

**Office of attorney Liudvika Meškauskaitė**

**To: Vilnius Precinct Administrative Court**

Žygimantų street no. 2, Vilnius

**Plaintiff Grant Arthur Gochin,**

born November 2, 1963

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*Presented via the electronic presentation webpage of the Lithuanian courts*

**EXPLANATIONS  
REGARDING ADDITIONAL DOCUMENTS PRESENTED BY THE PLAINTIFF  
(administrative case no. eI-534-281/2019)**

**February 28, 2019**

**Vilnius**

1. The Vilnius Precinct Administrative Court is considering administrative case no. eI-534-281/2019 according to the case brought by G. A. Gochin (hereinafter Plaintiff) against the Center for the Study of the Genocide and Resistance of Residents of Lithuania (hereinafter Center) regarding a refusal to change an historical finding. The Plaintiff has presented additional documents (selected by the Plaintiff's representative Andrius Kulikauskas) to the court considering the case which, the Plaintiff claims, corroborate historical facts contrary to those presented by the Center.

2. After examining the additional documents presented by the Plaintiff, the Center presents the court arguments regarding the documents provided by the Plaintiff and the main conclusions drawn from them.

**Regarding the additional documents presented by the Plaintiff**

3. The attention of the court should be drawn to the fact all of the additional documents the Plaintiff presented to the court had been known to the Center when the historical finding regarding Jonas Noreika (General Storm) was being prepared, a finding disputed by the Plaintiff, and they had been judged from an historiographical point of view, and therefore, the Center is certain, the additional documents presented by the Plaintiff do not constitute bases for changing, much less annulling, the Conclusions made by the Center.

4. The Plaintiff failed to provide with the additional documents any probative or credible evidence supporting the Plaintiff's claims that Jonas Noreika (General Storm) allegedly had been

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an Holocaust participant as this criminal act is assessed by the articles of the criminal code of the Republic of Lithuania, neither according to positions of the United Nations Conventions on preventing and prosecuting the crime of genocide, nor under the statutes of the Nuremberg Trials or the jurisprudence of the Criminal Tribunal of the United Nations.

5. The conclusions drawn by the Plaintiff which he makes based on the additional documents presented the Center considers dubious because, as in an earlier study, so in this case:

5.1. the Plaintiff fails to apply an external and internal critical analysis of the historical sources presented and fails to assess their reliability;

5.2. the Plaintiff selected documents not based on objective criteria but in an attempt to provide foundation for his preconceptions;

5.3. the Plaintiff considers individual documents without placing them within the totality of other known facts, testimonies and circumstances, thus ignoring the overall historical context;

5.4. some of the documents presented by the Plaintiff clearly contradict the general conclusion the Plaintiff draws in summarizing them, the conclusions do not correspond to the content of the documents, and therefore the Plaintiff's conclusions cannot be considered objective or academic.

6. Below, the Center presents several examples of characteristically subjective and baseless conclusions drawn by the Plaintiff.

7. In one of his conclusions (see the section "Looting of Jewish Property in Telšiai" on page 7 of the request to append additional documents (hereinafter Request)) the Plaintiff claims: "The documents show the administration and municipality of the Telšiai district did as they liked with Jewish property. They appointed an official to be responsible for this. This poses the possibility that the same subjects who participated in the discovery of property and its division also initiated sending the Jews to the Telšiai ghetto. **No written documents could be found regarding this** (emphasis here and later added by the Defendant)." This example demonstrates the lack of objectivity by the Plaintiff.

8. The Plaintiff also claims (see page 7 of the Request): "The documents show the administration and municipality of the district of Telšiai acted with Jewish property **as they saw fit**. ... The documents testify the Telšiai municipality decided not just issues regarding Jewish property but also sent Jews as labor. ... These actions were carried out **without any directive by the Nazis**." In attempting to give foundation to his claims here, the Plaintiff appends a document [Appendix no. 26.9] which clearly contradicts the Plaintiff's own conclusion. The document cited quotes Šiauliai military district kommissar Hans Gewecke's orders: "There is foundation to believe the radio sets from confiscated Jewish property are being resold for very little profit. With exception

all radio sets which belong to district heads, burgermeisters, police chiefs and rural district heads are confiscated and turned over to the Military District kommissar." This fact clearly shows that, contrary to the Plaintiff's claim, the Germans and not the Telšiai administration were the initiators of the confiscation of Jewish property, and it also demonstrates the Germans did not allow the Telšiai administration to do with Jewish property "as they saw fit" as the Plaintiff claims.

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9. This conclusion made by the Plaintiff is also contradicted by other documents he has appended, for example, the Šiauliai military district kommissar's order to district heads and burgermeisters [Appendix no. 24.4]: "According to the orders of the Military District Kommissar, all items confiscated from Jews except of items of wealth may be sold through a special commission which is established by the district head or burgermeister. The funds received must be paid to **the special account of the Military District Kommissariat at the Reich credit counter in Šiauliai.**" These examples show the Plaintiff, intentionally or misunderstanding the text of the document, is misleading the Court.

10. The Plaintiff characterizes one of his appended documents [Appendix no. 24.8] in this way: "The document testifies to Noreika's personal initiative to exploit the real estate property of Jews. Gewecke only arrived in Šiauliai in early September, so issues regarding property rental were likely not Gewecke's initiative. No indication was discovered in the archive." The document itself, however, clearly shows this initiative came from Šiauliai military district kommissar Hans Gewecke himself. We quote the letter: "September, 1941, Šiauliai. Dear Mr. Kommissar of the Šiauliai Military District, According to your order I present for approval a project for the collection of rent for nationalized and Jewish real estate property." Attention should be brought to the fact the letter was not signed by Jonas Noreika, but by the Property Manager. It should also be noted that the Plaintiff in his Appendix no. 29.2 includes a notification published in the newspaper Tevynė of August 13 in which Hans Gewecke reports on his appointment as kommissar of the Šiauliai military district and on the transfer of power to a civilian administration.

11. The Plaintiff also affirms that according to his appended document (Appendix 22.3) "the head of the Telšiai administration issues an order to administration subjects [departments] and the police to carry out the will of the LAF [Lithuanian Activists Front]." The document itself, however, which does talk about the legal prosecution of Communists and their supporters and which is signed by Telšiai district chief Ramanauskas and Telšiai LAF commander Noreika, says the opposite: "It is strictly forbidden to issue death verdicts and to carry them out on local initiative... The chief of the criminal police of the Telšiai district decides the future legal course of all received investigations of a political nature."

12. The Plaintiff, based on a directive dated September 23, 1941, by the burgermeister of the city of Telšiai to the head of the department of construction to present all costs for the fence of the ghetto and explaining that this document must be presented to the head of the district [Appendix no. 24.7], draws the conclusion that "Noreika, acting in the capacity of head of the Šiauliai district, demands the presentation of a schedule of expenses for the construction of the Telšiai

ghetto," that "Telšiai is in the district of Telšiai and is not under the jurisdiction of the head of the Šiauliai district" and that "the document confirms Noreika's active participation as commander of the LAF in actions concerning the Telšiai ghetto."

13. These sorts of conclusions by the Plaintiff are completely unfounded and incorrect, because:

13.1. the document cited by the Plaintiff indicates neither the name of the district nor the name of the district head, so logically the conclusion should be made that it is talking about Telšiai district head Ramanauskas, not about Šiauliai district head Noreika;

13.2. During the period under discussion, i.e., September 23, 1941, Jonas Noreika was no longer in the post of commander of the Telšiai LAF; he left this post 52 days earlier on August 2, 1941;

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13.3. The document presented by the Plaintiff belongs to the category of financial documents and it discusses the costs of construction, and therefore it cannot be used to demonstrate the fact of genocidal action.

14. The Plaintiff, based on an explanation by Zenonas Ivinskis that "The main desire of Mr. Ermer was that I would indicate who from among the Germans in Plungė (from general Stahlecker, from the Einsatzkommando) organized the shooting of Jews" [Appendix nos. 25.9 and 25.9.2], comes to the conclusion that "German prosecutors do not know who put the Jews of Telšiai and Plungė 'in order,' who from the Germans or Lithuanians was responsible for the mass murder."

15. This conclusion by the Plaintiff has not factual basis because:

15.1. The request by the interrogators to indicate who from among the Germans organized the shooting of Jews in Plungė doesn't lead to the conclusion the interrogators didn't know this. The interrogators might have required additional witnesses and their testimonies;

15.2. The question by interrogators of who from the team led by general Stahlecker organized the shooting of Jews clearly confirms the German prosecutors harbored no doubts that it was Germans and not Lithuanians who organized the shooting.

16. The Plaintiff on pages 7 and 8 of his Request writes: "Noreika was the commander of the Telšiai LAF (General Storm). He couldn't not have known about what other LAF members and different power structures were doing on his territory, especially LAF soldiers and members of the TDA whom he commanded and for whose ranks he recruited in the LAF press and in his public speeches." It's noteworthy that the Plaintiff here tries to emphasize Jonas Noreika's powers as head of the Žemaitijan LAF by using his cryptonym, General Storm, but Jonas Noreika chose his cryptonym significantly later, four years later, when he operated in the underground battle against the Soviet occupation and he was no longer commander of the Žemaitijan LAF.

17. The Plaintiff trips over himself and mixes matters up in his conclusions, saying here the newspaper "Žemaitijos žemė" was not censored, then here that it was censored. On page 8 of his Request the Plaintiff says: "The documents confirm claims made by the Plaintiff that in the summer of 1941 the newspaper 'Žemaitijos žemė' was written, printed and distributed by the LAF independently, and judging by the LAF's influence in Žemaitija, one tends to think there was no Nazi censorship applied to it." On page 9 of his Request the Plaintiff claims: "The documents show that in the summer of 1941 the LAF's 'Žemaitijos žemė' was little censored." It should be noted the Plaintiff's claims regarding censorship were not based on documents but on articles which don't prove anything. Furthermore, the copies of the newspaper appended by the Plaintiff, from which it is apparent the newspaper published passages from Adolf Hitler's work "Mein Kampf," leads to the conclusion the exact opposite of the Plaintiff's on this question.

18. The Plaintiff characterizes a document presented to the court [Appendix no. 25.3] in this manner: "Five cauldrons and three pillows were issued to the German kommandatura in Telšiai on July 21, 1941. The document shows there were few Germans in the Telšiai kommandatura." But the Plaintiff omits the fact the document he cites includes a request for 42 blankets, 3 feather mattresses and 0 (zero) wash clothes. Following the Plaintiff's logic, we should say that just a few Germans required 42 blankets, and that the Germans didn't use wash clothes or feather mattresses. Another

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document the Plaintiff appends [Appendix no. 25.2] clearly shows some of the German military didn't live at the kommandatura but in apartments.

19. The Plaintiff based on an appended document [Appendix no. 25.4] comes to the conclusion that "The burgermeister's order to allocate food for the 9 German soldiers, not officers, in Telšiai" demonstrates there were only a few German soldiers without leadership in Telšiai. The document itself, however, says that 9 German soldiers would eat at Konstancija Ruikienė's cafeteria for 10 days. This document is not a basis for claiming there were no more German soldiers or officers in Telšiai who might have eaten at a different location in Telšiai. Documents appended by the Plaintiff [Appendices no. 25.2 and no. 25.4] state German soldiers didn't live at a single location, so it's highly likely they didn't eat at one location, either.

20. Based on Appendix no. 25.3, the Plaintiff claims: "in the period from July of 1941 to May of 1942, the Telšiai municipality spent 2,450 rubles on housing and other services for German soldiers. This shows that there were very few German soldiers in the summer and fall of 1941. For comparison, the Šiauliai district issued 15,000 rubles in one month to pay the salaries of self-defense battalion soldiers." These conclusions by the Plaintiff are highly doubtful for the following reasons:

20.1. From other documents presented by the Plaintiff and already touched upon above, it is clear a portion of German soldiers not only lived in apartments, but also at the kommandatura, so one cannot make such broad conclusions based exclusively on lists of expenses;

20.2. The Plaintiff is confused by the currencies involved: in the second half of 1941 there were both rubles and marks circulating in Lithuania. Ten rubles equaled one Reichmark. The Plaintiff incorrectly indicates services were paid in Telšiai in rubles, although the document shows sums in Reichmarks. This leads to the Plaintiff's incorrect comparison of expense lists in Telšiai and Šiauliai. To compare the sums in Reichmarks and rubles the Plaintiff needed to multiply the expenses in Telšiai by ten.

20.3. The comparison of the costs of apartment rents in Telšiai and salaries for 150 people in Šiauliai is unethical.

21. Another conclusion drawn by the Plaintiff based on appendices nos. 24.5 and 24.6 alleging "Noreika in the documents confirms that he personally mediated in the reallocation of Jewish real estate property" is not true. This document doesn't contain Noreika personally or professionally, nor does it contain any mediation nor confirmation. In the document the alderman of the Kriukai rural district reports to the head of the Šiauliai district that he had resolved to rent the home of the Jew Leizerovich to the Kriukai forestry district 'as a state institution' and asks for the "guidance" of the head of the Šiauliai district.

22. The Plaintiff, based on Appendices nos. 22.1 to 22.3, states these documents testify to the extraordinary powers of the Lithuanian Activists Front in Nazi-occupied Lithuania. The Center holds to the belief these documents do not disclose any special or exceptional powers of the LAF. From these documents it is clear that both the Telšiai and Šiauliai district administration had an interest in pursuing law enforcement matters regarding the criminal prosecution of former supporters of the Soviet regime, such that this would take place in an ordered legal process which

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had broken down. Telšiai district LAF commander Jonas Noreika and Šiauliai district and city LAF commander L. Virbickis also had an interest in this. Their goal was to bring the activities of the LAF sections operating in the rural districts under control and to set limits for these activities. Likewise, Jonas Noreika, before the occupation and annexation carried out by the Soviet Union in the summer of 1940, had worked at the Military Court and held a law degree, i.e., he was an officer of military justice, an attorney and an expert in criminal law. From the facts of his biography the conclusion comes up that the aforementioned documents testify to the fact Jonas Noreika first of all was concerned with the appropriate ordering of law enforcement and matters related to its procedures, not with some extraordinary powers of the LAF organization.

23. Based on Appendices nos. 23.1 to 23.4, the Plaintiff claims: "These documents show the LAF had a 'Commission for dealing with Jews' which in early July, 1941, ordered an administrative unit in Joniškis to register residents and discover their hidden property. They also announce an order to Jews setting a large fine for failure to carry out earlier orders. This document confirms the power and authority of the LAF to issue orders to people as well as local administrative units." The Center holds the conviction the Plaintiff's claims the Joniškis LAF was an independent organization not subservient to the Nazis which independently carried out anti-

Jewish as well as other activities very dubious in the general context of universally-known historiography.

24. Historical works state the initiative for discriminating against Jews was in the hands of the occupational power, and that Lithuanian agencies were forced to repeat orders issued by German agencies.<sup>1</sup> Therefore the activities of the Joniškis LAF should be assessed as not independent, as a construction for the implementation of orders issued by the occupational power. The agencies which were influencers of the activities of the Joniškis LAF organization were Šiauliai German military field kommandatura no. 819, German security police and SD Operational group A unit 2 and their subordinates. This requisite dependence of the LAF on the orders of the occupational power is reflected in the case document where Jews are ordered to wear gold stars. Joniškis LAF directives of July 11, 1941, that Jews must wear a Star of David and that they may not walk on sidewalks should not be assessed as decisions made by the Joniškis LAF but as the creation of orders issued by the occupational power. That the origin of orders to Lithuanian Jews to wear gold stars and distinguishing marks is connected with the German occupational administration and not with the LAF is confirmed by the following examples:

24.1. On July 4, 1941, chairman of the Vilnius city and district citizens committee A. Žakevičius and district police chief A. Išauskas proclaimed an order from the German military kommandant under which all Jews were ordered to wear upon their chests and backs a symbol 10 centimeters in diameter and forbidden from walking the streets after 6 P.M.<sup>2</sup>

24.2. On June 23, 1941, German military forces occupied the Vilkija rural district and a local German military kommandatura began operating there under the command of kommandant SS Obersturmfuehrer Missenbaum. In late June of 1941 the German kommandant during a meeting with members of the headquarters of the Vilkija LAF said matters with the Jews were in disarray and that they

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were walking around the town freely. The kommandant ordered the taking of measures and directed the Jews wear a yellow-colored symbol (Star of David) on their chests and backs, that they be banned from sidewalks and that their homes be marked.<sup>3</sup>

25. Based on separate individual documents, the Plaintiff attempts to prove the Joniškis LAF organization was the organizer and initiator of a contribution [extortion] placed on Jews. The Joniškis LAF organization's directive to the Jews, however, appears almost certainly to be the result of a directive received from the occupational authority.<sup>4</sup> The following factual circumstances demonstrate this:

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<sup>1</sup> See, for example, Arūnas Bubnys, *Vokiečių okupuota Lietuva (1941-1944)*, Vilnius, 1998, p. 192.

<sup>2</sup> *Ibid*, p. 193.

<sup>3</sup> Trial transcript of proceedings of October 11, 1941, Lithuanian Special Archive, f. K-1, ap. 58, b. 44463/3, l. 17.

<sup>4</sup> See Lithuanian Central State Archive f. R-739, ap. 1, b. 4, l. 13.

25.1. The head of the Kaunas district in carrying the orders of kommissar A. Lentzen wrote to the aldermen of the rural district administrations on August 21, 1941: "By order of the kommissar of the military district, I order not later than August 25 of this year to place [?] all Jews (of both genders) within the borders of the rural districts and to demand from them contributions of the following sizes: 1,000 rubles for from 1 to 10 heads, 2,000 rubles for from 11 to 20 Jewish heads, and so on. The demand must be made to the elder of the Jewish Committee (the balabos) with the warning that if the contributions being demanded are not paid within 24 hours, then everyone is faced with the punishment of death by shooting. The monies demanded are to be placed into a separate account in the municipality's treasury. Once this order is carried out, I am to be informed not later than August 26 of the exact information from this work." <sup>5</sup> Following the collection of the contribution fees, the head of the Kaunas district informed kommissar A. Lentzen of the results. On September 19, 1941, the head of the district wrote the kommissar that 9,000 rubles had been collected from the Jews of the Babtai rural district, 15,000 rubles from Čekiškė, 25,000 rubles from Garliava, 120,000 rubles from Jonava, 8,000 rubles from Kruonis, 3,000 from Pakruonis, 15,000 rubles from Pažaislis, 100 rubles from Raudondvaris, 8,000 rubles from Rumšiškės, 19,200 rubles from Seredžius, 20,000 rubles from Vandžiogala, 16,000 rubles from Veluona, 21,400 rubles from Vilkija and the sum of 18,000 rubles for contribution fees from the Jews of Zapyškis. Contribution was not paid in the Panemunė and Lapiiai rural districts. The total sum came to 298,600 rubles. <sup>6</sup>

25.2. Orders from the Joniškis LAF <sup>7</sup> to the municipality of the Joniškis rural district show that the latter assigned to itself too great functions within the borders of the rural district. <sup>8</sup> Nonetheless, the anti-Semitic content of these orders and their origin is still to be sought in the implementation of anti-Semitic orders from the occupying power. Historical works allow us to say this with confidence. Historian Christoph Dieckmann writes the German occupational authority sought to collect information about Jewish property and to confiscate, inventory and sell it. In late June and July of 1941 the military administration was in charge of Jewish property issues. During this time-period the Wehrmacht order of July 7, 1940 [?], was in force, **which ordered that money, securities and valuables taken and confiscated in occupied countries**

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**be turned over to the Reich's treasury in Berlin.** Local and field kommandaturas first report confiscations to the Operational Groups and later to the civilian administration. <sup>9</sup>

25.3. According to the Plaintiff, the Joniškis LAF organization was the all-powerful manager of Jewish property affairs, as if it were the owner of that property. This conception raises doubts mainly because the German occupational authority considered all of the Jewish property of Lithuania the property of the Third Reich. This is confirmed by the aforementioned documents

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<sup>5</sup> See letter no. 768 by the head of the Kaunas district dated August 21, 1941, "To all aldermen of the rural districts of the Kaunas district," Lithuanian Central State Archive f. R-1534, ap. 1, b. 190, l. 1.

<sup>6</sup> Letter by the executive committee of the Kaunas district to the Kaunas military district kommissar dated September 19, 1941, Lithuanian Central State Archive f. R-1534, ap. 1, b. 190, l. 87, 87 a. p.

<sup>7</sup> Lithuanian Central State Archive f. R-739, ap. 1, b. 4, l. 11, 12.

<sup>8</sup> Lithuanian Central State Archive f. R-739, ap. 1, b. 4, l. 17.

<sup>9</sup> Christoph Dieckmann, *Deutsche Besatzungspolitik in Litauen 1941-1944*, Göttingen, 2011, volume 2, page 1028.

the Plaintiff himself presented to the court (Appendices no. 26.9, no. 24.4 and others). Historian Christoph Dieckmann says: "although anti-Semiticly predisposed Lithuanians considered themselves the rightful heirs to Jewish property, **the German occupational power judged this property to be the Reich's.**"<sup>10</sup> On March 10 1942, the head of the Kaunas district wrote the alderman of the Pažaislis rural district: "I direct you to report to Felikas Matulaitis, resident of Romučiai village in the Pažaislis rural district, that the bicycle will not be returned to him because all Jewish property as of June 20, 1941, has become the property of the German Reich. The bicycle has been sold to the administration of the Pažaislis rural district in the prescribed manner."<sup>11</sup>

26. The Plaintiff, based on the letter from the alderman of the rural district of Žiemelis in the Šiauliai district to Jonas Noreika dated August 25, 1941 [Appendix no. 24.1], claims: "The alderman of the rural district of Žiemelis informs Noreika of the Jews shot and those sent to Žagarė. The document shows that in responding to Noreika's order of August 22 regarding the removal of Jews to Žagarė, the alderman informs Noreika of the shooting of 160 Jews in the rural district on August 8. He indicates two wandering Jewish females were sent to Žagarė. This contradicts the [C]enter's arguments Noreika didn't know what the final fate of the Jews of the Žagarė ghetto was." The Center maintains this document is inappropriate as proof for the Plaintiff's conclusion that Noreika allegedly knew on August 22, 1941, what would be the final fate of the Jews of the Žagarė ghetto, for the following reasons:

26.1. Jonas Noreika passed on the order by Šiauliai military district kommissar Hans Gewecke of August 14, 1941, to the district heads and town burgermeisters on August 22, 1941, while the shooting of the Jews of Žiemelis was reported to him on August 25, i.e., three days later. The inmates of the Žagarė ghetto were shot on October 2, 1941, i.e., more than a month after the cited letter by Jonas Noreika.

26.2. The document collection of the Holocaust Museum in Washington, D. C., conserves a video recording in which Šiauliai military district kommissar Hans Gewecke's recollections of his activities in the Šiauliai military district during the years of World War II were recorded by secret camera. In these recollections Hans Gewecke states that at that time they didn't believe the ghettos would end with the extermination of the Jews. According to Gewecke, Nazi ideologue "Rosenberg said the Jews of Šiauliai had lived in the ghetto before the war as well. Rosenberg considered enclosing them in the ghetto a humanitarian matter." From this testimony and other arguments, the conclusion should be drawn that even many of the high German officials at that time did not consider the ghetto as a stage in the extermination of the Jews.

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It should be noted that Gewecke was arrested and interrogated after the war by the Allies, but was not punished with imprisonment, despite the fact that his very first orders upon becoming kommissar of the Šiauliai military district, published in the Šiauliai newspaper "Tevynė" on

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<sup>10</sup> Christoph Dieckmann, *Deutsche Besatzungspolitik in Litauen 1941-1944*, Göttingen, 2011, volume 2, page 1023.

<sup>11</sup> See letter from the head of the Kaunas district dated March 10, 1942, to the alderman of the Pažaislis rural district, Lithuanian Central State Archive f. R-1534, ap. 1, b. 194, l. 68.

August 13, 1941, were exclusively concerned with identifying and isolating Jews. It should be noted that Hans Gewecke in his recollections of the isolation and labor of Jews in the Šiauliai military district **did not mention Jonas Noreika at all**, although he did mention several other Lithuanians.

27. The Plaintiff, based on Noreika's letter of August 6, 1941, to the rural district aldermen and small-town burgermeisters [Appendix no 24.2], claims: "This document shows that even on his first day (or the day after) of his appointment, Noreika issued an order on the seizure of Jewish property and its inventory in the Šiauliai district. Stressing that the descriptions are to be presented to him personally." Besides the arguments already presented above, this kind of interpretation of this document raises doubts as well because the document was translated from Lithuanian to the German language (Lithuanian Central State Archive f. R-1099, ap. 1, b. 1, l. 111-112). This fact let's us state that the intention was to report to a higher institution, i.e., an agency of the occupying power, about issues concerning the management of Jewish property. This in turn leads to the belief that the origin of this letter by Jonas Noreika to the rural district aldermen and small-town burgermeisters was not Noreika's personal initiative, but rather was connected with the implementation of orders from the occupying power.

28. Based on Appendix no. 25.1 (letter from general advisor to all district heads, December 22, 1941), the Plaintiff claims: "This document confirms the police throughout Lithuania were directly subordinate to district heads until September 25, 1941. This document negates the Center's arguments Jonas Noreika worked in the administration rather than establishing and liquidating the Žagarė ghetto while working in the power structure." This conclusion by the Plaintiff is also incorrect because the police of the Šiauliai district and other districts with their departments were subordinate to the Police Department in Kaunas. The latter was subordinate to repressive German structures. Meanwhile the subordination of district heads was only partial. **The initiatives for mass murder operations didn't come from the district heads, but from the higher-ranking police structures.**

29. Based on Appendices nos. 25.2-25.4, the Plaintiff claims there weren't many Germans at the kommandatura in Telšiai and jumps to the conclusion this small number of Germans was supposedly not a group of people who were dangerous, especially not to Jews, and that Lithuanian public forces (the LAF) were much more dangerous.

30. These sorts of claims arrived at through interpretation of history sources cannot be considered true. The officials of the German kommandatura at both Telšiai and Plungė, without regard to their military rank and number of soldiers, were very dangerous people, especially to Jews. We judge this to be true because of the following facts:

30.1. Following the occupation of Lithuania by the Wehrmacht in late June, 1941, Lithuania fell behind the German front line and was known as part of the rear area. General Karl von Roques was in charge of the territorial administration of the rear area of the Baltic states. He resided in Kaunas until July 17, 1941, then in Riga. The entire series of German battlefield kommandaturas in Lithuania (including those in the Telšiai district) were under his command. The German kommandaturas didn't exist as islands, they constituted a unified organism connected by military

service ties. This administrative network covered the Baltic states and operated as a unified force whose kommandaturas aided one another without mediation.

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30.2. Officials of the German military administration in Lithuania, meaning of the Telšiai and Plungė military administration as well, wielded real military forces. The German military administration and its officials operated according to directives received before hostilities broke out on how to act regarding the Jews of the occupied countries. Until the introduction of civilian government in Lithuania at the end of July in 1941 and even after, the German military administration worked with units 2 and 3 of Operational Group A of the German security police and SD and their subunits. This cooperation also took place over issues connected with the persecution of Jews. Operational Group A subunits carried out instructions received even before the war from the leadership of the Third Reich.

31. In summary we can make use of an example from the period of the Soviet occupation: if there were fewer militia, KGB and foreign occupational soldiers in Telšiai than in Vilnius, that doesn't mean Telšiai had a weaker Soviet government, nor that the municipal power there was stronger than the imperial one, nor that there was some sort of alternative government thriving there; if the need existed, the Soviets could quickly concentrate the forces needed in Telšiai.

32. The Plaintiff, based on Appendices nos. 26.10-26.13, formulates the conclusion the Telšiai city and district administrations, and perhaps even the Telšiai LAF organization, came up with and initiated themselves the imprisonment of Jews in a ghetto. This conclusion is false. The initiative to ghettoize the Jews of the Telšiai district came from the German military administration. Historian Christoph Dieckmann writes the following about the events in Telšiai in late June: "According to the reports of the 207th security division, battles by Communists and Jews against Lithuanian insurgents took place on the night of June 27 into June 28. The 3rd platoon of the 374th infantry brigade occupied the town and stopped the battles. Then there is this, without comment: 'The Lithuanian police must put the Jews in a camp.' Surviving Jewish women Galina Masjulis and Susanne Kogan said the Lithuanian police of Telšiai drove Jews from their homes carrying out the order by the Germans."<sup>12</sup>

33. The Plaintiff assesses his Appendices nos. 26.10-26.13 in this way: "The documents presented confirm the administration of the Telšiai municipality and district head organized and making use of subordinate police forces carried out the seizure of Jewish property and its redistribution. Moveable property was collected in warehouses and began to be redistributed by July 4 (i.e., six days after the Uprising). The municipality issued certificates of ownership to the new owners for the redistribution of moveable items and real estate. Law-enforcement officials also submitted applications. Šiauliai military district kommissar Hans Gewecke said in 1942 the government offices of the Telšiai district were crammed with things which had belonged to Jews."

34. Using these sorts of interpretations, the Plaintiff is attempting to convince us that the Telšiai municipality, the head of the district and perhaps even the Telšiai LAF organization on their own

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<sup>12</sup> Christoph Dieckmann, *Deutsche Besatzungspolitik in Litauen 1941-1944*, Göttingen, 2011, volume 2, page 848.

volition initiated and carried out the confiscation and redistribution of Jewish property, and that the German occupational authority somehow garnered no profit from this as well. This sort of conception should be considered erroneous because, as we mentioned before, the German military administration, the Germans, initiated the process of the ghettoization of the Jews of the Telšiai district in late June of 1941, while Lithuanian police officers were only an auxiliary force in these processes. The process of ghettoization, in turn, didn't just mean sending the Jews to camps of isolation, but also separating Jews from the real estate they had owned and from a significant portion of their moveable items, i.e., it also meant confiscation of property in the amounts already mentioned. In other words, German soldiers supervised

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matters concerning the confiscation of property as well. Based on that, we can say the actions cited by the Plaintiff performed by the Telšiai municipality and district chief were not carried out at their initiative, but under the supervision of representatives of the German military administration. This is confirmed by documents cited and appended by the Plaintiff himself (Appendices nos. 26.9, 24.4 and others).

35. Based on his Appendices nos. 27.1 to 27.4, the Plaintiff claims: "These documents confirm the official LAF newspaper "Žemaičių žemė" was published in Telšiai using a press seized from the curia of the Telšiai diocese (taken by the ruling authority). The documents confirm the Plaintiff's contentions that, in the summer of 1941, the LAF independently wrote, printed and distributed the newspaper "Žemaičių žemė" and, in light of the LAF's influence over Žemaitija, one would think without any censorship by the Nazis. The documents show that although the LAF state printing house was established with the knowledge of the burgermeister of Telšiai (permission was granted for tables, although the municipality still demanded the curia of the archdiocese pay sales tax, while the archdiocese maintained it hadn't set up the press and hadn't sold it." The Plaintiff's argumentation that the newspaper "Žemaičių žemė" established during the period the Nazi occupation was printed and distributed independently, without permission from or censorship by the occupational authority, **is dubious because of the following facts:**

35.1. in the historiography, the following opinion is well established, namely, that "the press as the main distributor and former of ideology, came under German supervision just as soon as they occupied Lithuania." <sup>13</sup>

35.2. The newspaper "Naujoji Lietuva" published in Vilnius was censored by the Germans and established with their permission. Rapolas Mackonis confirms this in his memoirs where he recalls his meeting with Ona Jagomastaitė-Vilmantienė at the beginning of the war. He writes: "'It's time to think about a newspaper,' Vilmantienė said. 'Isn't it too soon?' I expressed doubt. 'It's exactly time,' Vilmantienė tried to convince me. 'Of course, that will depend on Ostman, who has been appointed military commandant. I've already approached him about it. He essentially

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<sup>13</sup> Valentinas Brandišauskas, *Siekiai atkurti Lietuvos valstybingumą (June, 1941-September, 1941)*, Vilnius, 1996, p. 139.

agreed, but on the condition that while no censorship organ exists, he personally will supervise material."<sup>14</sup>

35.3. The newspaper "Tevynė" published in Šiauliai was published because the German kommandatura granted permission for its publication. On September 16, 1941, the head of the Šiauliai district wrote the Social Work Department of the Interior Affairs Directorate saying the weekly newspaper "Tevynė" was being published in the Šiauliai district and that permission had been granted for this by the Šiauliai field commandant on July 6 (Lithuanian Central State Archive f. R-1099, ap. 1, b. 1, l. 246). It should be noted that the Plaintiff's own documents [Appendix no. 28.1] also testifies to the existence of Nazi censorship.

35.4. The Plaintiff himself admits the "Žemaičių žemė" newspaper was censored: on page 9 of the Request the Plaintiff states: "The documents show that in the summer of 1941 the LAF's 'Žemaičių žemė' was censored but slightly."

36. Thus the conclusion to be drawn is that, in July of 1941, the newspaper "Žemaičių žemė" would not have begun to be published without permission from the German military authority, that "Žemaičių žemė," as with the newspaper "Naujoji Lietuva" and other publications, was censored by the occupational power and had two masters: the LAF and the agencies of the occupying power.

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37. Attention should also be paid to the fact that in the April 2, 2009, resolution of the European Parliament on European conscience and totalitarianism, it states that despite efforts by professional historians to be unbiased, historians agree it is impossible to interpret historical facts completely objectively, and that there is no totally objective historical presentation of them, that no one political institution or political party has the special right to interpret history, and that these institutions or parties cannot claim to interpret history objectively. These positions arise from the tradition which has come to be in international Western practice that professional historians do not present a uniform interpretation of the same facts in public discussions and academic articles but likewise do not demand a different opinion be corrected. In the case under discussion here, however, the Plaintiff is behaving in a manner unbefitting democratic countries, demanding the Center's findings (the Center's opinion) be corrected according to his own subjective historical judgment. It is obvious the Plaintiff's demand is baseless and it cannot be fulfilled.

Respectfully,

Dr. Alfredas Rukšėnas, senior historian  
Dalius Egidijus Stancikas, leading expert  
Jurius Petereikis, attorney

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<sup>14</sup> "Vilniaus balsas" (1939-1941). "Naujoji Lietuva" (1941-1943), Lithuanian Special Archive f. 3377, ap. 48, b. 685, l. 185.

