, this leaves the question of what exactly, if anything, is being done for the advancement of the human rights policy rather uncertain and ambiguous as no one is willing to go on the record by espousing a position or giving a definite assurance that the situation in a foreign country will improve. If the clamor for action grows and becomes too insistent it can always be pointed out that, after all, the United States has no standing for interfering in the internal affairs of another country.

The question arises whether the United States would be more assertive toward its allies and friendly neutrals as a defender of the oppressed if it had the right to intervene under an international treaty. Such is the case of Austria where by virtue

of the State Treaty the United States has the right to counsel the Austrian government concerning the implementation of the Treaty and, if need be, to call for an international arbitration in the matter of human and ethnic rights guaranteed to Carinthian Slovenians who now find themselves treated as strangers in their own country, that is, as a vanishing ethnic minority in Austria.

Here is a problem that is not central to the mainstream of the American foreign policy: no vocal groups, no powerful interests espouse the cause of a continued national existence and identity of the Carinthian Slovenians nor is there much at stake by way of preserving an alliance although, on the latter point, one may perhaps not be quite so definite. The political isolation of Carinthian Slovenians and the lack of interest on the part of special interest pressure groups is, however, precisely what allows us to examine and find out how the United States deals with human rights issues in a situation where it has explicitly given its guarantee that such rights would be observed when it has no other motivation to act except the lofty principles which it itself had proclaimed.

## Background

The reason why the Austrian State Treaty had to include special provisions guaranteeing the continued national identity and human rights to Carinthian Slovenians becomes apparent if we recall the history of this small nation that for a millenium blocked the establishment of a German bridge to the shores of the Adriatic Sea.

Carinthia,<sup>2</sup> now a province in the South of Austria, is separated from the rest of the Slovenian territory by the Karavanke mountain chain and extends on the banks of the middle course of the Drava river. In the 7th century it was the nucleus of the first Slovenian state which, a hundred years later, had to acknowledge the Bavarian supremacy and eventually, in the 13th century, passed under the dominion of the Hapsburgs. The Slovenians have long retained their national privileges which were reasserted periodically in a peculiar inaugural ceremony whenever a new sovereign ascended the throne. Under the systematic colonization of German

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2 For a comprehensive history of Carinthian Slovenians see: T. M. Barker, *The Slovene Minority in Carinthia*, East European Monographs, Boulder; Columbia University Press, New York, 1984.

settlers much of the Slovenian territory was gradually Germanized. Nevertheless, the small Slovenian nation proved to be extraordinary resilient and able to withstand a millenium of German repression eventually to emerge at the end of World War I from the prison of the Hapsburg monarchy free and united with its Southern Slav brethren as the western part of Yugoslavia. The Entente powers, looking with disfavor on the new and independent Slavic nations in Central Europe contrived, through the artifice of a plebiscite, to leave the Carinthian territory within the rump state of Austria which, particularly after its all too eager union with the German Reich in 1938,<sup>3</sup> set out to extirpate all vestiges of the Slovenian nationality with a vengeance. The Third Reich in its thrust to conquer the Adriatic littoral set the physical destruction of the Slovenians as one of its top priorities in the process of securing the German *Lebensraum*. Notwithstanding the savage campaign of systematic genocide some 100,000 Slovenians in Carinthia survived to see Austria liberated or, as most Austrians put it, occupied by the victorious Allies.

At the peace conference following World War II, where the specter of renewed Yugoslav claims on the Carinthian territory was raised, Austria's Foreign Minister Gruber paraded the bilingual school system in Carinthia, introduced by the occupation authorities, as evidence of his government's intention to treat the Slovenian minority fairly. Austria agreed to recognize the Slovenian language on an equal footing with German in courts and administrative offices in Carinthia, to erect bilingual topographic signs on roads and public buildings and have the Slovenian language taught in schools as a required subject.

The Western Allies, consistent with the Moscow Declaration of 1941 by which, in a vain hope to turn the Austrians away from their *Fuehrer*, they decided to treat Austria as a victim of Nazi aggression, supported Austria and allowed it to retain Carinthia. The Soviets, who initially supported the Yugoslav claim on the Carinthian territory, backed off and settled for more substantial reparations instead, diplomatically calling the booty "German property." As a sop to the Slovenians, Article 7, recognizing their rights was incorporated in the Treaty. The wording of the article, however, is so vague and unspecific that it is conducive to evasive interpretations as to its intent, an observation made by a no lesser authority than

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3 As many as 99.75% Austrians voted in favor of the *Anschluss*, annexation to the Third Reich. See, for instance, W. L. Schirer, *The Rise and Fall of the Third Reich*, Simon and Schuster, New York, 1960, p. 350.



the director of the Institute for Civil Jurisprudence at the University of Salzburg who stopped just short of recommending such an approach.<sup>4</sup>

Instead of clearly defining the boundaries of the territory on which the Slovenian language was to be recognized as an official language, equal in every respect to German, and specifying the number and location of schools, courts and other administrative offices required to use the Slovenian language the Treaty merely contains a vague directive that these provisions are to apply “where Slovenians live,” inviting the Austrians to solve the problem by making the Slovenians disappear. Why was such lack of precision in a clause touching the very existence of a national group deemed acceptable to the signatories of a treaty where great pains have been taken to list every barge and oil rig the Soviets were to haul away as reparations, is hard to understand if one proceeds from the assumption that the authors of the Treaty were acting in good faith.

## Austria's Conduct

Austria probably never intended to fulfill its obligations toward the Slovenians for even as early as at the time when the Treaty was up for ratification by the Austrian Parliament there was talk in the Parliament about “imposed conditions.” Before the ink of the signatures on the Treaty had a chance to dry Austria’s campaign to complete the Germanization of Carinthia was in full swing. Proceeding from the abolition of mandatory teaching of the Slovenian language in schools through wholesale attacks on the rights of Slovenians, the drive reached its apex in the notorious minority legislation adopted by the Parliament in 1976 which was, in effect, a unilateral revision of the Treaty. Twenty years after the signing of the Treaty there were as a result of a sustained application of economic and political pressures precious few Slovenians left in Carinthia who still dared to face the consequences of acknowledging their national origin or to insist on speaking their native language, a fact gleefully pointed out by the German nationalists. As a conse-

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4 *The Legal Status of Ethnic Groups in Austria, A Documentation*, The Federal Chancellery, Vienna, 1977. In addition to the dissertation of Franz Matscher, Director of the Institute of Civil Jurisprudence at the University of Salzburg, the publication includes Austrian statutes and regulations concerning national minorities as well as texts of diplomatic notes exchanged between Yugoslavia and Austria on the subject.

quence the Austrian authorities were able to profess their willingness to help along and foster the development of their cherished minorities if only any could be found. The ethnic minority legislation grudgingly acceded to the implementation of the Treaty provisions only in places where the percentage of the Slovenian population exceeds twenty-five percent of the total as Austria knows very well that there are few communities indeed where the Slovenians, under the existing conditions of repression and intimidation, can muster the required number of people who are willing to stand up and be counted. The Slovenians are, according to Austrian officialdom, few in numbers and sparsely scattered over the Carinthian territory. A special census conducted in 1976 was designed to prove this point but as the Slovenians boycotted it, it failed miserably.<sup>5</sup>

Austria's obdurate persistence in its age old policy of oppression of Slavic nationalities, naturally, could not be met by indifference on the part of the friends of Slovenians throughout the world who tried to bring Austria's conduct to the attention of the powers whose signatures could be expected to mean that they are interested in seeing the Treaty fulfilled. Thus Frank Lausche, former mayor of Cleveland, governor of Ohio and a United States Senator took the problem up with the Secretary of State William Rogers suggesting that the United States take an interest in the observance of rights of the Slovenians as provided for in the Treaty.<sup>6</sup> Lausche was no doubt aware that President Eisenhower in his proclamation<sup>7</sup> following the ratification of the Austrian State Treaty decreed that each and every provision of the Treaty was to be faithfully observed by the United States and its citizens. Rogers brushed the inquiry off saying that the status of Slovenians in Austria should be a concern of Yugoslavia but not of the United States. Yugoslavia, however, has its own reasons not to take the issue before an international forum for adjudication, as the Americans are always quick to point out, implying that Yugoslavia should be the sole protector of the Slovenians because of their ethnic affinity to the Yugoslav nationalities.

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5 *The New York Times*, September 27, 1976, November 3, 15 and 28, 1976.

6 *Letter of Senator Frank Lausche to Secretary of State Henry Kissinger*, October 10, 1976. Vladislav Bevc, *Collection of Documents on the Slovenian Minority in Austria*, Hoover Institution on War Revolution and Peace, Stanford, California. Documents in this collection are in the following referred to as *Bevc Collection*, Hoover Institution.

7 Issued on August 5, 1955. *President Dwight D. Eisenhower Memorial Library*, Abilene, Kansas.

## Protests

The protests of Carinthian Slovenians against legalizing a further infringement of their rights were numerous and eloquent enough but unfortunately no one in the international community who was in a position to help would hear them. In April 1977, for example, Carinthian Slovenians presented a memorandum to the United Nations Committee on Elimination of All Forms of Racial Discrimination that happened to hold a meeting in Vienna, of all places. The Austrian press was reporting the matter with some concern.<sup>8</sup> Several hundred Slovenians staged a motorcade demonstration around the Winter Palace in Vienna where the Committee held its sessions apparently undeterred by Vienna's Mayor Leopold Gratz's<sup>9</sup> call for strict enforcement of traffic laws. In contrast with these strictures, when several hundred Nazis rallied at the funeral of the notorious Nazi roughneck Otto Skorzeny two years earlier, in 1975, their activities were of no concern at all to the police and the democratic Austria even tolerated the reading of a ringing farewell address sent by Karl Doenitz, Adolf Hitler's successor, convicted of war crimes at Nuremberg.<sup>10</sup> The Austrian press, however, did not have to worry because the United Nations Committee for the Elimination of All Forms of Racial Discrimination accepts complaints only when consent is obtained from the government against which the complaint is lodged<sup>11</sup> and Austria was not likely to accede to that. Although Austria managed to keep the Slovenian complaints out of the Committee's records some delegates must have read them because the summaries of the Committee's activities for the years 1974 through 1982 mention the discussions of the situation of the Slovenians in Austria and specifically the activities of the Carinthian Heimatdienst, an organization seeking to abridge the rights of Slovenians.<sup>12</sup> The Austrian representative in the Committee maintained

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8 *Arbeiter Zeitung*, March 31, April 3, 1977; *Volksstimme*, March 31, April 5, 1977; *Wiener Zeitung*, March 31, April 5, 1977; *Press Summaries*, American Embassy, Vienna, March 31, 1977, April 1 and 5, 1977. *Bevc Collection*, Hoover Institution.

9 Leopold Gratz has since become Austria's Foreign Minister.

10 *Newsweek*, July 21, 1975; *Primorski Dnevnik*, Trieste, July 25, 1975.

11 *International Convention for the Elimination of All Forms of Racial Discrimination*, The General Assembly of the United Nations Organization, Resolution No. 2106 A (XX), Article 14, December 21, 1965.

12 *Reports of the Committee on the Elimination of Racial Discrimination*, General Assembly, New York. Supplements Nos. 18 (A/9618) 1974, p. 34, 29th Session; 18 (A/31/18) 1976, p. 20,

that everything was perfect in Austria, and that Austria actually had no national minorities but only religious and linguistic minorities.<sup>13</sup> As for the rapid decline of the numerical strength of the Slovenians, the Austrian delegate maintained that it should be attributed to assimilation which also occurs elsewhere and therefore it should not be considered as specific to Austria.<sup>14</sup> What may be the causes of assimilation apparently was not discussed by the Committee.

At about the same time Austria's friends in the Department of State's Bureau of Humanitarian Affairs felt obliged to prepare a report card on Austria's conduct in the area of human rights.<sup>15</sup> The report, while acknowledging the existence of a controversy concerning the Slovenian question, lauds effusively the "exemplary" human rights record of the neutral, Western oriented Austria and, in conclusion, observes that no requests to investigate the Austrian human rights record have ever been advanced from any quarter. Apparently no one in the Bureau read the press summaries of the American Embassy in Vienna<sup>16</sup> or, for that matter, the proceedings of the United Nations Committee for the Elimination of All Forms of Racial Discrimination. Until 1979, for example, the Department of State was reporting that there were 70,000 Slovenians living in Austria whose rights, according to the Department of State, were "guaranteed by law and observed in practice."<sup>17</sup> In the fall of 1979, Woodward Romine, Political Counsellor at the American Embassy in Vienna, apparently on what he believed to be a fact finding mission, called on a member of the Upper House of the Austrian Parliament who informed the diplomat on the role of the Slovenians in recent provincial elections and gave his opinion on the direction he felt the question of the Carinthian Slovenians would take in the future.<sup>18</sup> Following this visit, Romine prepared a report on the minor-

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31st Session; 18 (A/33/18) 1978, p. 32, 33rd Session; 18 (A/35/18) 1980, p. 28, 35th Session; 18 (A/37/18) 1982, p. 49, 37th Session. Documents provided by Mr Douglas Wake, Counsellor for Economic and Social Affairs of the United States Mission to the United Nations.

13 *Ibid.*, 1974, p. 36, Paragraph No. 137.

14 *Ibid.*, 1976, p. 21, Paragraph No. 56.

15 [Human Rights Report on] *Austria*, Department of State, Bureau for the Humanitarian Affairs, February 3, 1978. Attachment to letter of John J. Hurley, Jr., Country Officer for Austria, Department of State, to John A. Lawrence, Legislative Assistant to Congressman George Miller, February 23, 1978.

16 *Press Summary*, U. S. Embassy, Vienna, April 5, 1977. *Bevc Collection*, Hoover Institution.

17 *Background Notes on Austria*, Department of State, U.S.A., February 1979.

18 *Confidential Memorandum of Conversation*, October 19, 1979. Described in the Affidavit of Thomas W. Ainsworth of the Department of State, October 5, 1981, U. S. District Court for

ity situation in Austria in which the number of Slovenians in Carinthia is set at a mere 20,000.<sup>19</sup> It may well be that Romine did not distinguish between the actual numerical strength of the minority and its showing in the elections. The American Ambassador in Vienna, Milton Wolf, uncritically accepted this figure from an obviously biased Austrian source, and forwarded the report to the Department of State which in its June 1981 edition of Background Notes on Austria revised the number of Carinthian Slovenians to 20,000. Thus no less than 50,000 Slovenians simply vanished into the night and fog within the time of two years, so far fortunately only on paper. One can imagine the hue and cry that would be raised in the American press if a like number of some group currently focused upon by the American human rights policy suddenly could not be accounted for.

The largest Slovenian organization in the United States, The Slovenian National Benefit Society of Burr Ridge, Illinois, fared no better when it protested Austria's failure to fulfill its Treaty obligations. The protest resolution that the SNPJ sent in 1976 to President Carter, Secretary of State Cyrus Vance and Secretary General of the United Nations Organization Kurt Waldheim were not even acknowledged and when inquiries were made as to what was the official response to this protest no record of it could be found in the Department of State<sup>20</sup> or at the United Nations. The disappearance of this document from the files of the Department of State is particularly strange in view of its very precise procedures for handling such communications.<sup>21</sup> Concerning the United Nations, it is understandable that Secretary General Waldheim, an Austrian with German nationalist background and one time member of the German SA, had found scant interest in addressing it.

Quite a few Slovenians throughout the world directed their protests to the U. S. Department of State. As already mentioned, the United States could, if it so

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the Northern District of California, San Francisco, Civil Case No. 79-2787 MHP, Docket No. 154.

19 *Minority Situation in Austria*, Airgram from the American Embassy in Vienna to the Department of State, February 15, 1980. Bevc Collection, Hoover Institution. See also: V. Bevc: "Ameriški Diplomati Poročajo o Koroškem Vprašanju," *Svobodna Slovenija*, Buenos Aires, November 27, 1980.

20 *Affidavit of Sharon Kotok of the Department of State*, November 5, 1979, U.S. District Court, San Francisco, Civil Case No. 79-2787 ACW, Docket No.7.

21 *The Foreign Affairs Manual*, (1978), Part 5, Sections 130 through 137, prescribes action to be taken on incoming communications, while Sections 431 through 434 specify the procedures on organization, maintenance, and disposition of files. *Department of State 5 FAM 130-137 and 5 FAM 431-434*, 1978.

choose, place a dispute over the interpretation of the Treaty before a commission of representatives of the Four Powers who could require that Austria fulfill the Treaty. Moreover, like every other international agreement, the Austrian State Treaty has the force of law in so far as the United States is concerned. It would, accordingly, be illegal if the United States government countenanced evasion of the State Treaty. The monitoring of Austria's compliance with the Treaty and making appropriate representations to the Austrian government or even insisting that the latter take steps to ensure the observance of the Treaty is a rather delicate and unpleasant obligation. On one hand the situation in Carinthia is embarrassing for a superpower that likes to talk about its commitment to ideals such as liberty, right of all nationalities to exist and the principle of equality and mutual respect in international relations, although it pays little heed to them in reality when they run contrary to the economic and military objectives of its foreign policy. On the other hand, the United States is cultivating Austria's friendship so that the latter, its current neutrality notwithstanding, might be eventually persuaded to join the Western bloc, especially in case of an armed conflict with the Soviets. There are some indications that the United States shows great interest in the strategically important tunnel presently being constructed under the Karavanke mountains which will link Yugoslavia with Austria and which could be used as a convenient underground hiding place for cruise missiles and similar weapons along the lines of the famous Mittlewerk underground rocket development complex in World War II.<sup>22</sup>

To take care of this problem the Department of State came out with a sophistry maintaining that while the Austrian State Treaty may indeed have the force of law it can as such be binding only for the American citizens and on the United States territory. This means, that a violation of the Treaty on part of Austria is not considered a violation of the United States law. A violation of American law would only occur if, for example, some American official advised Austria that it has nothing to worry about in so far as the United States is concerned if it should disregard some provisions of the Treaty. However, if Austria were advised, as it may well have been, that it should only take a few token measures designed to give the appearance that attempts are being made to comply with the Treaty while being

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22 See, for instance, L. Hunt, "U. S. Coverup of Nazi Scientists," *Bulletin of Atomic Scientists*, April 1985.

in fact totally devoid of any serious intentions to do so, it would be very difficult to show that such advice was a breach of the Treaty. Moreover, it is the position of the Department of State that the situation of Slovenians in Austria is a political rather than a legal question.<sup>23</sup>

For these and, perhaps, similar reasons the protests against the treatment of Carinthian Slovenians represented an embarrassment for the Department of State because sustained allegations of ethnocide perpetrated in Austria could eventually require some kind of diplomatic intervention. Therefore, protests received by the Department of State had to be fended off,<sup>24</sup> to use the revealing phrase of the Deputy Assistant Secretary for European Affairs. Correspondence to the Department of State on this subject was, contrary to the established procedures of the Foreign Service, assiduously purged from its records<sup>25</sup> after being acknowledged with a curt reply to the effect that the Department of State hoped the matter would be resolved between the parties concerned. This appears to be the stock phrase of the American diplomacy when it addresses the interests of the Slovenians; it was used, for example, in connection with the Trieste settlement where the United States was careful in avoiding any statement to the effect that that the handing over of Zone

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23 Clayton E. McManaway, Deputy Assistant Secretary, Bureau of Administration, Department of State, maintained: "The [Austrian State] Treaty is the law of the land to the extent that it has effect within the United States but the obligations imposed on the other party does not become part of our domestic law... [E]xecution and implementation of a treaty by a foreign government within its sovereignty raises political, not legal issues." *Memorandum*, Dated May 29, 1980, U. S. District Court, San Francisco, Civil Case No. 79-2787 ACW, Docket No. 41. McManaway's statement, although of no legal significance, probably reflects the opinions of the officials in the Department of State.

24 Raymond C. Ewing, Deputy Assistant Secretary for European Affairs, Department of State, wrote, on June 6, 1980, to Philip Kaiser, American Ambassador in Vienna, that he "fended off without difficulty" a request by Senator Frank Lausche that Secretary of State Vance, who planned to attend the celebration of the 25th jubilee of Austria's independence in Vienna, grant a brief audience to a prominent Slovenian leader from Carinthia. Bevc Collection, Hoover Institution. See also: V. Bevc, "Ameriska Diplomacija in Koroski Slovenci," *Svobodna Slovenija*, Buenos Aires, March 26, 1981

25 In addition to the SNPJ protest resolution it also was not possible for the Department of State to locate a memorandum about Carinthian Slovenians personally handed on April 1, 1978 to Secretary of State Cyrus Vance by Cardinal Paulo Evaristo Arns of Sao Paulo. *Statement of Frank J. Machak of the Department of State*, Dated January 22, 1981, U. S. District Court, San Francisco, Civil Case No. 79-2787 MHP, Docket No. 118. These circumstances would make it appear that someone was at work in keeping the documents submitted on behalf of the Slovenians out of the Department of State's files.



B of the Free Territory of Trieste to Yugoslavia represented a permanent resolution of the problem precluding any further Italian claims to that territory.<sup>26</sup> The Carinthian question is being represented as a dispute concerning solely Austria and Yugoslavia to the exclusion of other signatories of the Treaty. What was, and still is, needed, however, was a resolution of a dispute between the oppressed Slovenian national group claiming the rights set forth on a piece of paper and the united front of German nationalist bigotry controlling the entire bureaucracy of a government with a centuries old tradition of oppression of non- German nationalities.

## Diplomacy in Action

Of all protests and correspondence belaboring Austria that were descending on the Department of State nothing more but a few letters from Senators Frank Lausche and Alan Cranston were preserved, if we are to believe the representations of the Department of State officials.

Probably desiring to spare the Austrian Chancellor Bruno Kreisky an irritant after the latter had opted to continue Austria's policy of managing the issue without resolving it,<sup>27</sup> Secretary of State Kissinger simply ignored Lausche, when the latter approached him. In his subsequent correspondence with Secretary of State Cyrus Vance, Lausche suggested that the United States help resolve the difficult situation of the Slovenians through quiet diplomacy pointing out the reluctance of Yugoslavia to take the matter before an international forum, a course fraught with uncertainty not the least of which would be the renewed involvement of the Soviet Union in the area. Insensitive to the problem, Vance's subordinates gave a short shrift to Lausche apparently relying solely on Austrian representations.

Still, there must have been enough of protests concerning the Carinthian

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26 A. Eden, *Full Circle*, Houghton Mifflin, Boston, 1960, p. 204.

27 Confidential telegram from the American Embassy in Vienna to the Department of State, VIENNA 3247, April 25, 1977, Bevc Collection, Hoover Institution. The telegram reports in negative terms a letter writing campaign belaboring Austria; Kreisky was reportedly irritated over the campaign and the Austrian government was said to have resigned itself to managing the issue without resolving it. That Kreisky was irritated can be inferred from his statement to the effect that an international commission should visit both Carinthia and the Yugoslav part of Slovenia and compare the ability of the Slovenian population in both countries to exercise its civil and political rights.



Slovenians for the Department of State to make a faint move along the lines of the quiet diplomacy in the form of a conversation with the Austrian Ambassador Karl Herbert Schober. Although it has been maintained that more discrete and private channels than the official diplomatic contacts were being used for diplomatic contacts of this kind, Austria being a cherished friend whose neutrality is important to the United States,<sup>28</sup> and that conversation with the Austrian Ambassador was initially represented as merely a courtesy call of the newly appointed Ambassador in connection with Austria's gift at the occasion of the American bicentennial, it was eventually possible to secure some information on the Ambassador's visit.

The records show that the Austrian Ambassador was to make a courtesy call on the Deputy Secretary of State Warren Christopher at which time he also desired to discuss certain allegations made by non-governmental sources in the United States concerning the Carinthian Slovenians. Susan Klingaman, country officer for Austria, prepared a briefing memorandum for the Deputy Secretary of State on behalf of Assistant Secretary of State for European Affairs Arthur Hartman.<sup>29</sup> The briefing document<sup>30</sup> consists of five pages of which, according to the Department of State, only three pertain to the Carinthian Slovenians. Its contents are as follows:

CONFIDENTIAL

*Issues/Talking Points*

*1. Slovenian Minority in Austria*

*Background: Article 7 of the Austrian State Treaty (attached) provides **inter alia** that those areas where there are Slovene or mixed populations the Slovene language shall be accepted as an official language along with German and that road signs shall be in both languages. The treaty also provides for a*

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28 Lee Hamilton, Chairman of the Subcommittee on Europe and Middle East of the Congressional Committee on International Relations, wrote on May 18, 1978, to Congressman George Miller of California that Austria had been a close friend of the United States and that its neutrality was important to Western security.

29 Arthur Hartman was later appointed Ambassador to the USSR.

30 *Confidential Memorandum from Arthur A. Hartman*, Assistant Secretary of State for European Affairs, to Warren Christopher, Deputy Secretary of State, April 11, 1977, Bevc Collection, Hoover Institution. Affidavit of Thomas W. Ainsworth of the Department of State, January 19, 1981, U. S. District Court, San Francisco, Civil Case No. 79-2787 MHP, Docket No. 113.

*proportional number of secondary schools, participation in the administrative and judicial systems on equal terms, etc. Interpretation and implementation of these provisions has been an issue for many years between Austria and Yugoslavia and the ethnic German and Slovene groups in Austria. The Slovenian minority, generally supported by Yugoslavia, charges that Austria has not fulfilled its obligations, but they have not invoked Article 35 of the State Treaty which would make the controversy a subject of four power (US, UK, France, USSR) discussion. Austria has recently intensified efforts to work out arrangements for schools, road signs, etc., but has not yet arrived at a formula satisfactory to the groups involved. We receive some congressional correspondence on behalf of Slovenians in the US; our response has been that we hope Austria and Yugoslavia will succeed in their efforts to resolve the issue (i.e. without US involvement). The Yugoslavian Embassy has raised the subject with us occasionally but has not done so recently.*

The memorandum concludes with the suggested talking points for the Deputy Secretary:

***Your Talking Points***

- *How do you assess the prospects for resolving this problem?*
- *We hope that a satisfactory arrangement can be worked out soon.*

In spite of all the diplomatic cables, reports and protests from all over the world arriving on the Austrian desk it did not occur to the Country Officer that the Deputy Secretary might perhaps have something more to say to the Austrian Ambassador than those two noncommittal phrases.

The Ambassador's audience took place on April 13, 1977, as is apparent from the heavily censored memorandum of conversation.<sup>31</sup> Attending the meeting were Deputy Secretary of State Warren Christopher, Dorothy Brizill, from the Deputy Secretary's office, Susan Klingaman as notetaker, and Karl Herbert Schober, the

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31 *Confidential Memorandum of Conversation*, Department of State, April 13, 1977. Bevc Collection, Hoover Institution. Affidavit of Thomas W. Ainsworth of the Department of State, October 5, 1981, U. S. District Court, San Francisco, Civil Case No. 79. 2787 MHP, Docket No 154.

Austrian Ambassador. The latter, as it happened, did not come empty handed. The Austrian Committee for the American Bicentennial had collected 12 million schillings (\$600,000) and received a matching sum from the Austrian government to establish two professorial chairs at two universities in the United States for Austrian professors to lecture on Austrian cultural achievements.<sup>32</sup> The two chairs were established at the University of Minnesota and at Stanford University in California. Formally the gift was brought over by a delegation headed by professor Mautner-Markoff, president of the Austro-American Society and including Ambassador Designate Schober and professor Stephen Koren, leader of the Austrian People's Party representing the opposition. According to its Provost, Stanford University received \$450,000.

In the wake of such generosity Austria had probably exhausted its resources so that it could not fund Slovenian schools and kindergartens in Carinthia, and its budget for all national minorities, reported in 1979, amounted to only a meager 5 million schillings (\$250,000). Even out of this small sum only 173,000 schillings (\$8,650) was actually expended, and that only for the benefit of the Hungarian national minority, while the rest was withheld on grounds that other national minorities, including the Slovenian, failed to appoint their representatives to the, to them unacceptable, minority councils.<sup>33</sup> Austria certainly knew where to spend her money, for the Americans who benefitted would soon be shamelessly explaining to the world that Austria with its limited resources could not be expected to carry out a full scale implementation of the State Treaty provisions on minorities.<sup>34</sup>

Thus the Austrian Ambassador strode to the meeting, as it were, bearing gifts, and the Deputy Secretary, oblivious of the ancestral admonition "*Timeo Danaos...*," hastened to express his appreciation for the endowment of the two professorial chairs, a matter particularly gratifying to him personally as a member of the Board of Trustees of Stanford University and a parent whose son had just been admitted

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32 *Die Presse*, Vienna, January 25, 1977; *Press Summary*, American Embassy, Vienna, January 24, 1977; Bevc Collection, Hoover Institution.

33 *Wiener Zeitung*, July 26, 1979; *Press Summary*, American Embassy, Vienna, July 26, 1979; Bevc Collection, Hoover Institution.

34 *Letter from Raymond C. Ewing*, Deputy Assistant Secretary for European Affairs, Department of State, to Senator Frank Lausche, May 13, 1980. Ewing also advised Lausche that in recent elections in Carinthia the Slovenian list registered only 1.4 percent of the vote. The Department of State has been using this figure repeatedly as an indication of how insignificant is the Slovenian minority.

to that exclusive private school. To this the Ambassador remarked that his visit to Stanford, in March 1977, was very agreeable, that he was surprised to see how many Austrian students and professors studied and worked there and that his third-born son, too, intended to enroll at Stanford.

The rest of the discourse, unfortunately, will have to remain secret for quite some time as the remainder of the memorandum was withheld from the release ostensibly on grounds that its disclosure would damage the national security of the United States and its relations with Austria but in reality most likely because it would expose the cynical indifference of American officials toward the Austrian policy of systematic extirpation of Carinthian Slovenians. We can only draw inferences of what may have been said from certain documents received by Senator Alan Cranston from the Department of State shortly after the Ambassador's visit and from a letter written by Ambassador Schober to Congressman George Miller of California a year latter when *Naš Tednik*, a Slovenian weekly published in Celovec, Austria, reported that Miller, finding the Department of State unresponsive, inquired about Carinthian Slovenians with the Congressional Committee on International Relations. In all likelihood the Ambassador presented the Department of State with a supply of the new edition of his government's white book, *The Legal Status of Ethnic Groups in Austria*<sup>4</sup> which the Department of State had been distributing to members of Congress and others who expressed concern about ethnocide in Austria. This arrangement, naturally, did not afford an opportunity to the Slovenians for presenting their side of the story concerning Austria's conduct. In addition, it appears that the Ambassador also furnished the Deputy Secretary with a summary of the latest developments on the Carinthian question dated in March 1977, a copy of which was received by Senator Cranston on April 25, 1977, that is, within two weeks of the diplomat's visit. The document is reproduced below.

### *Ethnic Groups in Austria—A Documentation*

#### *An Update*

*The local Carinthian Organizations of the three political parties represented in the Austrian Parliament arrived at a consensus at the beginning of March 1977 regarding the regulation pertaining to sign-posts and official language in the mixed- language areas of Carinthia. Accordingly, in*

*nine communities of Carinthia, comprising 91 localities dual-language topographical inscriptions are to be erected and the Slovenian language is to be admitted in 14 communities as official language. As a result there is no longer any obstacle to promulgating the respective decrees concerning the sign-posts and official language in accordance with the Ethnic Groups Act. The decree concerning the Ethnic Advisory Councils was promulgated already on February 1, 1977. With these measures, it will be possible in the near future to implement in full in word and spirit, the provisions of Article 7 of the State Treaty and to bring about the effective solution of the Ethnic Group problems.*

Although the above was widely advertised by Austria as a resolution of the difficult issue of its compliance with the State Treaty it in fact represented no solution at all, let alone progress, for even the never implemented Austrian decree of 1972 provided for bilingual topographical signs and use of Slovenian language in 36 communities and 205 localities, a fact that could be readily ascertained from the records of the Department of State.<sup>35</sup> The outcome of the above mentioned agreement among the three political parties dominated by Germans was a further reduction by two-thirds of the territory on which the treaty provisions guaranteeing the rights of Slovenians should apply.

Let us, however, continue our conjecture as to what else the Austrian Ambassador might have said in his confidential discourse. According to the affidavit prepared by the Department of State the undisclosed part of the memorandum of conversation contains the ambassador's comments on the Slovenian minority problem in the light of certain allegations from non-governmental sources in the United States which reflect the view of the Austrian government on the minority problems in terms of the internal affairs of Austria and its relations with Yugoslavia.<sup>36</sup> The tenor of the ambassador's views can be inferred from the above mentioned letter to Congressman George Miller which probably repeats the comments made to the Deputy Secretary of State. The letter to Congressman Miller represents the official Austrian version on the status of Slovenians in

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35 Confidential Telegram from the American Embassy in Vienna to the Department of State, VIENNA 6220, July 1, 1977, Bevc Collection, Hoover Institution.

36 Affidavit of Thomas W. Ainsworth, October 5, 1981, *supra*.

Austria. A letter of very similar content was presented by an infuriated Austrian Ambassador to Brazil to Cardinal Paulo Evaristo Arns in Sao Paulo<sup>37</sup> who on the occasion of President Carter's visit mentioned in a press conference that the situations of the Slovenians in Austria was similar to that of the Indians in Brazil who also are threatened with extinction.<sup>38</sup> This is an indication that both letters were drafted in the Foreign Ministry in Vienna as part of the Austrian policy of covering up the treatment of the Slovenian minority. Let the letter speak for itself.

### THE AUSTRIAN AMBASSADOR

Washington, October 23, 1978

*The Honorable  
George Miller  
U.S. House of Representatives  
Washington, D.C.*

*My Dear Mr. Congressman*

*From a report in the Slovenian newspaper "Nas Tednik" which is published in Carinthia, Austria, it has been noted that your attention was directed a short time ago to the situation of the Slovenes who live in Austria. Although I am not informed<sup>39</sup> as to the statements that were made to you, I believe it is appropriate to bring the following to your attention concerning this matter.*

*Austria regards minorities as affording cultural enrichment to the several states, who should contribute toward furthering peaceful and friendly co-existence with neighboring peoples. Austria therefore strives to protect the continuance and free development of her minorities. From the Austrian view it is axiomatic that the Slovenes who live in Austrian territory shall have their*

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37 Letter of Walter Gabrutsch, Austrian Ambassador to Brazil, to Cardinal Paulo Evaristo Arns of Sao Paulo, May 11, 1978. *Naš Tednik*, Celovec, April 5, 1979.

38 *O Estado de Sao Paulo*, April 1, 1978, p.9.

39 The ambassador was subsequent to this letter sent copies of all information conveyed to Congressman Miller with an invitation to indicate if his government took exception to anything contained therein. No such exceptions were made.

*own political, economic and cultural organizations, as well as have at their disposal a series of newspapers, magazines, publishing houses, and a cultural center. There are in Carinthia Slovenian agricultural cooperatives, Slovenian banks and a Slovenian savings institution with 20 branch offices. The "Landesstudio Kaernten" (Carinthian broadcasting studio) send programs in the Slovenian language daily, some 252 program hours annually.*

*The various protective regulations promulgated after 1945 on the Federal and State level in regard to the Slovenes living in Austria were foremost directed to the use of the Slovene language in dealing with public authorities and to bi-lingual instruction in the schools. In the Ethnic Groups Act of 1976 which has passed with the unanimous agreement of all parties represented in the National Assembly, a comprehensive legal basis was provided. Going beyond the obligation, stipulated in Article 7 of the Austrian State Treaty, the lawmakers, by enacting the Ethnic Groups Act, obligated themselves not only to protecting the minorities from discrimination of any kind, but expressly to furthering the minorities; this from the conviction that mere equality does not suffice to safeguard the continuance of an ethnic group. The act therefore provides that the continuance of the ethnic groups—in addition to the Slovenians in Carinthia there are also Croatian, Hungarian and Czech ethnic groups in Austria—shall be safeguarded through furtherance measures as well as in regard to all legal measures concerning them is the duty of the Ethnic Advisory Councils. The existing ethnic groups organizations exercise considerable influence on the composition of these councils, since one-half of their members are nominated by them and also the chairman is to be appointed by them. Regrettably, the Slovenian ethnic group organizations have, up to the present time, declined to name delegates to the council. This attitude makes the ethnic group furtherance intended by the Austrian Federal Government considerably more difficult. There have been recent indications, however, that an agreement in direct talks between representatives of the ethnic groups and the Federal Government may be achieved. Formal resolutions, however, are reserved for the councils.*

*On May 31, 1977, the Federal Government issued two decrees, according to which in 8 communities, that is in 91 localities, bi-lingual topographical inscriptions were placed and in 13 communities as well as at three district courts and three county clerks' offices Slovenian is to be added as an additional*



*official language. Beyond that the decree also provides that other public authorities shall use the Slovenian language where this will ease contact with individuals. These measures have served to satisfy the wishes of a large part of the Slovenian population, those who are not willing to have their enjoyment of the enacted legal rights thwarted by the obstructionist politics of the existing Slovenian organizations.*

*The question of schools, so important for the protection of the minorities, had already been regulated by the Minority School Act of 1959 in consonance with the Austrian State Treaty. This gives parents the possibility of sending their children to a school of their choice. There are in Carinthia at this time: A "Gymnasium" (classical secondary school) with about 500 pupils, which by virtue of its equipment is acknowledged to be among the most modern and best in Austria; 24 "Hauptschulen", with Slovenian as the second language; 2 Slovenian home economics schools for girls, a Slovenian agricultural continuation school (agricultural high school) and 85 bi-lingual elementary schools.*

*It must surely be recognized without a doubt that Austria has put her goodwill to the test, in affording to the ethnic groups the necessary pre-conditions for their continuance. The existing Slovenian Carinthian organizations have proven their ability to survive, last but not least, in that they know how to express their wishes and demands in spite of the fact that they represent only a very small percentage of the total population of Carinthia.*

*Austria also showed understanding when the Carinthian Slovenes appealed to Ljubljana and Belgrade for support. It would appear that the Austrian efforts have now succeeded in directing the discussions with Yugoslavia into objective channels and to have convinced Yugoslavia of the credibility of Austria's minority policy and, above all, of the necessity that, since the legal prerequisites now exist, an internal evolution must follow, in the course of which the Slovenian ethnic group should avail itself to the utmost of the possibilities that are afforded.*

*Please accept, Mr. Congressman, the assurances of my highest consideration.*

*Karl Herbert Schober*



Thus, most likely, spoke the Austrian Ambassador. In absence of a decent briefing—we may only hope that Arthur Hartman at his new post as American Ambassador in Moscow now has better analysts preparing his briefing documents—and in view of Austria's generous bicentennial present, the Deputy Secretary probably did not press the Austrian Ambassador too hard concerning the Slovenian question, particularly not after they established such a good rapport by chatting about their favorite university. That a trustee of a university benefitting from a gift bestowed upon it by a foreign government in his capacity as Deputy Secretary of State happened to be in the unenviable position where he might have to deliver one of America's gentle remonstrances alluded to by Lee Hamilton to the representative of that government could apparently not be considered a situation bordering on conflict of interest.

From the description of the undisclosed portion of the memorandum of conversation with the Austrian Ambassador it appears that the Deputy Secretary simply listened to what the Ambassador had to say without ever using either of the two noncommittal phrases suggested to him by Ms Klingaman. Christopher no doubt understood that such a charming country as Austria was doing all it could to comply with the State Treaty, albeit perhaps with a slight delay of twenty years, and the demands of those chronic Slovenian Malcontents, cast in such negative role by the American diplomats in Vienna, who fail to show proper appreciation if Mother Austria tenders them a stone when they ask for bread. The Austrians feel that there are not enough professorial chairs in the United States but far too many Slovenian schools in Austria which, according to Austrian politicians, are a potent poison.<sup>40</sup> In any case, it is much more worth their while to fund the former in preference to the latter. The Austrian diplomacy, well versed in international intrigue, has found a very effective way to ingratiate itself to the Americans who love flattery. These professorial chairs will be used by Austria for spreading its propaganda through the American academic communities and for cultivating a favorable image of itself in the eyes of university students of whom many will later enter the Foreign Service as confirmed lovers of all things German.

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40 Carinthian Heimatdienst, an organization of German nationalists, at its rally on October 13, 1974, proclaimed with a banner that the Slovenian Secondary School (Gymnasium) in Celovec was a "potent poison." *Slovenski Dnevnik*, Celovec, June 18, 1976; "Increased Tension in Carinthia Due to Discrimination, Nationalist Activities," *United States Joint Publications Research Service, Reports on Western Europe*, Report No. 941, Washington, D. C., August 27, 1976.

Finally, we are left with the question whether the United States had in fact, as its diplomats assert, made it known to Austria that it is interested in the fulfillment of Article 7 of the State Treaty.<sup>41</sup> Extensive inquiries under the Freedom of Information Act, and a review of 166 released documents, consisting of partially declassified diplomatic cablegrams, memoranda and press summaries as well as affidavits describing the contents of documents that were not released, failed to disclose the faintest scrap of evidence in support of those assertions. Possibly the Department of State has, as it hinted to Lee Hamilton, used other, more private, channels to convey the United States views and advice on the Slovenian question to the Austrian government. Unfortunately, this kind of diplomacy will remain forever outside the record and its use may well have had the opposite results than one would like to see. Again, all one is left with is conjecture as to what the American advice to Austria might have been based on the subsequent developments in Austria and the attitudes reflected in the reports and statements of American diplomats.

In this connection we may recall the occasion when Dino Grandi, Mussolini's ambassador in London, sounded out the British Prime Minister McDonald concerning the British position in the event of the Italian takeover of Abyssinia and its guarantee of independence to the Schuschnigg's regime in Austria. "England," replied McDonald, "is a lady. A lady's taste is for vigorous action by the male, but she likes things done discreetly—not in public. Be tactful and we shall have no objection."<sup>42</sup> Such and similar advice would not be lost on Austria and, whether it was given or not, the American Embassy in Vienna could soon approvingly report that Austria is continuing its time honored policy of managing the issue without resolving it.<sup>43</sup>

The Slovenians should indeed learn from the vast experience of the Austrian government and its centuries old diplomacy which, in the service of reaction and obscurantism, was often successful in saving at the conference table what appeared to be lost on the battlefield or on barricades. The Carinthian Slovenians, isolated in a politically unenlightened province, have committed a cardinal error by placing

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41 George West, Assistant Secretary of State for European Affairs, wrote to the author on March 6, 1981, that "The Austrian Government has taken note of our interest." V. Bevc, "ZDA in Problemi Slovencev v Avstriji," *Svobodna Slovenija*, Buenos Aires, April 16, 1981.

42 R. Collier, *Duce*, The Viking Press, New York, 1971, p.127.

43 Confidential telegram from the American Embassy in Vienna to the Department of state, VIENNA 0374, April 25, 1977, *supra*, p. 6.

all their hopes for action in the international arena on Yugoslavia without ever attempting to gain understanding and support from the Four Powers. Thus, for example, Philip Kaiser, American Ambassador in Vienna, answering an inquiry from Secretary of State Edmund Muskie who as a Slav and a Democrat might have understanding for the plight of the Slovenians, reported that no one at his Embassy could recall a Slovenian representative ever trying to make a contact with the Embassy concerning Austria's violations of the State Treaty.<sup>44</sup> The American Embassy was reporting to the Department of State only information gathered from Austrian official sources and Austrian German language press thus bringing a strong bias in its reports. The American Ambassador, who considered the Slovenians to be a small group with an insignificant number of votes, was well informed about the visits of a prominent Slovenian leader at the Yugoslav Embassy in Vienna<sup>45</sup> of which he was probably apprised by the Austrian secret police, always available for such services. Concerning the possibility of sending someone to Carinthia and getting a first-hand report on the situation the envoy of the richest world power wrote that his meager travel budget was not likely to permit extravaganzas such as fact finding missions to remote places like Carinthia, a hundred miles away from Vienna. However, following Senator Lausche's correspondence with Muskie, the Embassy's political Counsellor Carl T. Clement did, in December 1982, visit a Marshall Plan exposition in Celovec, the Capital of Carinthia, where he met and conferred with Slovenian leaders to the consternation of the Austrian authorities.<sup>46</sup>

## Austria Concerned for its Image

From the reports of the American Embassy and the Austrian press it is apparent that Austria was not at all indifferent to the possibility of a complaint being placed, in accordance with the State Treaty, before an international forum. Carinthian Governor Leopold Wagner,<sup>47</sup> who characterized Slovenian demands

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44 Letter of Philip Kaiser, American Ambassador in Vienna to Raymond Ewing, Deputy Assistant for European Affairs, Department of State, June 30, 1980, Bevc Collection, Hoover Institution. V. Bevc, "Ameriška Diplomacija in Koroški Slovenci," *Svobodna Slovenija*, Buenos Aires, March 26, 1981.

45 *Ibid.*

46 *Svobodna Slovenija*, Buenos Aires, December 2, 1982.

47 Carinthian Governor Leopold Wagner has reportedly stated that he was a proud Hitler

as “buncombe,”<sup>48</sup> at first thought that the Four Powers, signatories of the Treaty, would not object to the Austrian minority legislation because it was “one of the best in the world.” A Month later he was warning his compatriots that rejection of the agreement between the three Austrian political parties acceding to a few token measures could lead to “serious consequences,” by which he probably meant an international intervention.<sup>49</sup> A month later still, he characterized the threats of Slovenians to take their complaint to international forums as “ridiculous.”<sup>50</sup> Likewise *Volkszeitung*, a German nationalist paper published in Celovec (Klagenfurt), wrote that the agreement between the three Austrian political parties on where the German nationalists would tolerate a moderate use of the Slovenian language removed the possibility of an international intervention.<sup>51</sup>

An international commission constituted under the State Treaty would consist of three arbitrators of which one would be nominated by each party to the dispute while the third would be appointed by the Secretary General of the United Nations. In view of the fact that at the time when Austria introduced its new ethnic minorities legislation the position of the Secretary General was held by Kurt Waldheim, an Austrian whose political background and Greater German nationalist orientation has recently been the subject of considerable publicity,<sup>52</sup> the clearing of Austria in this controversy would be a foregone conclusion. Nevertheless it would be embarrassing for Austria if its conduct were exposed before the world’s public opinion.

To avoid this, Austria went to great lengths in securing support of the most influential Western power through expressions of friendship such as the endowing of professorial chairs at American universities, donating extravagantly expensive crystal chandeliers for the Kennedy Center in Washington, possible political

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Jugend member. *Slovenski Vestnik*, June 18, 1976, quoted in the United States Joint Publications Research Service Report No. 941, August 27, 1976, p. 18.

48 *Kaerntner Tageszeitung*, Celovec, February 9, 1977; *Press Summary*, American Embassy, Vienna, February 10, 1977; Bevc Collection, Hoover Institution.

49 *Kaerntner Tageszeitung*, Celovec (Klagenfurt), March 5, 1977; *Press Summary*, American Embassy, Vienna, March 8, 1977, Bevc Collection, Hoover Institution.

50 *Arbeiter Zeitung*, *Kurier*, *Die Presse*, *Kleine Zeitung*, April 13, 1977; *Press Summary*, American Embassy, Vienna, April 13, 1977, Bevc Collection, Hoover Institution.

51 *Volkszeitung*, Celovec, March 1, 1977; *Press Summary*, American Embassy, Vienna, March 2, 1977, Bevc Collection, Hoover Institution.

52 See, for instance, *The New York Times*, March 4 and 9, April 8, 11, 12, 19, 21, 23, 24, and May 10, 1986. Kurt Waldheim is now President of Austria.

cooperation in the United Nations and elsewhere transcending the bounds of neutrality, and making transparent exaggerations of imaginary threats to which it was supposedly exposed.

Among such exaggerations belongs the Bregenz lecture of the People's Party Member of Parliament Felix Ermacora who conjured up "at least a theoretical possibility" that a Yugoslav invasion of Carinthia would be countenanced by the majority of the nonaligned member states of the United Nations.<sup>53</sup> The Austrian government apparently immediately transmitted Ermacora's hallucinations to the American Embassy in Vienna which treated his paper delivered in a public lecture and commented upon in a press conference as a confidential document.<sup>54</sup>

## Yugoslavia's Small Change

Meanwhile the Austrians have, ever since the impromptu meeting between Chancellor Kreisky and Marshal Tito at Brdo near Bled in December of 1975,<sup>55</sup> worked on getting Yugoslavia to accept a few grudgingly conceded cosmetic concessions to the Slovenians as an adequate compliance with the State Treaty holding forth the more pragmatic inducements of benefits to Yugoslavia's economy and its guest workers in Austria as well as willingness of allowing a greater amount of Yugoslav surveillance and control over the latter. In this the Austrians were successful and soon the Austrian press could gleefully observe that the Yugoslav response to the Slovenian pleas for support was rather lukewarm. Yugoslavia

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53 *Ost Oesterreichische Nachrichten*, May 2, 1977, *Volkszeitung*, *Kaerntner Tageszeitung*, May 1, 1977; *Press Summary*, American Embassy, Vienna, May 3, 1977, Bevc Collection, Hoover Institution.

54 *Confidential Memorandum and Contingency Paper*, Department of State, May 20, 1977. According to the Department of State the paper "discusses possible reactions of other governments to the possible action of another government" which fits the subject of Ermacora's lecture and press conference. Affidavit of Clayton E. McManaway and Department of State's Document Index, April 21, 1980, U. S. District Court, San Francisco, Civil Case No. 79-2787 ACW, Docket No. 30.

55 Confidential Telegram from the American Embassy in Vienna to the Department of State, VIENNA 10728, December 30, 1975; Telegram from the American Consulate in Zagreb, Yugoslavia, ZAGREB 1029, December 30, 1975; Confidential Report, *Central Intelligence Agency*, December 31, 1975; Confidential Telegram from the American Embassy in Vienna, VIENNA 546, January 22, 1976, Bevc Collection, Hoover Institution.

was said to use strong words while desisting from internationalizing the issue.<sup>56</sup> Highly placed Austrian officials, too, considered the diplomatic protests of the Yugoslav Ambassador in Vienna largely an exercise for the record.<sup>57</sup> Speaking in Skopje, Marshal Tito called for an end to the campaign in Slovenia supporting the Slovenians in Austria declaring that the Yugoslav federation placed more importance on good relations with its neighbors than on the problems of its national minorities abroad.<sup>58</sup>

Finally, the Yugoslav Foreign Secretary Josip Vrhovec, making a veritable breakthrough in the Austro-Yugoslav relations at the occasion of his official visit to Austria in October 1979, publicly advised the Slovenians in Austria that their best chance for finding a solution to their problems was a direct dialogue with the Austrian authorities.<sup>59</sup> The Austrians were particularly pleased that Yugoslavia finally removed the question of Carinthian Slovenians from its foreign policy agenda without even insisting that Austria refrain from continuing its efforts to assimilate the minority completely, that is, destroying the national character and identity of its Slovenian population. Austria's rejoicing at pulling off this diplomatic coup was reflected in the reports of American diplomats who did not hide their relief that this obstacle to cooperation between two of its prospective allies has finally been removed.<sup>60</sup> As a consolation to the disappointed Slovenians who were once again used as small change in international trade relations the Yugoslav Ambassador in Vienna Novak Pribicevic reportedly assured them that Yugoslavia would always be attentive to their rights. The American diplomat reporting these assurances, who must know his Yugoslav colleagues only too well, felt it appropriate to place the word "always" in quotes.<sup>61</sup>

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56 *Kleine Zeitung*, Graz, March 16, 1977; *Press Summary*, American Embassy, Vienna, March 16, 1977, Bevc Collection, Hoover Institution.

57 Confidential telegram from the American Embassy in Vienna to the Department of State, VIENNA 6220, July 1, 1977, Bevc Collection, Hoover Institution.

58 Speech of Marshal Tito in Skopje on October 7, 1978, *Privredni Pregled*, Belgrade, October 9, 1978, p.3.

59 *Die Presse*, *Arbeiter Zeitung*, *Wiener Zeitung*, October 20, 1979; *Press Summary*, American Embassy, Vienna, October 22, 1979, Bevc Collection, Hoover Institution.

60 Confidential Telegram from the American Embassy in Vienna to the Department of State, VIENNA 11650, October 25, 1979, Telegram from the American Embassy in Belgrade, BELGRADE 3244, April 22, 1980, Bevc Collection, Hoover Institution.

61 *Minority Situation in Austria*, Airgram from the American Embassy in Vienna to the Department of State, *supra*.

The Carinthian Slovenians were thus left in a similar situation as that youth whom the legendary Don Quixote "saved" from the beating by his master by interceding and requiring the man to promise on his word of honor as a knight and a gentleman to pay the youth what he owed him and to refrain from abusing him in the future. As soon as Don Quixote rode away the master, who was no gentleman but a rather vulgar fellow, angered by the errant knight's intervention, gave the wretched servant an even sounder thrashing than he had originally intended.

Although Yugoslavia and Austria, with the blessing of the American diplomacy, have sung requiem to Carinthian Slovenians there may still be hope that the Slovenians will live through this misfortune as they have managed to survive a millenium of German oppression. Contemporary trends in world affairs tend to accord a more favorable consideration to aspirations of the smaller nationalities and ethnic groups so that large nations such as was the defunct Austro-Hungarian monarchy no longer can trample them into oblivion. Improvement of the economic conditions and general enlightenment seems to be bringing about an awakening of conscience and greater respect for justice on the part of the larger nations who are now more willing to respect the rights of others to exist. This can even be observed in some parts of Austria.

In view of their experiences it would appear advisable that the Carinthian Slovenians direct their efforts toward acquainting the world opinion and particularly the opinion of all the signatories of the Austrian State Treaty with their situation. In this endeavor they should welcome sincere and friendly support wherever it can be found but they should never relinquish the control of their destiny to powers who necessarily place their own interests at the head of their priorities. A persistent and effectively organized campaign for informing and attracting attention of the world opinion and governments with accurate and detailed documentation of injustices perpetrated by Austria will eventually draw attention to the ethnocide carried out in the heart of Europe and compel Austria to reexamine and change its policy if it desires to remain a respected member of the community of civilized nations.



# Epilogue

Information on the United States policy concerning the position of the Slovenian national minority in Austria had to be sought under the Freedom of Information Act as the Department of State was unwilling to answer any correspondence and inquiries in this matter. The author had to embark on a tortuous process of filing a suit in the federal District Court in San Francisco. The case was first assigned to Commissioner Wolfsberg who was totally insensitive to the problem and also lacked the intellectual ability to handle a case of such complexity, local attorneys reported that he had a drinking problem. The United States Attorney who appeared for the respondent assigned Amanda Metcalf, a graduate of the University of California's prestigious Boalt Hall to the case. Ms Metcalf told the author at the outset that the Department of State's obstructionist stance was contrary to her advice and that if it were up to her he would have given the author the key to all archives which should be in the public domain in any case. The State Department was forced to answer a number of interrogatories and prepare detailed affidavits stating the reasons as to why certain information should not be provided. It became clear from those interrogatories that the Department of State had no real secrets to protect and was only trying to shield its personnel and policy makers from embarrassment. Notwithstanding this the Commissioner ruled against the author who then requested that a real judge hear the case. The case thus came before Federal Judge Marilyn Hall Patel, one of the brightest judges in the district, a legal scholar and an extraordinary perceptive jurist. Judge Patel readily issued a series of orders requiring the Department of State to produce documents and, in view of the evasive and disingenuous conduct of the Department of State examined personally in camera certain withheld documents. In her final order the Judge also awarded the author who acted in *propria persona* his attorney fees in the amount of \$10,000 and ordered a disciplinary investigation of those Department of State officials who obstructed the release of information that should legitimately be provided. The Department of State, obdurate, appealed to the Ninth Circuit Court of Appeals where the Author was represented pro bono by the law firm of Brobeck and Kecker which turned down the State Department's appeal as frivolous on its face. Assistant U.S. Attorney Metcalf, with whom the author always maintained a friendly professional relationship, was later dismissed, not because of the Department of State's debacle of course, but because she publicly criticized the policies of the U. S. attorney with respect to the local minority problems. She said that it was just as well and that she could from then on devote herself more to her family. The Department of State to this date refuses to tell what was the outcome of the disciplinary investigation if indeed one had actually been carried out. The documents obtained from the Department of State have been deposited with the Hoover Institution of War Revolution and Peace at Stanford University in California with the Bevc collection where they are now, such as they are, accessible to the researchers and the general public without the recourse to any court.