

To: The Vilnius District Administrative Court

Defendant: The Center for the Study of the Genocide and Resistance of the Residents of Lithuania  
code: 191428780  
address: Didžioji street no. 1/1, Vilnius

Representing the defendant: attorney Kristina Čeredničkenkaitė  
assistant attorney Jurius Petreikis,  
working at the law office of attorney L. Meškauksaitė,  
Subačiaus street no. 5-16, Vilnius  
email: kristina@lmk.lt, jurius.peterikis@gmail.com  
telephone nos.: 8 652 03993, 8 616 19360

Plaintiff: Grant Arthur Gochin  
born November 2, 1963  
address: 10900 Winnetka Ave., Chatsworth, CA 91311  
USA

Attorney for the plaintiff: attorney Rokas Rudzinskas  
A. Mickevičiaus street no. 14-2, LT 08119 Vilnius  
email: rokas@rlaw.lt  
telephone no.: 8 614 88303

RESPONSE  
TO PLAINTIFF'S COMPLAINT ON THE REFUSAL TO CHANGE AN HISTORICAL  
FINDING

Administrative case no. el-4215-281/2018

Vilnius  
October 1, 2018

1. An administrative case is being tried at the Vilnius District Court in which a complaint by plaintiff Grant Arthur Gochin (hereinafter Plaintiff) against the defendant the Center for the Study of the Genocide and Resistance of the Residents of Lithuania (hereinafter Center) for refusing to change an historical finding. The Plaintiff asked for the annulment of the Center's text of July 18, 2018, no. 14R-52, "On the Provision of Information" and to order [the Center] to perform an administrative procedure according to a query and accompanying documents the Plaintiff sent on June 15, 2018, i.e., to perform a study according to the requirements of law, to assess the arguments and the archival documents in the query, to change an historical finding on Jonas Noreika's activities during World War II, with the redacted finding addressing all of the archival documents presented in the appendix to the query, and to publish the new finding on the Center's website, [www.genocid.lt](http://www.genocid.lt)

2. The Center believes the Plaintiff's complaint in its content is unfounded, and furthermore, that the Plaintiff himself has no legal interest [standing] to dispute the text of an informational nature which the Center has provided which explains the historical facts in connection with the activity of Jonas Noreika (general Vėtra) in Nazi-occupied Lithuania, and the Center's assessment provided, no information was presented in the text in dispute which in any way affects the Plaintiff's rights and duties, so the case according to the Plaintiff's complaint should be dismissed as not falling within the competency of the administrative courts (if the court finds that the Plaintiff nonetheless does have legal interest [standing] to dispute the Center's text, the Plaintiff's complaint should be dismissed as unfounded). The factual circumstances are presented below and the legal regulations are indicated which form the basis of this position by the Center.

#### Factual circumstances

3. In the case being considered the dispute arose because of the different assessments made by the Plaintiff and the Center regarding Noreika's activity in Nazi-occupied Lithuania. The Plaintiff demands the Center officially recognize that Noreika is directly responsible for the murder of at least 1,800 Jews from Plungė and 800 Jews from Telšiai (carried out on July 12-13, 1941, and July 20-21, 1941, respectively). At the same time the Center, based on existing historical sources, has numerous times come to the conclusion Noreika had not participated in the mass murder operations against the Jews during the period of German occupation, and not in the Telšiai or Šiauliai districts.

4. The Plaintiff has contacted the Center numerous times with the demand to recognize Noreika as having participated in the mass murder of Jews. On June 15 2018, the Plaintiff again contacted the Center in writing with the demand the Center investigate facts and documents discovered during research initiated by the Plaintiff, and to change existing Center findings on Noreika's activities, taking into account all the historical circumstances and documents indicated by the Plaintiff, and to publish the edited finding on the Center's internet website (see Appendix 1, Plaintiff's Query on the Criminal Gang of Jonas Noreika).

5. In the aforementioned text (the query) the Plaintiff based his ideas on conclusions in a study of Noreika's activities by Andrius Jonas Kulikauskas, a teacher at the Philosophy and Cultural Studies Cathedral at Vilnius Gediminas Technical University, and Evaldas Balčiūnas, who found that:

5.1, first, "Jonas Noreika led a criminal gang, the Telšiai LAF, which, acting in the name of the Republic of Lithuania, the Lithuanian people and the Žemaičių žemės [newspaper], over the course of one month murdered more than 3,000 Jews and 300 Lithuanians, detaining, degrading, abusing, torturing and condemning them..."

5.2. second, "Noreika served the Lithuanian provisional government and the Nazi occupier in the Šiauliai district because was the best person for the job of committing crimes against humanity."

6. The Plaintiff in his query also presents his own speculations about Noreika being one of the most notable anti-Semites in Lithuania, who desired the extermination of the Jews, celebrated the extermination of the Jews and drew others into the extermination and justified the extermination,

how he himself ordered the shooting of the Jews of Plungė, and demanded the Center approve these speculations of his.

7. In summary of the content of his text (query), the Plaintiff comes to the categorical conclusion Noreika was the supreme power in Telšiai district and is the most responsible for the horrific crimes committed by Lithuanians in July of 1941, when 3,000 Jews and 300 Lithuanians were murdered. The Plaintiff expresses his conviction Noreika's primary goal was the extermination of Jews because he wanted to loot their property, and also says Noreika involved and recruited military officers, civil servants, clerics, intellectuals, youth and the public from the Telšiai in the commission of his crimes (see Plaintiff's Query on the Criminal Gang of Jonas Noreika, page 32).

8. The Center after thorough consideration of the circumstances and sources in the Plaintiff's text (query) leading to the Plaintiff's assessments of Noreika's activity, [and regarding] the text of July 18, 2018, no. 14R-52, "On the Provision of Information" (Appendix 2) disputed by the Plaintiff, informed the Plaintiff the Center had not found any information in the material he had presented which might fundamentally change the Center's finding on Noreika. In this text the Center replied comprehensively and rationally to the questions raised by the Plaintiff and presented a well-argued statement on the assumptions and categorical conclusions elaborated by the Plaintiff, including regarding Noreika's activity. The Center based on different historical sources again pointed the attention of the Plaintiff to the essential and most significant circumstances for an assessment of Noreika's activities, circumstances which negate the Plaintiff's categorical conclusions on Noreika's participation in mass murder operations against Jews, i.e., to the fact that the true authors of the mass murder of the Jews were not Lithuanians but rather the leadership of the Third Reich, as well as to the fact that there are no reliable documents which show Noreika ordered the extermination of Jews or that he himself took part in mass murder operations against Jews.

9. Disputing the information contained in text no. 14R-52 of July 18, 2018, "On the Provision of Information," the Plaintiff presented his complaint in this case before the court in which he demands the retraction of this Center text, to change the historical finding on Noreika's activities and to publish it on the Center's website.

Regarding the arguments in the Plaintiff's complaint

10. In his complaint the Plaintiff states he initiated in 2018 independent research of archival documents at the Lithuanian Central Archive and the Lithuanian Special Archive, performed by Nazi crimes researchers Evaldas Balčiūnas and Andrius Kulikauskas. The Plaintiff says: "the documents discovered during the research as well as connections made by historians with known and published documents (including the comprehensive diary of events in the diary of Zenonas Blynas, Lithuanian Nationalist Party secretary, published in 2010) show that the Center since 2015 has been misinforming and misleading the public and people in government regarding Noreika's connections with the Holocaust in Žemaitija and Šiauliai. The documents discovered show Noreika commanded the Telšiai LAF, an organized grouping who in summer of 1941 were the supreme government in Žemaitija. Telšiai LAF members occupied the highest posts in law enforcement and civilian agencies, and also organized and commanded the voluntary self-

defense units (the TDA, LAF, "white armbanders") who carried out the mass murder of the Jews of Plungė and Telšiai. The documents confirm the Telšiai LAF command center was located in the same building as the Lithuanian [Nazi] *kommandatura*, that the commander of the Telšiai LAF issued and approved permits to carry weapons (to LAF and TDA members), held military tribunals, considered pleas for mercy and requests, and carried out executions. The Telšiai LAF published an official newspaper called *Žemaičių žemės* which openly published anti-Semitic material and called for the mass murder of Jews. The press and the legislative and executive powers were concentrated in the hands of one group of people, the Telšiai LAF. This grouping was commanded by Jonas Noreika (see Plaintiff's complaint, page 2). The Plaintiff further alleges: "historians who have studied the circumstances of the June uprising of 1941 and later events have determined the Telšiai LAF was not subordinate to the Nazi chain of command, they operated on their own initiative without the consent of the Nazis, they armed themselves and issued permits to members of the "Nacionalsocialist" party to carry arms. This organization was the supreme government in Žemaitija in the summer of 1941" (see Plaintiff's complain, page 5).

11. Please note the Center is not able to consider the research and its conclusions initiated by the Plaintiff as academic and objective for the following reasons:

11.1. first, it wasn't performed on the principle of historiographic approaches;

11.2. second, it should be criticized in terms of methodology for historical research;

11.3. third, it hasn't been confirmed as academic by specialists in the discipline of history and those working at academic institutions;

11.4. fourth, the researchers who performed the research, Andrius Kulikauskas and Evaldas Balčiūnas, are not considered professional historians in academic circles; they are better known to society for their controversial positions (Evaldas Balčiūnas represents himself publicly as "an historian of anarchism and expert on tramps and beggars") which could give rise to a prejudicial lack of objectivity. The lack of objectivity in the research is plainly demonstrated in its assumptions and speculations which are not based on any evidence (for instance, that Noreika served both the Nazis and Soviet regimes, or the comparison of Noreika to Hitler and Stalin), just as its other conclusion and internal contradictions ignore the plain facts.

11.5. fifth, some of the conclusions reached by the Plaintiff, for example, comparing Noreika with Hitler and Stalin; the statements "Lithuanians wholly decided the fate of the Jews," "crimes committed by Juozas Brazaitis-Ambrazevičius and the Provisional Government of Lithuania in oppressing Jews," "Noreika drew the bishops and priests of the Telšiai archdiocese into [committing] crimes against humanity" and others, should not be considered academic or true, but rather propaganda disinformation from the period of the occupations. Note that the Lithuanian Supreme Court rehabilitated Noreika on May 27, 1991, and in 1975 the US Department of Justice rehabilitated prime minister of the Provisional Government Juozas Brazaitis-Ambrazevičius (text by Joshua Eilberg, chairman of the congressional subcommittee on immigration, citizenship and international law under the justice committee to Algimantas Gečius, January 13, 1975, Washington, D. C.). Bishop of the Telšiai diocese Vincentas

Borisevičius and Telšiai diocese bishops Vladislovas Polonskis and Vladislavas Taškūnas were decorated by the president of Lithuania for saving Jews.

12. It's also noteworthy the Plaintiff fails to assess the documents he mentions which allegedly were discovered during the research the Plaintiff initiated in the context of historiography, and so the conclusions arrived using these isolated documents such as "the Telšiai LAF the was supreme government in Žemaitija in the summer of 1941" should be considered neither academic nor objective. The Plaintiff's conclusion that when the Nazis occupied the western Soviet Union in World War II, they for some reason decided not to control the Telšiai district, a "statelet" controlled by Lithuanians, contradicts common sense and the recognized historiography of World War II. In reply to the Plaintiff's questions the Center in text no. 14R-52 of July 18, 2018, explained to the Plaintiff Lithuania didn't exist as a state during the German occupation (1941-10\944). At the beginning of the occupation power was in the hands of the German military administration, and later, in July of 1941, the German civilian administration with commissar T. A. von Renteln at its head took over power from the military administration. During the period of German government in the Telšiai district, in June/July of 1941 the supreme military power was in the hands of the German military commandant, and at the end of July, when power was passed to the civilian administration, the main governor of the Šiauliai district came Hans Gewecke. The occupational regime was not based on the ideology and documents of the LAF but rather on its own national socialist program. Throughout the period from 1941 to 1944 LAF organization of Telšiai district as well as the civilian administration and police agencies of the Telšiai district were subordinate to and annexed by the occupational government agencies of the Nazis.

13. The Plaintiff, claiming the Telšiai LAF was the supreme government, led by Jonas Noreika, in Žemaitija in the summer of 1941, ignores other historical facts. In the summer of 1941 the Telšiai district was not led by Noreika, but by the occupational administration and agencies and officials subordinate to it: the district council (director was Augustinas Ramanauskas), the rural district municipalities, the Telšiai and Plungė city municipalities, the district police agency (the chief was Bronius Juodikis), the police departments in the rural districts and the security police agency. The Lithuanian Activist Front (LAF) from the end of June, 1941, to its dissolution on August 26, 1941, operated as a social organization with its headquarters in Kaunas. The Telšiai district LAF headquarters which was commanded by Noreika in late June and July, 1941, was a chapter of this social organization, and the LAF resistance organization during and after the June uprising of 1941 initiated work for the restoration of a Lithuanian administration, but did not function as an administrative agency.

14. The Plaintiff is incorrect in saying Telšiai LAF members organized and commanded volunteer self-defense units (TDA, LAF, white armbanders) which carried out the mass murder of the Jews of Plungė and Telšiai. This statement is incorrect in the historiographic context. Both the Telšiai district LAF organization, the Telšiai district civilian administration and police agencies were subordinate to and annexed by Nazi occupational government agencies throughout the period from 1941 to 1944. Therefore the existence of these units as voluntary units which allegedly carried out the mass murder of Jews couldn't have been possible.

15. In his complaint the Plaintiff says: "In 2016 the magazine published by the Center contained a 26-page article by Center historian Alfredas Rukšėnas portraying Noreika as a protector of

Jews who knew nothing about and had no genocidal tendencies. Rukšėnas only emphasizes Noreika's actions in seizing property, creating a neologism to describe them: 'economic genocide,' thus diminishing Noreika's crimes. In the light of historical research and archival documents, Noreika's 'economic genocide' should be seen as the destruction of an ethnic group for economic profit, but the Center paints a completely different portrait of this man" (see Plaintiff's complaint, page 5).

16. It should be pointed out to the court that the Plaintiff is misleading the court: in the article cited by the Plaintiff the term "economic genocide" does not occur. <sup>1</sup> PhD in history Rukšėnas uses the term "economic anti-Semitism:" to describe when the Lithuanian aspiration arose in the 1870s to dominate in trade and crafts, i.e., in those spheres where Jews had long dominated. The article is based on examples from other historians and comes to the conclusion there was not necessarily a connection between economic anti-Semitism and the Holocaust. <sup>2</sup> For instance, the researcher K. Girnius finds there is no basis for a necessary tie between anti-Semitism and the Holocaust based on the following: Lithuanian president Smetona consistently defended Jews, supported their rights, fought against public anti-Semitism, even though there were anti-Semitic statements in his letters. Rabid Polish anti-Semite Zofia Kossak-Szczuka, even though she wanted Jews to leave Poland, rescued them at risk to her own life.

17. There are more examples showing anti-Semitism cannot be equated with genocide, which the Plaintiff does. A member of the Provisional Government of Lithuania, whose activity does include expressions of anti-Semitism, public utilities minister Vytautas Landsbergis-Žemkalnis's wife Ona Landsbergienė was awarded the distinction of Righteous Gentile and the Cross of the Life-Saver, while national defense minister general Stasys Rastikis wrote about he was asked by senior Lithuanian military rabbi chaplain Sniegas and the attorney Goldberg to "raise the issue of the Jews in a way favorable to them with the German military leadership." <sup>3</sup>

18. There is information, ignored by the Plaintiff, that Noreika cooperated with the famous Jewish rescuer Šiauliai doctor Domas Jasaitis who risked his life to save more than one Jewish family in Šiauliai for which he was awarded the Cross of the Life-Saver posthumously by Lithuania. Noreika's comrade Damijonas Riauka wrote in his memoirs of how Noreika in the first days of the war talked a Jewish family in a cart into getting off the ride and hiding as quickly as possible from the Germans, because he had heard the Germans were terrorizing Jews. Noreika's son-in-law Stanislovas Grunskis says Noreika's young daughter Dalia passed out buns to Jews walking by on the street which had been made especially for that purpose by her mother.

19. It should also be pointed out that on February 23, 1943, Noreika was arrested for leading the Lithuanian resistance movement and inciting people against the mobilization of Lithuanians

---

<sup>1</sup> Alfedas Rukšėnas "Jono Noreikos-Generolo Vėtros biografijos kontroversijos, Genocidas ir rezistencija, 2016, no. 1 (39), 50-51

<sup>2</sup> Vareikis "Žydū ir lietuvių susidūrimai bei konfliktai tarpukario Lietuvoje" Vilnius, 2005, p. 159; Truska, Vareikis "Holokausto prielaidos: antisemitizmas Lietuvoje" Vilnius, 2004, p. 55; Girnius, "Lemtingi 1941-ieji. Holokausto Lietuvoje prielaidų klausimu" Naujasis židinys, 2011, no. 2, p. 88

3. see Stasys Raštikis, Kovose dėl Lietuvos, II, pp. 306-307

announced by the Reich commissar, and Noreika was sent to the Stutthof concentration camp. The charges against Noreika were brought by no less a figure than German SP and SD commander in Lithuania Karl Jäger.

20. The Plaintiff in his complaint also states that "Historians have determined that the destruction of the Jewish people in Žemaitija in late 1941 was incited in the newspaper Žemaičių žemė published by the LAF, in calls-to-action brochures distributed by the LAF and that in conjunction with the mass murders city holidays were held during which speeches were delivered glorifying the work of the Lithuanian people, Nazi Germany and Adolf Hitler. These events took place with the knowledge of, under the command of and with the active participation of Telšiai LAF commander Jonas Noreika" (see Plaintiff's complaint, page 5).

21. That statement by the Plaintiff is historiographically dubious on several accounts:

21.1. first, the Nazi occupational regime controlled the entire Lithuanian press at that time;

21.2 second, the Žemaičių žemė newspaper did not, and neither did the anti-Semitic reports from the LAF organization, contain direct, imperative orders to murder Jews, i.e., to employ genocide as a solution to "the Jewish problem." Documents from the Berlin LAF call for expelling Jews from Lithuania rather than murdering them;

21.3. third, anti-Semitic statements in the Žemaičių žemė newspaper cannot be adjudged an invitation by the Telšiai LAF to take part in the mass murders they initiated and carried out because the initiators of the mass murders was not the LAF organization but rather the agencies of the occupational regime;

21.4. fourth, the Žemaičių žemė newspaper was special in that it didn't publish the names of authors with articles. Therefore it is a problem to decide what Noreika personally did or didn't publish. There is no information Noreika himself personally ever said the Jews need to be killed.

22. The city holiday cited by the Plaintiff was unconnected with the Holocaust. The Žemaičių žemė newspaper (July 30, 1941, p. 2) mentions a celebration taking place in Plungė on July 27, 1941, dedicated to supporting the Provisional Government of Lithuania. As the German position of not recognizing the Provisional Government became ever clearer, and following the unsuccessful attempt inspired by the Germans to overthrow the Provisional Government on July 23 and 24, 1941, events to support the Government, similar to the celebration mentioned, were held at other Lithuanian locations as well.

23. Based on cited and other information and facts known in the historiography, the Center has firm basis for believing the main reasons for the mass murder in June and July of 1941 in the Telšiai district were unconnected with the information published in the Žemaičių žemė newspaper and were connected with German Einsatzkommando A2 and with the orders issued by Himmler to the commanders of Einsatzkommando A, B, C and D and their subunits on the eve of war with the Soviet Union.

24. In his complaint the Plaintiff says the facts uncovered during the research he commissioned "provide firm basis for stating large-scale propaganda against people Jewish ethnicity was being carried out in the Telšiai district in 1941, the destruction of the Jews was being justified and incited in public statements by the LAF leadership and its press organ, arguing the Lithuanian people must unite and cleanse themselves of this undesirable element. In consequence, it follows that the Telšiai LAF and its commander, Jonas Noreika, were directly responsible for the mass murder of 1,800 Jews from Plungė (July 12-13, 1941) and 800 Jews from Telšiai (July 20-21) and the theft of their property" (see Plaintiff's complaint, page 6).

25. This last conclusion by the Plaintiff cannot be justified in terms of historiography. As noted earlier, there are no direct, imperative orders to murder Jews in the anti-Semitic contents of the LAF organization, i.e., to employ genocide as the solution for solving "the Jewish problem." The Plaintiff's attempt to link the LAF's anti-Semitic propaganda and the mass murders of Jews through a causal relationship is not correct and is not objective, since historical studies and sources allow us to state it was by order of officials of the Nazi occupational regime and not by orders of the Telšiai LAF organization that the mass murders took place. The Plaintiff bases his claims Noreika is responsible for the murder of 1,800 Jews from Plungė on July 12 and 13, 1941, are based on testimony by Pakalniškis. The Center has investigated Pakalniškis's testimony about Noreika's alleged participation in the mass murder of the Jews of Plungė and has provided a reasoned academic response on why his testimony is unreliable. The results of that investigation were published in an article by the Center. [footnote 4] It was determined that the mass murder operation of the Jews of Plungė on July 12 and 13 at Kaušėnai village was carried out on orders from the occupational regime. It was also determined that, according to the testimonies of those participating in the mass murder of Jews given after the war, the commandant of Plungė was Povilas Alimas, not Jonas Noreika, and that Alimas and Pabrėža participated in this mass murders. In their testimonies Noreika is not mentioned as a participant in the mass murder at Kaušėnai village. Likewise there is no information Noreika participated at the mass murder on July 20 and 21, 1941, of the Jews of Telšiai held at the Rainiai manor. The historical investigation states the prisoners of the camp were shot by Lithuanian police and local activists under the command of the Gestapo, not by the Telšiai LAF organization [footnote 5].

26. The Plaintiff in the complaint states that "correspondence, permit and ID cards and orders prove Jonas Noreika actively contributed to the establishment of the Žagarė ghetto and had real power in deciding the fates of Jews" (see Plaintiff's complaint, page 6).

27. The Center is convinced the Plaintiff's statement Noreika actively contributed to the establishment of the Žagarė ghetto and had real power in deciding the fates of Jews cannot be considered objective and well-founded for the following reasons: Noreika as head of the Šiauliai district was subordinate to military district commissar Hans Gewecke. So it wasn't Noreika but military district commissar Gewecke who was the main initiator and executor of matters relating to Jews. His orders, concerning the ghettoization of Jews and the seizure of their property, were mandatory for district heads as well, including Šiauliai district head Noreika. Noreika, as with other district heads, did not decide on their own and at their own initiative on matters relating to the ghettoization of Jews and the seizure of their property. All of the documents cited show it was Gewecke who gave orders to district heads which were binding upon them. So Noreika as Šiauliai district head couldn't have initiated, organized or carried out mass murder operations.

The police structures bear the responsibility for the mass murder operations. Information about this was presented in the historical investigation dedicated to controversies in Noreika's biography [footnote 6]

28. The Plaintiff in the complaint says that "archival documents (Lithuanian Central State Archive **FR 1099 a-1-b2**) show Noreika acting in the post of district head took care of matters regarding the use of Jews as slave labor, organized guards for that, issued weapons and permits to guards and organized taking Jews from and returning them to the ghetto. There is a documented case where Noreika received private orders for Jewish laborers for building the railroad."

29. The Center believes connecting the aforementioned documents with the main phases of the Holocaust, i.e., identifying Jews, confiscating property, isolation, concentration and mass murder operations, is problematic because during the German occupation period it wasn't just Jews who were used as slave labor, Lithuanians and others were used as well.

30. Another statement in the complaint by the Plaintiff is clearly inaccurate, that allegedly "the ghettos were under the jurisdiction of the SS but were managed by the Lithuanian administration, while the SS managed concentration camps. An authorized official for Jewish affairs was appointed by the Šiauliai municipality and the municipality received payments for Jewish labor from customers, farmers and companies." In administering the ghettos, as a tool [sic., "as a rule"], the SS used the subordinate Lithuanian administration, but to maintain internal order an internal administration made up of Jews, the Judenrat, was formed, but this doesn't mean that Lithuanian and Jews managed the ghettos. In all cases concerning the establishment of ghettos and for mass murder operations against the Jews, the institutions of the occupational regime made the decisions, and the Lithuanian administration didn't have the power to make such decisions.

31. The Plaintiff in the complaint says "the Šiauliai district administration (Jonas Noreika) paid salaries during the time when the mass murder operations against Jews were being perpetrated in the Šiauliai district (Žagarė ghetto, October 2, 1941)" (see Plaintiff's complaint, page 6).

32. This statement by the Plaintiff is also unobjectively added to the conclusions the Plaintiff proffers. It's noteworthy that during the period of German occupation (1941-1944) salaries were paid to officials of Lithuanian government institutions. These were public salaries and not some sort of special compensation for acting in the Holocaust. Service salaries would have been paid with or without the Holocaust. Civil servants were also paid salaries during the Soviet occupation. There is no information showing Noreika ever paid anyone some special salary for participating in the Holocaust. The Lithuanian Central State Archive conserves a document from the office of head of the Šiauliai district showing soldiers from Self-Defense Battalions in the Šiauliai military district received salaries totaling 53,350.03 rubles from the head of the district between September 20, 1941, and November of that same year. The Plaintiff sees these as payments from Noreika for the murder of Jews, but this conclusion isn't based on any specific evidence. Therefore it's obvious that these salaries were paid for service, because soldiers in the self-defense battalions were paid public service salaries as well during times when there were no mass murders of Jews. The resistance of their time, the public considered the self-defense units

as the military forces which would in the future become the core of the Lithuanian military. Before the German occupation during the period of Lithuanian independence those conscripted into performing their military service were also paid salaries.

33. The Plaintiff in the complain also bases himself on the opinion of Noreika's granddaughter Foti and says "Silvia Foti, Jonas Noreika's granddaughter, confirms the authenticity of the historical research and the facts determined in that research. ... She the suppression of Jonas Noreika's role as the commander of the Lithuanian Activist Front and as a Holocaust perpetrator is the greatest conspiracy in Lithuania in the last century" (see Plaintiff's complaint, page 7).

34. The Center points out that Foti, resident in the US, is neither a participant in the historical events (she wasn't yet born) nor a professional historian; her opinion of her grandfather is wholly the opposite of her mother's opinion, Noreika's daughter, who also studied her father's, Noreika's biography. Judging from the published results of Foti's research, she didn't follow the methodology necessary for the discipline of history which requires comparing an investigation of sources with external and internal critical analysis. The Plaintiff, based on Foti's testimony, adds a photograph of a house, saying Noreika lived in this home on Vaižganto street in Plungė, a home seized from Jews. But none of this testimony can be considered a reliable source of history, since Foti hadn't been born then, and according to 1942 census data conserved at the Lithuanian Central State Archive, Noreika was not a homeowner among those listed on Vaižganto street in Plungė.

35. In his complaint the Plaintiff accuses the Center of rejecting unreasonably the testimony of the only reliable witness, Paklaniškis. In his complaint the Plaintiff says "Paklaniškis (who worked as secretary at the Plungė *kommandatura* in the summer of 1941) indicates in his book memoirs that at the time when the horrible things took place there were only a few Germans at the *kommandatura*, but Jonas Noreika and LAF headquarters were in the same building, one door down. The Centras says Jonas Noreika couldn't have worked at the *kommandatura*, from which it follows that he couldn't have ordered the shooting of the Jews of Plungė (Paklaniškis says Noreika gave the order orally and then later, shouting the order he repeated it to a young German who had asked what they should do with the Jews of Plungė who had been locked up for two weeks in the synagogue). The Center in essence has refused to consider Pakalniškis's recollections, arguing they are unreliable because they contain contradictions, different versions in different editions [of the book]. The Center says there are more details in newer editions of the book, and therefore the book cannot be considered academically reliable."

36. Please note the Center has investigated Pakalniškis's testimonies about Noreika and has give a reasoned academic and historical reply on why these testimonies are unreliable. The results of the investigation have been published in the aforementioned "Jono Noreikos-Generolo Vėtros biografijos kontroversijos" [Controversies in the Biography of Jonas Noreika] [footnote 7]. It was determined that the mass murder of the Jews of Plungė was carried out at Kaušėnai village by order of the occupational government. It was also determined that according to the testimonies of murderers of Jews convicted after the war, the commandant of Plungė at that time was not Noreika but lieutenant Povilas Alimas, and the Alimas and Pabrėža by order of the Germans took part in those mass murders. In their testimonies Noreika doesn't figure as a participant in the mass murder at Kaušėnai village.

37. The Plaintiff in his complaint says "the Center considers the annihilation of the Jews in Telšiai, Plungė and Žagarė the work of the Nazis. This position is defended with the argument the Lithuanian self-defense battalions and *kommandaturos* were under the strict command of the Nazi SD and SS. The Center completely fails to assess the influence of the LAF, its members and its commander for Žemaitija on determining the fate of Jews. The Center does not consider and does not comment in its findings upon documents showing the independence and self-government of the LAF in Žemaitija in summer and fall of 1941. Stating Noreika couldn't have issued orders to shoot the Jews of Plungė, the Center completely ignores the fact Noreika commanded his own group of armed men, and they also ignore his personal and the LAF's anti-Semitic attitudes."

38. We should point out to the court that the Center based on universally recognized historiography considers the Holocaust in Lithuania to be the result of actions by the Nazi occupational regime institutions and subordinate Lithuanians collective structures. The academic history literature says the authors, initiators and organizers of the Holocaust in Lithuania was the German occupational administration.

39. Chancellor of Nazi Germany Adolf Hitler back in March of 1941 at a meeting with military and party leadership in the run-up to war with the Soviet Union characterized it as the collision of two different worldviews. With that in mind four German security police and SD operational groups, or Einsatzkommandos, A, B, C and D, [sic, Einsatzgruppen were different from Einsatzkommandos], one of whose important missions was the destruction of Jews and Bolsheviks, engaging local inhabitants in this activity. [footnote eight]

40. The historiography indicates the Germans did engage some Lithuanians in the genocide of the Jews but didn't turn command over to them. Based on these history works, the Center says the Telšiai district LAF organization, Lithuanian government institutions and self-defense battalions were under the command of the occupational administration and that there was no independent "statelet" in the Telšiai district under the leadership of the Telšiai district LAF organization. For that reason the documents cited by the Plaintiff cannot be considered proof the Telšiai district LAF organization was the leadership of an independent "statelet" in the Telšiai district. The Center with good reason thinks the German military administration and the German SP and SD institutions in late June and July of 1941 were the main organizers and executors of the genocide of the Jews living in the Telšiai district, and that they involved officials of subordinate Lithuanian district administrations and police agencies with units of soldiers under their command in this process. The Center argues for the conclusion Noreika could not have ordered the shooting of the Jews of Plungė based on the results of the academic historical investigation published in Rukšėnas's article [footnote 9].

41. The Plaintiff in his complaint says "the Center in rejecting the plaintiff's request for a change in the historical finding, failed in their answer in 2018 (the text being disputed) to discuss even one of the historical documents provided. The Center selectively picked and chose the topics for a reply, avoiding the main topics, which were Jonas Noreika and the LAF's role in the mass murder of the Jews of Žemaitija."

42. The Center does not agree with the Plaintiff's interpretation the Center allegedly avoided the topic of discussion, the role played by Noreika and the LAF in the mass murder of the Jews of Žemaitija. This interpretation by the Plaintiff is negated by the fact the Center has published a separate article specially dedicated to Noreika which examines Noreika's relationship with the Holocaust in the districts of Telšiai and Šiauliai [footnote 10].

43. The Plaintiff's criticism that the Center allegedly failed to discuss even one of the important historical documents he presented is unfounded. Professional historians adhere to the stricture that one may decide on how historians assess historical documents according to the nature of their works. The Plaintiff could have decided how the Center assesses different documents from the aforementioned article about Noreika. It says that after Noreika became the head of the Šiauliai district, the occupational regime engaged him as an official and drew him into the process of ghettoization. Based on the historical sources, the article demonstrates that Šiauliai military district commissar Hans Gewecke ordered in writing on August 14, 1941, district heads and city burgermeisters to remove Jews into a ghetto. [footnote 11] In response to this order, Noreika's text of August 22, 1941, appears, sent to all Šiauliai district rural district aldermen and all burgermeisters of smaller cities, with copies of the text to be sent to the chiefs of police departments. It says by order of the commissar of the Šiauliai military district, all citizens of Jewish ethnicity including half-Jews in the district should be removed from the rural districts and towns and settled in a single location, the ghetto. All Jewish property should be guarded and inventories by the municipal bodies. Noreika in connection with the order received from the commissar ordered that all Jews from the rural districts, smaller cities and towns should be moved to the city of Žagarė between August 25 and 29, that the ghetto in Žagarė should be sealed off by August 30 and that its inhabitants should be made to work every day. The corresponding municipalities were left with the task of resettlement. Inventories of abandoned Jewish property were supposed to be delivered to the head of the district by August 29. Jews being removed were allowed to take with them the most necessary things and clothing and each Jewish family was allowed to keep about 200 Reichmarks. Rural district aldermen and burgermeisters were supposed to inform the district head of the progress in carrying out the order by August 29. The burgermeister of Žagarė was supposed to report how many Jews in total had been resettled in Žagarė. [footnote 12]. Based on the facts reported in this article, the Plaintiff might have understood that the documents he cited (i.e., Šiauliai district [head] Jonas Noreika's text of August 9, 1941, to the alderman of the Tryškiai rural district (Lithuanian Central State Archive f. R-1099, ap. 1, b. 2, l 137), Noreika's text of August 26, 1941, to the burgermeister of the town of Joniškis (Lithuanian Central State Archive f. R-1099, ap. 1, b. 2, l. 380)) had been examined by the Center and were assessed to reflect actions connected with Noreika's participating in the ghettoization process, whose main organizer and executor was Šiauliai military district commissar Hans Gewecke, who had included Noreika in this process.

44. The article published by the Center also says Noreika as Šiauliai district head was in charge of affairs related to Jewish property. On September 10, 1941, Noreika's text "Orders for the Liquidation of the Moveable Assets of Jews and Fleeing Communists" appeared, intended for rural [district] aldermen and burgermeisters of smaller cities. It announced a portion of property (furniture, bolts of cloth, unused bedding and sheets) would be guarded until the next order was issued. A portion of property was to be allocated for schools, rural districts, post offices, shelters, hospitals and other institutions. It foresaw the need to distribute some of the property to victims

of the war and to sell it at auction. Animate and inanimate agricultural inventory was supposed to be leased to temporary renters. Monies received from property sold was supposed to go into the treasury of the district council. [footnote 13] On December 3, 1941, the burgermeister of Žagarė gave report to the head of the Šiauliai district on progress in affairs related to the property of local Jews. [footnote 14] From these facts it is clear Noreika performed specific actions relating to the ordering of Jewish property, but it's also clear the main manager of property confiscated from Jews in the Šiauliai district was Šiauliai military district commissar Hans Gewecke who, as stated, drew Noreika into the regulation of these affairs.

45. In a text addressed to Plaintiff on July 18, 2018, text no. 14R-52, the Center provided an assessment of another document cited by the Plaintiff, Telšiai LAF commander captain Noreika's text of July 25, 1941, to Telšiai police department chiefs and LAF headquarters (Lithuanian Central State Archive f. 1075, ap. 2, b. 19, l. 35). The Center told the Plaintiff this document needs to be assessed in the context of historical statements. When the uprising began in Lithuania in June of 1941, the partisan insurgents initiated military hostilities against withdrawing Red Army troops and began to chase and seek to punish both Lithuanians and Jews and people of other ethnicities who had been loyal to the Soviet regime. After the uprising ended (the end is considered June 28, 1941), the persecution of Soviet regime supporters and Red Army soldiers left behind the front continued under the institutions of Lithuanian government restored during and after the uprising. The Center believes captain Noreika and Telšiai district head Ramanauskas were involved in this activity in late June and July of 1941. Telšiai district LAF commander Noreika wrote of the aforementioned categories of people to be persecuted to Telšiai district police department chiefs and LAF headquarters on July 25, 1941: "Police organs manage all arrests of a political nature on site (in the rural districts chiefs of departments do this). Police department chiefs and other local police officers authorized to make quotas reports are to consider complaints. Local police organs decide whether to keep the detained suspect or let him go. If local police organs find a need to keep the suspect in detention (if there is basis for this), then they present a report of the detainee to the chief of the Telšiai criminal police (may be presented with suspect or without. In the latter case the suspect can remain in the rural district jail). It is strictly forbidden to carry out sentences of death by local initiative. In transporting detainees one needs to cut off the possibility of escape and reports that the 'suspect was shot while fleeing' will be fully investigated. Criminal cases will be initiated for this kind of wanton behavior. All Telšiai district reports and investigations of Communist Bolsheviks and their accomplices may not be kept in the files of local police organs and that includes those reports where the detainees are released as well as arrested, all must be sent to the chief of the Telšiai criminal police. All police reports of a political nature received are rightful assigned for further investigation by the chief of the Telšiai criminal police." [footnote 15]

46. It should be noted that some of the documents presented by the Plaintiff were not discussed because they don't concern the Holocaust or the role Noreika played in it, and so are not connected with the Plaintiff's demand that the Center's finding on the activity of Noreika be amended.

47. Summarizing what has been said so far, it's clear the Center has more than once comprehensively examined the facts presented and sources cited by the Plaintiff, and the conclusion which the Plaintiff questions, the Center adopted based on available (objective and

extant) sources, employing the methodologies required by the discipline of history in adopting these kinds of conclusions. Therefore there is no factual nor legal basis to satisfy the demands of the Plaintiff's complaint.

On the legal interest [standing] of the Plaintiff

48. Article 30 of the Lithuanian constitution which enshrines the position that a person whose constitutional rights and freedoms have been violated has the right to seek remedy in court does not mean that every person has the right to seek remedy in court. The constitution only provides for the opportunity of every person to acquire this subjective right if there is a basis set in law for it. But the legal method of defending perceived or actually violated rights is predicated upon corresponding procedural preconditions outlined in articles 33, 103 and 104 of the law on the legal regulation of administrative cases, whose existence denies or limits the individual's right to make use of legal defense.

49. The right to take a case before an administrative court is defined by article 5 in administrative case law, under whose section 1 every interested party [party with standing] has the right under the procedure defined in law to go to court in order to defend a violated or disputed right, or to defend a legal interest protected by law. One of the preconditions for the right to go to court is the suitability of the case to be adjudicated before an administrative court (article 33, section 2, point 1; article 103, point 1). Article 3, section 1 defines that the administrative court rules on disputes in public administration. What sorts of cases fall under the jurisdiction of the administrative courts is defined in more detail in article 17. Article 17, section 1, point 1 says cases are under the competency of the administrative courts to try which concern the legitimacy of legal acts and actions (non-action) adopted by state administrative subjects, and also actions assigned to the competency of these subjects. Under article 23, part 1, people have the right to make a complaint (a request) on the actions (non-actions) or legal act adopted by a subject of administrative law and also on subjects of administrative law delaying of action, as do other public administration subjects, include public servants and officials, when they believe their rights or interested protected by law have been violated.

50. Based on these norms of law, one draws the conclusion administrative courts are meant for considering administrative cases on the legality of legal acts and actions (non-actions) adopted or committed by public administrative subjects which have an influence on the rights or legally protected interests of individuals. In that case, when an act or action is subject to complaint which obviously does not incur any legal consequences, it may not be the subject of dispute in an administrative court. Under the legal process, it's not just any action by a public administrative subject which may be disputed, but rather only those which meet the requirements of article 17, section 1, point 1 and article 23, section 1 of the law on the legal regulation of administrative cases. A systemic evaluation of these norms of law allow us to state that a person only has the right to take a case to administrative court regarding legal acts adopted in the administrative sphere which cause legal repercussions to him.

51. It should also be noted that article 5, section 1 contains a rule of general applicability which defines two sources for the subjective right of the individual to appear, for the right to appeal to the administrative court for defense, to wit, the legal interest [standing] of the individual making

the appeal and the violation of his rights or his interests defended by law. In the practice of the courts personal interest [standing] is defined as the subject's material legal interest, i.e., the person must clearly define his interest [standing] to defend his right or interest to a material [?] protected by legal norms (for instance, the finding of the Lithuanian Supreme Administrative Court of October 3, 2008, in administrative case no. A438-1661/2008).

52. As can be seen in the Plaintiff's complaint and the documents in the case, the Center's text of July 18, 2018, no. 14R-52, "On the Provision of Information" disputed by the Plaintiff is a purely informational document which causes the Plaintiff no legal repercussions, i.e., the contested text by the Center is not some kind of individual act of law, and therefore it cannot be the object of dispute in an administrative court. The Plaintiff's lack of agreement with the contents of the informational text is a subjective circumstance which in itself does not bear on the legality or the good foundation of the text. That means the Plaintiff has no material legal interest [standing] to go to court with a complaint for the retraction of the Center's text of July 18, 2018, no. 14R-52, "On the Provision of Information."

53. Article 103, point 1 defines that if a case has been ruled outside the jurisdiction of the administrative courts, the court rejects the case, except in cases when the case has merit for a court of general competency.

In light of the factual circumstances and the legal regulation indicated, we ask the Vilnius District Administrative Court:

1) to reject the case of the complaint of Plaintiff Grant Arthur Gochin of August 10, 2018, over the defendant's, the Center's refusal to change its historical finding as not within the competency of the administrative courts;

2) to require the Plaintiff, Grant Arthur Gochin, compensate the Center (code: 191428780) for all legal fees.

In the event the court believes the Plaintiff Grant Arthur Gochin does have legal interest [standing] to demand the retraction of the Center's text of July 18, 2018, no. 14R-52, "On the Provision of Information," we ask the Vilnius District Administrative Court:

1) to dismiss the case of the complaint of Plaintiff Grant Arthur Gochin of August 10, 2018, over the defendant's, the Center's refusal to change its historical finding as baseless;

2) to require the Plaintiff, Grant Arthur Gochin, compensate the Center (code: 191428780) for all legal fees.

#### APPENDIX:

1. Plaintiff Grant Arthur Gochin's questionnaire "Questionnaire on the Criminal Gang of Jonas Noreika" of June 15, 2018, presented to the Center

2. Center's text of July 18, 2018, no. 14R-52, "On the Provision of Information"

3. "Jono Noreikos-Generolo Vėtros biografijos kontroversijos" by Alfredas Rukšėnas, published in the magazine "Genocidas ir rezistencija," 2016, no. 1 (39)
4. "Lietuvos žydų mažieji getai ir laikinosios izoliavimo stovyklos," an article by Bubnys.

Jurius Petreikis, assistant attorney

Center for the Study of the Genocide and Resistance of the Residents of Lithuania