

There Are No Places

Jacob Robinson, the Lithuanian Seimas, and a century of promises to Jews whose breach no institution has squarely adjudicated

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I. Kaunas, December 19, 1924

The Jewish faction of the Lithuanian Seimas put forward its candidate for the Economic Commission. The chamber divided. Sixteen votes in favor, twenty-two against. Rejected.

The faction proposed the same man again, for the same commission. The record gives the answer in two words. *Vietų nėra*. There are no places.

It proposed him for the National Defence Commission. No places. It proposed Deputy Finkelšteinas for Finance and Budget. No places.¹

The man rejected twenty-two to sixteen, and then told twice that the room was full, was Jacob Robinson.

Robinson had been elected to the Second Seimas in May 1923 and was chairman of the Jewish faction and leader of the entire Minorities Bloc.² Two decades later he founded the Institute of Jewish Affairs, which produced some of the earliest systematic documentation of what had been done to the Jews of Europe. In 1945 and 1946 he advised the chief American prosecutor at Nuremberg. He helped design the United Nations Commission on Human Rights. In 1961 he sat with Gideon Hausner in Jerusalem for the trial of Adolf Eichmann.

The deputy the same chamber had heard sixteen days earlier, describing what Lithuania's agrarian administration was doing to Jewish tenant farmers, was Leib Garfunkel. In 1941 he became deputy chairman of the Council of Elders of the Kovno ghetto.³

This is an article about a state that told those two men there was no place for them, and about the international bodies that received the evidence and declined to decide.

¹ League of Nations Archives, Geneva, R1654/41/46071/9556 (1925). Enclosures to the letter of Zévi Abersson, Representative of the Comité des Délégations Juives, to the Secretary-General, September 3, 1925: French translation and Lithuanian original of the stenographic record of the 153rd sitting of the Seimas, December 19, 1924 (Seimo stenogramos, 153-sis posėdis, 1924 m. gruodžio 19 d.).

² YIVO Encyclopedia of Jews in Eastern Europe, "[Robinson, Jacob](#)"; Yad Vashem Archives, O.65, Collection of Jacob Robinson, Jurist and Diplomat; Encyclopaedia Judaica, "Robinson, Jacob."

³ Center for Jewish History, [Lithuanian Jewish Communities Collection](#), [collection description](#). The seven Jewish deputies of the Second Seimas were Isaac Brudny (later Joseph Roginsky), Simon Rosenbaum, Jacob Robinson, Leib Garfunkel, Meshulem Volf, Yosef Kahaneman and Ozer Finkelstein.

The documents are not obscure. They sit in the archives of the League of Nations in Geneva, under Minority Questions, dossier 9556, in volumes R1653 and R1654. They have been open for decades. So far as I can establish, no Jewish organization currently engaging the Lithuanian state has read them.

II. What Lithuania Offered, and Why

On August 5, 1919, the Lithuanian Delegation to the Peace Conference wrote from 24 rue Bayard in Paris to the Committee of Jewish Delegations. The letter carried the number 1,701 and the signatures of the Delegation's President and Secretary. It set out eight principles which the Government of Lithuania had adopted, with the approval of the representatives of the Jews, and which it stated formed or would form part of the fundamental laws.⁴

First. Members of the Jewish nation, like all citizens without distinction of nationality, confession or language, enjoy the plenitude of civic, political and national rights.

Second. Jews are or will be proportionally represented in the legislative institutions.

Third. Jews participate in the Government and in the institutions of justice, and a special Ministry for Jewish Affairs has been created for the management of their affairs.

Fourth. The right to proportional representation is guaranteed by the establishment of a national Jewish curia, or any other means judged more conformable to the aim.

Fifth. Jews enjoy free use of their languages in public meetings, in the press, in the theatre, in the schools, in the drafting of any legal instrument, in the Tribunals and in government institutions.

Sixth. The right of Jews to observe the Sabbath, the festivals and the other prescriptions of their religion shall not be limited directly or indirectly, and rabbis stand in the same juridical position as the clergy of other confessions.

Seventh. Jews are autonomous in their internal affairs, including religion, charity, social assistance, instruction and intellectual culture generally. The organs of that autonomy are the local communities and their alliance. Teaching in Jewish primary schools shall be obligatory, common and free wherever the same obligations are imposed on other primary schools.

Eighth. The organs of Jewish national autonomy are considered governmental organs, authorized within their competence to take resolutions binding on their co-nationals and to levy special impositions upon them. The communities and their alliance hold the rights of juridical persons, may receive donations and bequests, and shall receive state subsidies proportionally equal to those granted to similar organs of other nationalities.

No state in Europe offered its Jews more. Most offered considerably less, and offered it only because the Peace Conference required it.

⁴ League of Nations Archives, Geneva, R1653/41/18339/9556, Minority Questions — Protection des Minorités en Lituanie (1922). Annex: copy of letter No. 1,701, Délégation de Lituanie à la Conférence de la Paix, 24 rue Bayard, Paris, to the Comité des Délégations Juives, August 5, 1919, signed by the President of the Lithuanian Delegation and the Secretary.

Which is the point of the letter's final sentence. The Lithuanian Delegation expresses the hope that the Committee will prefer these rights, accepted voluntarily, to those imposed by constraint.⁵

Read that sentence in its setting. Lithuania was in Paris seeking recognition. The minorities treaties were being drafted and imposed on the new states of Eastern Europe as a condition of their admission to the international order. Lithuania did not wait to be compelled. It drafted its own guarantees, handed them to a Jewish body, and asked to be credited for generosity rather than obliged by treaty.

The guarantees were an instrument of statecraft. That is not a hostile characterization. It is what the letter says it is doing.

III. The Reaffirmations

The promise did not stand alone, and it was not left to fade.

On the strength of the August 1919 declaration the Jewish population of Lithuania organized itself. It created a Jewish National Council, elected by a conference of all the Jewish communities of the country. It was represented in the Lithuanian government by a Minister for Jewish Affairs. For a few years Lithuania possessed a combination of institutions no other European state then possessed: a functioning system of Jewish national autonomy, with its own institutions, recognized by the state, funded by the state, and empowered to bind its own members.

In the autumn of 1920 the Lithuanian government gave the Committee of Jewish Delegations a formal assurance that the declaration of August 5, 1919 would be inserted into the Constitution of Lithuania. That assurance was given in writing to the president of the Jewish National Council. It was repeated orally on several occasions to the Committee by Lithuanian representatives. It was afterwards supported by a letter signed by the leaders of the political groups of the Lithuanian parliament.⁶

Written. Oral. Cross-party. Three forms of undertaking, over one commitment.

On December 17, 1921, in a declaration read to the Constituent Assembly, the Lithuanian government again confirmed its firm decision to respect Jewish language, culture and religion, and to subsidize the autonomous institutions of the Jewish minority.

IV. Motzkin Files

Thirteen days after that declaration, on December 30, 1921, Leo Motzkin, Secretary General of the Committee of Jewish Delegations at 10 Place Édouard-VII in Paris, addressed a memorial to the Council of the League of Nations.

He wrote because Lithuania was about to appear before the Council with detailed declarations about its attitude toward minority rights, and he wanted the Council to have the prior record in

⁵ Ibid.

⁶ Ibid., memorial of the Comité des Délégations Juives to the Council of the League of Nations, Paris, December 30, 1921, signed L. Motzkin, Secretary General, 10 Place Édouard-VII, Paris.

front of it. He set out the 1919 letter, the autumn 1920 assurance, the parliamentary leaders' letter, and the declaration of December 17.

He recorded satisfaction. The Lithuanian government, he wrote, had drawn the consequences of its historical situation of its own accord, and had assured the Jews the possibility of continuing their existence.

Then he added a qualification that has kept its edge for nearly a hundred and five years. He expressed the firm hope that, despite the agitation being conducted in certain Lithuanian antisemitic circles, the government would take that declaration as the basis of what it was about to tell the Council, and that the pledge would become an integral part of the Constitution of the young Lithuanian State. And he called upon the League, faithful to its role as protector of minorities and guardian of international treaties, to see that Lithuania continued to honor its engagements and the promise it had solemnly given.⁷

That sentence about antisemitic agitation was written by a Jew, in 1921, into the registry of an international organization, at the precise moment when Lithuania was presenting itself in Geneva as a model of minority protection. It is contemporaneous. It is documentary. It is not the product of any later argument about Lithuanian history, and it cannot be answered by the claim that Jewish criticism of Lithuania is a recent invention or a foreign import.

The Secretariat registered the memorial on January 4, 1922. On January 17 the Director of the Minorities Section sent a copy, for information, to Monsieur Naruševičius, Minister of Lithuania in London.⁸

Note that phrase. For information. We will meet it again.

V. The Arithmetic

The first breach was not a repeal. Nothing was repealed. The first breach was a division sum.

Lithuania's 1922 electoral law provided for a two-stage count. The total votes cast in a constituency were divided by the number of seats, producing what the statute called the electoral metre. Each list's votes were then divided by the metre, giving its seats. Where seats remained unfilled, they went to the lists with the largest remainders, in descending order until the constituency was complete.

At the elections to the First Seimas, two district commissions applied that rule in opposite ways. The Fifth admitted every list to the remainder round. The Sixth admitted only lists that had already reached the metre at least once, on the theory that a number from which the metre cannot be subtracted even once produces no remainder at all. The Supreme Electoral Commission upheld the Sixth.

⁷ Ibid., memorial of the Comité des Délégations Juives to the Council of the League of Nations, Paris, December 30, 1921, signed L. Motzkin, Secretary General, 10 Place Édouard-VII, Paris.

⁸ Ibid. Letters A.630 and A.631, Paris, January 2, 1922, to Eric Colban, Director of the Minorities Section, and to the Secretariat. Received in Registry January 4, 1922. Transmittal to Monsieur Naroushevitch (Tomas Naruševičius), Minister of Lithuania, London, Geneva, January 17, 1922, initialled E.C.

The Committee of Jewish Delegations obtained three opinions and filed them with the Secretariat in December 1922.⁹ They came from G. de Lapradelle, professor in the Faculty of Law of Paris; W. Burckhardt of Bern; and, from Berlin-Grunewald, a Geheimer Justizrat and Ordentlicher Professor der Rechte at the University of Berlin, signing an opinion whose covering letter names Triepel. Three jurists, three countries, no coordination visible in the file.

All three concluded that the construction was wrong.

The arithmetic, from the constituency Lapradelle examined, is worth setting out because it is the argument. 134,771 votes were cast for thirteen seats. The metre was therefore exactly 10,367. Eight seats fell out cleanly on the first division. Five remained. The five largest remainders in the constituency were 9,914; 8,150; 8,047; 6,030; and 4,157. Applied as the statute reads, those five seats go to five different lists, and every seat is accounted for.

What the Supreme Electoral Commission did instead was cycle all five through the three lists that already held a quotient. One list went from two seats to four. Another went from one to three, on a remainder of 3,122. The bloc took a sixth seat on a remainder of 2,029.

The list holding 9,914 votes, the largest single remainder in the constituency and within four hundred and fifty of a full quota, received nothing.¹⁰

Across that constituency, 38,534 votes elected nobody. Twenty-nine percent of everyone who voted. The three lists that took all thirteen seats held 96,237 votes between them, just over seventy-one percent, and each of their thirteen deputies represented an average of 7,403 voters, while groups that had brought nearly ten thousand and just over eight thousand voters to the polls went home with nothing.¹¹

Burckhardt gave the national figures, and they are the ones to remember. Under the Supreme Commission's reading, the Social Democrats obtained a representative for 7,652 votes. The Poles obtained one seat for 27,000. The Progressives, with 27,175 votes, obtained none at all.¹²

The jurists' reasoning matters as much as the numbers.

Burckhardt identified what the Commission had actually done. It had read into the statute a quorum — a minimum number of votes a list must reach before it has any claim to representation at all. The legislator had written no such thing. Had he intended it, Burckhardt observed, he could have said so easily and in far clearer terms, and given how obviously fragmented the Lithuanian electorate was, such an exception to proportionality was doubly improbable.

⁹ League of Nations Archives, Geneva, R1653/41/25163/9556 (1922). Letter No. 931 of Zévi Abersson to Helmer Rosting, Geneva, December 13, 1922, enclosing the three opinions; acknowledgment of December 20, 1922.

¹⁰ Ibid., opinion of G. de Lapradelle, Professor in the Faculty of Law of Paris, "La question des 'restes' dans les dernières élections lithuaniennes," Paris, November 30, 1922.

¹¹ Ibid., Rechtsgutachten signed Geheimer Justizrat, Ordentlicher Professor der Rechte an der Universität Berlin, Berlin-Grunewald, November 18, 1922.

¹² Ibid., letter of Prof. W. Burckhardt, Bern, November 20, 1922.

Triepel went further and put the Commission's theory to the test of ordinary arithmetic. The elements of a division are the dividend, the divisor, the quotient and the remainder. Divide seven by five and you get one and a remainder of two. Divide five by seven and you get zero and a remainder of five. The rule does not change according to which number is larger. The Commission's theory therefore rested on the absurd proposition that arithmetic can divide large numbers by small ones but not small by large.

And Triepel produced the finding that ought to have ended the matter. The rapporteur of the electoral bill had told the Seimas that d'Hondt was unjust because it favored the lists that won majorities, that the arithmetic method was being introduced to make elections more just, and that this was the most important point in the whole law. The provision then passed without debate. If § 76 is construed as the Supreme Commission construed it, Triepel wrote, then the new procedure is not fairer than the old but less fair, and the legislature achieved precisely the opposite of what it set out to achieve.¹³

Lapradelle closed on different ground, and his closing is the reason this section belongs in this article rather than in a study of electoral systems.

Such a combined system for crushing minorities, he wrote, would be barely conceivable even in a country where minorities were merely political. But here nobody can forget that we are in a country where the minorities are not only political but ethnic. And then, having regard to the declarations which Lithuania has spontaneously honored itself by making since the birth of its independence — he names them, August 5, 1919, autumn 1920, and finally December 17, 1921 — it is not permissible to think that the treatment of ethnic minorities in the allocation of remainders should be inferior in that country to what it was at the Constituent Assembly elections, or to what it is outside Lithuania.¹⁴

A French professor of international law, writing in Paris in November 1922, held Lithuania to the letter of August 5, 1919. The link between the promise and the breach is not my construction. It is in the file, made contemporaneously by an outside international-law scholar consulted by the Committee.

VI. Except the Minorities

The clearest evidence in the whole dossier is Lithuania's own stenographic record, filed in Geneva by the Jews of Lithuania because they knew what it showed.

At the 153rd sitting of the Seimas, on December 19, 1924, Deputy Draugelis moved on behalf of the Farmers' Union to restructure the parliamentary commissions. Most commissions would have eight members. Public Instruction and Economic would have ten: two each from the Farmers' Union, the Christian Democrats, the Labour Federation and the Populist Peasants, one from the Social Democrats and one from the Minorities. Labour and Social Welfare would have nine, composed on the same model, with one exception stated in the text: except the representatives of the minorities.

¹³ Ibid., Rechtsgutachten signed Geheimer Justizrat, Ordentlicher Professor der Rechte an der Universität Berlin, Berlin-Grunewald, November 18, 1922.

¹⁴ Ibid., Lapradelle opinion, closing passage.

Then paragraph 3. To the Juridical, Drafting, Mandates, Complaints and Petitions, and Special National Defence commissions, all fractions delegate one representative,

išskiriant mažumas — excluding the minorities.¹⁵

The motion was put. Against it: the Social Democrats, the Populist Peasants and the Minorities. For it: the Farmers' Union, the Christian Democrats and the Labour Federation. Twenty-seven for, twenty-one against. Adopted.¹⁶

Now the arithmetic of who was excluded.

The Second Seimas had 78 deputies. The Populist Peasants held 16. The Farmers' Union held 14. The Christian Democrats held 14. The Labour Federation held 12. The Social Democrats held 8.

The Minorities held 14.¹⁷

Equal to the Farmers' Union. Equal to the Christian Democrats. Two more than the Labour Federation, six more than the Social Democrats. Tied for the second-largest bloc in the chamber.

Six commissions barred it in terms. Six more barred it in fact, through paragraphs 4 and 5 and the vote that followed. Of the fourteen commissions of the Lithuanian parliament, the majority thought it useful to reserve the minorities a place on two: Public Instruction and Economic.¹⁸

One was declined in protest. The other became the subject of rejection and attempted renomination.

Budziński, for the Polish deputies, announced at the close of the sitting that in protest he was withdrawing his fraction's proposals and declining the place on Public Instruction which the Seimas had thought it useful to offer him.

The Jewish parliamentary group addressed a written declaration to the Presidency of the Seimas. It stated that in the course of the 153rd sitting the Seimas had adopted a proposal of the Farmers' Union to constitute certain commissions from representatives of the groups of the Seimas with the exception of those of the minorities; that the Jewish group had the honor to declare that it considered that decision an unconstitutional act; that it held for that reason that the participation of any member of the Jewish parliamentary group on any commission of the Seimas whatever

¹⁵ R1654/41/46071/9556, stenographic record of the 153rd sitting, as above. The Lithuanian text of the operative clause reads: "... pasiūsti po vieną atstovą nuo frakcijų, išskiriant mažumas."

¹⁶ Ibid. The Lithuanian record gives the division as 27 for and 21 against. The French summary letter transmitting the extract gives 37 and 31; the underlying transcript and the French translation of the extract agree on 27 and 21.

¹⁷ Ibid., Annexe 2, table of the numerical strength of the fractions and their representation on the commissions of the Seimas.

¹⁸ Ibid.

was not admissible; and that it accordingly recalled its representative, Roginskis, from the Economic Commission.¹⁹

Unconstitutional. That is the Jewish deputies' own word, in December 1924, addressed to the presiding officer of their own parliament.

And then the nominations, which is where the sitting stops being procedural history.

The Jewish fraction proposed Robinson for the Economic Commission. The chamber divided: sixteen for, twenty-two against. Rejected.²⁰

It proposed Robinson for the Economic Commission again. *Vietų nėra*.

It proposed Robinson for the National Defence Commission. *Vietų nėra*.

It proposed Finkelšteinas for Finance and Budget. *Vietų nėra*.²¹

Five years and four months after Lithuania promised the Jews proportional representation in the legislative institutions and participation in the Government, the Lithuanian parliament wrote the exclusion of minorities into its own standing arrangements, defeated the chairman of the Jewish faction in a recorded division, and told him twice that there was no room, before giving the same answer to Finkelšteinas.

VII. The Dismantling

Three months later, the Seimas entrenched in law what had already been substantially dismantled in practice during 1924.

On March 31, 1925, according to the joint interpellation subsequently lodged by the Jewish, Polish and German deputies, the Seimas adopted, against the votes of the Jewish deputies and other members of the opposition, a Law on Jewish Communities, published at number 192 of the official gazette. That law, the deputies stated, contradicted the stipulations of Articles 73 and 74 of the Constitution, and repealed the Law on Communities then in force, published at number 20, which had conformed to those articles.

On the same day, against every minority vote and those of several opposition deputies, the Seimas rejected the bill on the Jewish National Council which the Government itself had laid before it, together with the bills on the Polish National Council and the German National Council proposed by the minorities.²²

¹⁹ Ibid. Declaration of the Jewish parliamentary group to the Presidency of the Seimas.

²⁰ Ibid., Lithuanian stenographic record: “Kas už atstovo Robinzono kandidatūrą? — Kas prieš? — Už — 16, prieš — 22, — pasiūlymas atmestas.”

²¹ Ibid.: “... žydų frakcija siūlo atstovą Robinzoną; vietų nėra”; and, for the Finance and Budget Commission, “... žydų frakcija siūlo atstovą Finkelšteiną; vietų nėra.”

²² League of Nations Archives, Geneva, R1654/41/45350/9556 (1925). Interpellation lodged in the Seimas on June 23, 1925 by the deputies of the Jewish, Polish and German fractions, addressed to the Minister of Foreign Affairs, item 1(a)–(b).

The Jewish National Council which Lithuania had advertised in Geneva as proof of its good faith had already been dispersed and stripped of effective authority. On March 31, 1925, the parliament rejected legislation that would have restored a statutory basis for it.

The deputies also disposed of the claim that Lithuania was in the vanguard and had no model to follow. The deputies cited Estonia's Law on the Cultural Autonomy of National Minorities, which their interpellation dated February 5, 1925. Czechoslovakia had entrenched the principle in Articles 131, 132 and 133 of its Constitution. Latvia had adopted a Law on the School Affairs of National Minorities on December 8, 1919 — the same year Lithuania was writing letters in Paris about eight principles.²³

Lithuania's own minority deputies cited Latvia against Lithuania, in the Lithuanian parliament, in 1925.

VIII. Eleven Assertions

On June 23, 1925 the deputies of the Jewish, Polish and German fractions lodged a joint interpellation with the Minister of Foreign Affairs.

They asked whether the Minister was aware that at the fifth meeting of the thirty-fourth session of the Council of the League of Nations in Geneva, Lithuania's representative, Dovas Zaunius, had advanced and maintained a series of assertions about the legal position of Lithuania's ethnic, linguistic and religious minorities. They then set out eleven of them, and answered each with the formula

alors qu'en réalité — whereas in reality — followed by a date, a statute, an official gazette number, or a parliamentary record.

On the constitutional autonomy provisions, Zaunius was said to have told the Council that no bill implementing Articles 73 and 74 had been either adopted or rejected. The deputies answered with the events of March 31, 1925 set out above.

On precedent, he was said to have told the Council that as of June 10, 1925 no precedent existed for a cultural autonomy law. The deputies answered with Estonia, Czechoslovakia and Latvia.

On the exclusion from commissions, he was said to have described the exclusion principle as motivated by purely practical reasons and to have characterized Deputy Smulkštis's interpretation as the opinion of the leader of a small Christian Democratic fraction holding fourteen seats. The deputies answered that the Union of Landowners' proposal of December 19, 1924, at the 153rd sitting, said in explicit terms that the Commissions of Labour, of Social Assistance and Welfare, of Validation of Mandates and of State Security would be constituted of members of the Seimas to the exclusion of representatives of the minorities — and that Smulkštis was in reality the true chief of the government majority.

On the promised language legislation, he was said to have told the Council that the Government was preparing to lay a minority-languages bill before the Seimas at the earliest opportunity. The

²³ Ibid., item 2. The interpellation cites Estonia's Law on the Cultural Autonomy of National Minorities of February 5, 1925; Articles 131, 132 and 133 of the Czechoslovak Constitution; and Latvia's Law on the School Affairs of National Minorities of December 8, 1919.

deputies answered that the declaration had been made on March 8, 1925, that more than three months had passed, and that nothing indicated any such preparation.

On commercial establishments, he was said to have asserted that Lithuanian law deemed them institutions of public law. They are, the deputies answered, institutions of private law under Lithuanian law as in every civilized country.

On shop signs, he was said to have cited the direct-tax law, volume V, articles 438 and 439, as requiring signage in the state language. The law contains no such provision.

On accounting books, he was said to have told the Council that the question had been settled by a circular of October 9, 1924. It had been settled by statute, published at number 171 of the official gazette. And he was said to have added that not all books must be kept in the state language, whereas article 9 of that same law requires that every book prescribed by law be kept exclusively in the state language.

On schools, he was said to have told the Council that Lithuania had schools in which two languages of instruction coexisted. The publications of the Ministry of Public Instruction contain no reference to any such school, the deputies answered, and in fact none exists.²⁴

Then the tenth.

Zaunius was said to have told the Council of the League of Nations that no proceedings had been brought against former members of the Seimas for having submitted a complaint to the League of Nations.

Whereas in reality, the deputies answered, the prosecutions of the former members of the Constituent Assembly Bronislav Laus, Adolphe Grajevski and Anton Snelevski had not been discontinued, and an investigating judge was continuing to inquire into their case.²⁵

A state investigating the men who petitioned the guarantor institution, and telling the guarantor institution that it was doing nothing of the kind.

The eleventh concerned confiscation. Zaunius was said to have told the Council that the seizure of property belonging to persons who had served in the armies of countries in conflict with Lithuania was carried out by the criminal court. Under the amendment to the Agrarian Reform Law, section 1(E), published at number 158, both the confiscation of land and the establishment of the owners' and heirs' debts are effected by the Directorate of Agrarian Reform — an administrative organ.

The interpellation closed with two questions. Whether the Minister considered such assertions consistent with Zaunius's own stated desire to help the Council clarify the minority question completely. And what he proposed to do to prevent the honor and prestige of the Lithuanian Republic before the universal Forum from being compromised by declarations which do not correspond to reality.²⁶

²⁴ Ibid., items 3 through 9.

²⁵ Ibid., item 10.

²⁶ Ibid., item 11 and closing questions II and III.

Jewish, Polish and German parliamentarians, defending the honor of the Lithuanian Republic against the Lithuanian state.

IX. For Information Only

Zévi Aberson, the Committee of Jewish Delegations' representative in Geneva, transmitted the interpellation on July 28, 1925 to Afrânio de Mello Franco, the Brazilian representative whom the Council had charged with pursuing the questions raised at its thirty-fourth session, and in copy to Erik Colban, Director of the Minorities Section.

The document was received in the Registry the same day. It circulated to the Minorities Section, to Captain Walters, to the Political Section, to M. Attolico and to M. Azcárate. Francis Paul Walters would later write the standard history of the League. Pablo de Azcárate would later direct the Minorities Section and write the standard account of its work on minorities. The routing record places the file in offices associated with both men in August 1925.

The internal minute is four sentences long. The Representative of the Committee of the Jewish Delegations has communicated an interpellation from the Jewish, Polish and German deputy groups regarding declarations made by the Lithuanian Representative at the June meeting of the Council, which they consider as not being quite correct. It has been communicated for information. We ought to inform the Lithuanian representative about this.

*I do not think the point can be raised in connection with the petition, but I think a copy of the interpellation should be sent "à titre d'information."*²⁷

Colban signed the resulting letter on August 5, 1925. It went to His Excellency Monsieur Zaunius, Minister of Lithuania, 15 Quai du Mont Blanc, Geneva. It recites what the interpellation is, notes that it concerns the declarations made by the representative of Lithuania on the situation of minorities in Lithuania, and encloses a copy for his information.²⁸

A formal parliamentary charge that a member state's representative had made eleven statements that did not correspond to reality was received, circulated internally, held to fall outside the petition procedure, and within eight days posted to the man whose account it challenged.

Nothing was denied. Nothing was decided. The complaint was reclassified from an accusation into a piece of correspondence, and the correspondence was forwarded to its subject.

X. The Escalation, and the Farmers

Aberson did not accept the classification. He refiled at a level where classification was not available.

On September 3, 1925 he wrote to the Secretary-General directly, enclosing three annexes: a French translation of the extract from the 153rd sitting, the Lithuanian stenographic original, and

²⁷ Ibid. Minute of the Minorities Section to Mr. Colban, August 1, 1925.

²⁸ Ibid. Letter of the Director of the Section of Administrative Commissions and Minorities, for the Secretary-General, to His Excellency Monsieur Zaunius, Minister of Lithuania, 15 Quai du Mont Blanc, Geneva, August 5, 1925.

a table showing the numerical strength of every fraction and its representation on every commission. He asked that the contents be communicated to the Council's Rapporteur.

It worked, procedurally. On September 5 the Council examined the question of the protection of minorities in Lithuania and adopted the Brazilian representative's report. Its attention was drawn to petitions that had arrived after the report was drafted. On September 10 the Secretary-General issued Council document C.517.1925.I, circulating the new material to every member of the Council and sending it to the Lithuanian representative so that his Government might present such observations as it thought desirable.²⁹

The report had already been adopted. The dossier contains no reconsideration.

Under his third heading Aberson enclosed a note of facts on the conduct of Lithuania's agrarian reform administration toward Jews, drawn from the speech of Deputy Garfunkel at the 143rd sitting of the Seimas on December 3, 1924.³⁰ It is worth reading slowly, because it is the point at which the constitutional argument acquires families.

According to the cases Garfunkel placed before the Seimas, Joseph Patliunski had farmed at Felixavo for thirteen years and cultivated it with his family. He had no other resource. In November 1923 the agrarian commission of Telšiai awarded him eighteen hectares. When the parcelling plan came up for approval, the Agrarian Reform Administration withdrew the award and gave it to a man who had farmed there one year and had never served. Patliunski had been a soldier of the Russian army who volunteered in 1918 for the Lithuanian battalion organized at Rovno by Lithuanian officers, served eight months, and returned to Lithuania. His service certificate was in his file. The refusal was reasoned on the ground that his brother-in-law owned a mill, in which Patliunski held no share whatever.

Josifas Mareivičius volunteered for the fourth infantry regiment, served two years and seven months, and was promoted non-commissioned officer. He was born on the estate at Rodamino and had lived there all his life. The agrarian commission refused his application, while men who were not volunteers but merely conscripts received plots — among them a man from another canton entirely.

Greis had held the estate at Degučiai for thirty-eight years before the war, and since the war had farmed nineteen dessiatines with his son and their families, twelve people, under a lease from the Ministry of Agriculture. He had built two buildings on the land. When the estate was parcelled in June 1923 the agrarian commission of Rokiskis gave him nothing and divided his plot between two volunteers. Every non-Jewish tenant on the neighboring estates stayed where he was and received a plot. At Degučiai itself, land went to men who already held land, and to one man then under arrest on a political charge. Greis was told that if one of the volunteers gave up his

²⁹ R1654/41/46071/9556, Council document C.517.1925.I, Note by the Secretary-General, Geneva, September 10, 1925, in French and English.

³⁰ Ibid., enclosure to Aberson's letter of September 3, 1925: "Quelques faits relatifs à la politique pratiquée par l'administration lithuanienne des affaires de la réforme agraire à l'égard des Juifs," drawn from the speech of Deputy Garfunkel at the 143rd sitting of the Seimas, December 3, 1924.

plot it would come to him. One of them did. It went to someone else. Eventually he was offered one hectare.

Hirsch Kabačnik's family had held the farm at Stepanovo for more than thirty years — three to his grandfather, seven to his father, twenty-two to himself. He held a contract for twenty-one dessiatines and worked them with his family. The Alytus commission decided in August 1923 to give him ten hectares taken not from his own land but from elsewhere on the estate, land that was not arable and that was leased to another man, who was given something better. Kabačnik's land went to the smallholders of a neighboring estate. His complaint was left without action. Later the Administration withdrew even the ten hectares and gave them to a former soldier. He was also dispossessed of his buildings, on the ground that he held no title deeds to structures he had raised during the German occupation.

Golub Šimelis at Godji had thirty hectares under contract, seven horses and twenty pair of cattle, and eight dependants. The Alytus commission awarded him fourteen hectares. The central Agrarian Reform Administration overturned its own commission and gave the plot to a former soldier and the soldier's father, seven hectares each. He had no other resource.

And on July 28, 1923, when the Kaunas commission parcelled the Lipniai estate near Jonava, the Jewish community of Jonava asked for a few hectares on which to build a hospital. The request was refused, while allotments went to people who already held substantial land and other immovable property. The municipal council of Jonava asked for sites for five schools, Lithuanian and Jewish. It was granted sites for two, specified for the Lithuanian schools only, on the stated ground that the Jewish schools had their own buildings.³¹

Which, the note records, did not correspond to reality.

Citizens when Lithuania needed soldiers. A minority when Lithuania distributed land.

There is one further passage in Aberson's letter that deserves to be rescued from the file, because it is the most far-sighted thing in the whole dossier.

Article IV, paragraph 3 of the Lithuanian Declaration guaranteed free use of minority languages in private and commercial relations, in religion, in the press and in publications of every kind, and in public meetings. That guarantee, Aberson wrote, would become inoperative if the ignorance of minority languages by the officials charged with supervising such relations were accepted as a sufficient reason to suspend the right. He noted that in certain countries minority languages had already been barred from public meetings because the police supervising them did not understand what was being said. On the same principle, he observed, one could forbid all minority publication by invoking the ignorance of the censors.

Since the same clause appears in every minorities treaty and declaration, he asked whether the competent organ of the League ought not to give an authentic interpretation of it.³²

A request for a general ruling, made in 1925, on whether administrative incapacity may be pleaded to suspend a treaty guarantee. The dossier records no answer.

³¹ Ibid.

³² Ibid., letter of Zévi Aberson to the Secretary-General, September 3, 1925, section 2.

XI. The Register

Aberson asked whether the competent organ of the League ought not to give an authentic interpretation of a clause that appears in every minorities treaty. Nothing in the dossier answers him.

That silence raises a question the Lithuanian files cannot settle on their own. Was this treatment particular to Lithuania, or was it how the system worked?

There is a book that answers it, and almost nobody has read it.

In July 2026 I borrowed it through interlibrary loan. It came from the Gumberg Library at Duquesne University to Gratz College, wrapped, with a handwritten note asking that it be handled carefully. Herbert von Truhart, *Völkerbund und Minderheitenpetitionen*, Vienna and Leipzig, 1931. One hundred and eighty-one pages.³³

I found no publicly accessible scan. Not on HathiTrust, not on the Internet Archive, not in Google Books, not in any searchable repository. The United States public-domain threshold rolls forward one year at a time, and in 2026 it stands at works published in 1930. This book missed it by a year. To read it you borrow the physical object.³⁴

Truhart set out to record what happened to every minority petition submitted to the League of Nations from its founding to February 1931. Who filed. On what date. Against which state. On what subject. Whether the League ruled the petition receivable. Whether the state answered. Whether the matter reached a Committee of Three. What the Council decided, with the page of the *Journal Officiel* where the decision was printed.³⁵

He had not meant to publish. He printed his findings privately in the autumn of 1929 and circulated them among a limited circle, which is to say among the officials, delegates and organizations who ran minority policy in Europe. He writes that the work met with no attempt at refutation, and that the inquiries which followed persuaded him to bring it out. The introduction is signed Berlin, March 1931.³⁶

This is not an advocate's brief. It is a register compiled by a Baltic German writing from Berlin, published in Vienna, with the German minority in Poland as the evident center of his interest. He recorded the Jewish petitions because he was recording everyone's.

³³ Herbert von Truhart, *Völkerbund und Minderheitenpetitionen: Ein Beitrag zum Studium des Nationalitätenproblems* (Vienna and Leipzig: Wilhelm Braumüller Universitäts-Verlagsbuchhandlung, 1931), 181 pp. Library of Congress classification JC311 .T7 1931X. Interlibrary loan from the Gumberg Library, Duquesne University, Pittsburgh, to the Tuttleman Library, Gratz College, Jenkintown, Pennsylvania, July 2026; the volume derives from the James F. Clarke Collection.

³⁴ A search of HathiTrust, the Internet Archive and Google Books in August 2026 located no publicly accessible full-text scan. As of January 2026 HathiTrust had opened works published in 1930. The work was reviewed on publication in *International Affairs* 10, no. 4 (July 1931): 545.

³⁵ Truhart, *Völkerbund und Minderheitenpetitionen*, Vorbemerkung, 5.

³⁶ *Ibid.*, 5.

Five hundred and twenty-five petitions, filed between 1920 and January 1931 by nineteen peoples living in thirteen states.³⁷ Lithuania is the respondent in thirty-four of them.³⁸ Thirty-three were filed by Jews.³⁹

Four of those thirty-three concern Lithuania.

XII. Four Letters to Geneva

Page 87 of Truhart's register, under the heading Litauen, lists them.

The first is Motzkin's memorial of December 30, 1921 — the document set out in section IV above. Truhart records what became of it. It was mentioned in the report of the Brazilian delegate da Gama at the Council sitting of May 12, 1922, on the occasion of Lithuania's minority declaration.⁴⁰

Mentioned. Then nothing.

So the memorial that had been posted to the Lithuanian Minister in London for information in January 1922 surfaced once more, four months later, in a rapporteur's summary delivered on the day Lithuania made the declaration the memorial had asked the League to secure. That is the entire recorded life of the document.

The second is a petition of the Joint Foreign Committee in London, dated June 10, 1925, on the general situation. Truhart gives it no disposition of its own. He routes it into the Polish file.⁴¹

The third is Aberson's memorandum of September 3, 1925 — the document set out in section X. Truhart records that it was circulated to Council members as C.517.1925.I, that the Lithuanian government answered on November 28, 1925, and that the answer was circulated as C.744.1925.I.⁴²

That is the only one of the four which drew a reply from Lithuania, and the reply was not written to the Jews. It was written to cover the Polish filings, with the Jewish submission folded in.

³⁷ Ibid., 8. Upper Silesia is excluded from the count and treated separately, comprising a further sixty-four petitions, forty-nine German and fifteen Polish.

³⁸ Ibid., 8. Distribution by respondent state: Poland 155; Greece 66; Romania 63; Czechoslovakia 60; Yugoslavia 53; Lithuania 34; Turkey 29; Albania 24; Hungary 15; Austria 12; Latvia 6; Bulgaria 3; Estonia 2.

³⁹ Ibid., 9. Distribution by petitioning people: German 104; Bulgarian 65; Ukrainian 63; Hungarian 49; Albanian 36; Jewish 33; Greek 30; Polish 30; Carpatho-Ruthenian 22; Lithuanian 19; Russian 14; Armenian 12; Belarusian 6; Slovak 6; Serbian 3; Turkish 2; Romanian 1; Slovene 1; Czech 1. A further eighteen petitions concerned religious freedom, the petitioners' nationality not being ascertainable.

⁴⁰ Ibid., 87, section III (Litauen), item 1. *Journal Officiel* III, No. 6, p. 585.

⁴¹ Ibid., 87, item 2. Truhart routes the treatment of this petition to his entry at page 108, where it merges into the disposition of the Polish complaint.

⁴² Ibid., 87, item 3. Council documents C.517.1925.I and C.744.1925.I.

The fourth is a letter from the Committee of Jewish Delegations to de Mello-Franco, the Council's rapporteur on minorities in Lithuania, which Truhart dates September 1925, transmitting the text of the interpellation of June 23, 1925.⁴³

That creates a documentary tension. Section IX records Aberson transmitting the same interpellation to de Mello-Franco on July 28; the Secretariat disposed of that transmission à titre d'information on August 5. The most probable explanation is that the Committee sent the same charge to the rapporteur a second time after the first transmission was classified outside the petition procedure, although the surviving references do not conclusively establish the relationship between the two letters. The eleven assertions. The charge that Lithuania's representative had told the Council things that did not correspond to reality.

Against that fourth entry, in the column where Truhart records what the League did, he printed a question mark.⁴⁴

He had the *Journal Officiel*, the Secretariat's published statistics, and access to the people who ran minority policy. He could not establish that anything happened to it.

XIII. What Zaunius Told the Council

Truhart's Lithuanian entries also supply something the Geneva files do not: the League's own record of what Zaunius actually said.

The Jewish filings of 1925 went into a proceeding the Committee of Polish Exiles from Lithuania had opened with ten petitions between March 1924 and February 1925, on the use of the Polish language, on schooling, on agrarian reform, on arrests.⁴⁵ A Committee of Three put the matter on the Council's agenda. In March 1925 the Council heard the Lithuanian representative Sidzikauskas and charged de Mello-Franco with examining what he had said. In June it found that further explanation was needed.⁴⁶

So on June 11, 1925 the Lithuanian representative Zaunius rose before the Council of the League of Nations and made a declaration on six enumerated heads.

First, the right of minorities to submit petitions to the League at all.

Second, the exclusion of minorities from the parliamentary commissions.

Third, the methods used in the 1923 census.

⁴³ Ibid., 87, item 4: *Lettre adressée par le Comité des Délégations Juives auprès de la Société des Nations à M. de Mello Franco, rapporteur sur la question des minorités en Lithuanie*, September 1925.

⁴⁴ Ibid., 87. The entry reads *Behandlung durch den Völkerbund: ?*

⁴⁵ Ibid., 107. Ten petitions of the Committee of Polish Exiles from Lithuania, dated between March 11, 1924 and February 26, 1925, signed Stanislas Lopacinski, Casimir Zawisza and Antoni Snielewski.

⁴⁶ Ibid., 107. Council, 33rd Session, sitting of March 14, 1925; Council, 34th Session, sitting of June 10, 1925, *Journal Officiel* VI, No. 4, p. 484.

Fourth, the founding of schools for minorities.

Fifth, the use of minority languages in the press, at assemblies, before the courts, in the administration, on signs and inscriptions, in commercial and accounting books, in commercial and industrial undertakings, and in credit institutions.

Sixth, agrarian reform and its application: the expropriation of landed property as a punishment, without compensation, and the assessment and distribution of land and forests.⁴⁷

Set that beside section VIII. Twelve days after Zaunius spoke, the Jewish, Polish and German deputies of the Lithuanian parliament lodged an interpellation itemizing eleven of his assertions as not corresponding to reality. The subjects they disputed — the commissions, the census, the schools, the language regime, the agrarian administration — are the heads Truhart records him addressing.

The deputies' account of what Zaunius told Geneva is corroborated by a register compiled in Berlin by a man with no interest in the Jews of Lithuania.

Lithuania's opening item before an international body was not a defense on the facts. It was the question of whether minorities had the right to complain.

XIV. Prudence

On September 5, 1925 the Council adopted de Mello-Franco's report and closed the matter.

It declared that it relied on the prudence of the Lithuanian government, and expressed the hope that the government would succeed in dispelling whatever apprehensions still existed among the country's minorities and in convincing them that it was firmly resolved to apply its declaration of May 12, 1922 on the protection of minorities.⁴⁸

That is the entire outcome. Six documented heads of complaint, including the exclusion of minorities from parliament's own commissions, answered by reliance on prudence and an expression of hope. No finding. No remedy. No supervision. No date by which anything was to be done.

There is one further item in the same file. On September 4, 1925 the Polish exiles asked the Council to seek an advisory opinion from the Permanent Court of International Justice on the agrarian reform. The recorded disposition is that the material was transmitted.⁴⁹ No opinion was sought.

⁴⁷ Ibid., 108. Declaration of the Lithuanian representative Zaunius at the Council sitting of June 11, 1925, *Journal Officiel* VI, No. 7, p. 864.

⁴⁸ Ibid., 108. Council decision of September 5, 1925, 35th Session, *Journal Officiel* VI, No. 10, pp. 1339 and 1452.

⁴⁹ Ibid., 108, item 6: *Pétition du Comité des exilés polonais en Lithuanie au nom de la minorité polonaise*, September 4, 1925, signed Casimir Zawisza, requesting an advisory opinion of the Permanent Court of International Justice on the agrarian reform. The recorded disposition is transmission of the material.

Sixteen years later Lithuania had the highest murder rate of Jews in Europe.⁵⁰

I make no claim that the League could have prevented that. The Jews of Lithuania used the one international remedy available to them. They used it correctly, through the recognized organizations, with counsel, on documented facts, four times. The remedy produced reliance on prudence. They learned by September 1925 what the mechanism was worth, and they had sixteen years to consider it.

XV. How a Complaint Disappeared

Truhart recorded the machinery. It is why so many entries in his register end in a question mark.

From September 5, 1923 a petition had to satisfy five conditions to be admitted. It had to concern minority protection under the treaties. It had to avoid seeking a rupture of political relations between the minority and the state. It could not come from an anonymous or poorly designated source. It had to be drafted without violence of language. And it had to contain facts not recently the subject of an ordinary procedure.⁵¹

Of the 344 petitions the Secretariat received after that resolution, 236 went to Committees of Three. Eighty-two were removed from the procedure by the Secretary-General on the basis of his personal assessment. For twenty-six more, Truhart could not establish whether any decision had been taken. He believed a considerable number of further submissions belonged to the excluded group and could not be traced at all.⁵²

That power was not an irregularity. The Council expressly confirmed it to the Secretary-General in June 1929.⁵³

And the petitioner was told nothing. Under the system in force there was no communication to a petitioner about receivability. A petitioner who inquired after the fate of a filing was told only whether some member of the Council had drawn the Council's attention to the subject.⁵⁴

Truhart documented what that meant in practice, in a case adjacent to this one. The Committee of Jewish Delegations filed on Latvia on December 30, 1921 — the same day Motzkin filed on Lithuania. The Latvian government answered on February 18, 1922. The petitioners were not notified. The Committee filed again in April 1922. The Latvian government made several further

⁵⁰ Approximately 96.4 percent of Lithuania's Jewish population was murdered between 1941 and 1944, the highest murder rate in Europe. Embassy of Israel in Lithuania, "[Commemorating IHRD in Lithuania, 2025](#)", stating that over 200,000 Lithuanian Jews were murdered, "the highest percentage of any country in Europe."

⁵¹ Truhart, *Völkerbund und Minderheitenpetitionen*, 171–172, reproducing the Council resolution of September 5, 1923.

⁵² *Ibid.*, 17.

⁵³ *Ibid.*, 17, 173 and 177. The power was expressly confirmed to the Secretary-General by the Council decisions of June 8 and 13, 1929.

⁵⁴ *Ibid.*, 174.

statements, and Truhart records that the petitioners were not officially informed of their contents.⁵⁵

From 1929 the Secretary-General was required to publish an annual statistic on the handling of petitions. The first appeared, covering June 1929 to May 1930. The Council had restricted it to bare numbers, avoiding even the naming of the petitions dealt with. Truhart states that such figures cannot convey a clear picture of how the petition procedure was actually handled.⁵⁶

A complaint could be terminated by one official, on his own assessment, without a stated reason, without notice to the complainant, and without the Council ever learning it had been made. The published record was then constructed so that nobody could count what had been buried.

Truhart's summary of what the whole apparatus produced runs to one sentence. In no case was a complainant granted their full right by the Council.⁵⁷ Not one, across 314 complaint cases, in eleven years.

He asked whether it was any wonder that the confidence of minorities in the protection of the League threatened to dwindle, and whether the League had ever been in a position to fulfill its guarantee.⁵⁸ He asked that in March 1931.

XVI. The Prohibition on Comparison

One further entry belongs here, because it concerns Lithuania directly and because it has an afterlife.

On September 8, 1928 the Council took note of the final report of a Committee of Three and of the declaration of its chairman, the Chinese representative Wang King-Ky, adopted after a detailed exchange in which Woldemaras and Zaleski both took part. The chairman stated the Committee's view that, having regard to the aim of minority protection and to the provisions of the peace treaties and the Council resolutions, one must avoid dealing with particular cases while comparing the situation of minorities in the two states concerned.⁵⁹

The merits of a complaint, in other words, were not to be determined by setting one state's treatment of a minority beside another's.

⁵⁵ Ibid., 86, section II (Lettland), item 2: *Mémoire sur la Situation de la Minorité Juive en Lettonie*, presented to the Council by the Comité des Délégations Juives, December 30, 1921; and second memorandum of April 20, 1922 addressed to the Council, to Sir Eric Drummond and to Erik Colban.

⁵⁶ Ibid., 17 and 179. Anlage 3, *Journal Officiel* XI, No. 7, p. 827.

⁵⁷ Ibid., 16. Of 314 complaint cases, 21 reached the Council and Committees of Three reported on a further 29. In eleven cases the Council saw no occasion to intervene or declined to take an express position; in six, examination led to a compromise; in three, the parties reached a direct understanding and the Council took note; in one, proceedings had not concluded.

⁵⁸ Ibid., 16 and 18.

⁵⁹ Ibid., 105. Council decision of September 8, 1928, 51st Session, *Journal Officiel* IX, No. 10, p. 1497.

Lithuania was, at that moment, both things at once. It was a complainant before the League on behalf of Lithuanians under Polish rule in the Wilna region, filing memoranda signed by Basanavičius and by Galvanauskas.⁶⁰ And it was a respondent to petitions from Jews, Poles, Russians, Ukrainians and Belarusians living inside its own borders. The one institution positioned to weigh the two records together was instructed not to.

XVII. What Became of Them

The coup of December 17, 1926 destroyed effective parliamentary government in Lithuania. The Seimas that had written

except the minorities into its own procedure survived formally until President Smetona dissolved it on April 12, 1927, without calling the constitutionally required elections; with it went whatever remained of the arrangement of 1919.

Follow the two men.

In early 1932, amid an international crisis over Lithuanian policy toward the German minority of the Memel Territory, Jacob Robinson traveled to Geneva as legal adviser to the Lithuanian Foreign Ministry, accompanying Foreign Minister Dovas Zaunius to a hearing of the Council of the League of Nations, where Zaunius had to deliver Lithuania's official response to charges levelled against it on the treatment of a national minority. The case could not be settled in Geneva and went to the Permanent Court of International Justice at The Hague, where Robinson was present as an adviser and where his own study of the Memel question formed the basis of the Lithuanian defence.⁶¹

Read that again with 1924 in mind.

The man the Lithuanian parliament had rejected twenty-two to sixteen, and then told twice there was no place for him, was the man the Lithuanian state sent to Geneva seven years later to defend it on minority rights — standing beside the same Zaunius whose account to the same Council his own faction had itemized, line by line, as not corresponding to reality.

Lithuania had no place for him in the Economic Commission of its parliament. It had a place for him when it needed someone to argue its minority record before the world.

He left Lithuania in 1940 and reached New York by way of Lisbon. He founded the Institute of Jewish Affairs, which produced some of the earliest systematic documentation of the fate of the Jews of Nazi-occupied Europe. He advised the chief American prosecutor at Nuremberg in 1945 and 1946. He was closely involved in the design of the United Nations Commission on Human Rights. In 1961 he assisted Gideon Hausner at the trial of Adolf Eichmann.⁶²

⁶⁰ Ibid., 100–103. Lithuanian government memorandum of October 28, 1921 on the treatment of the Lithuanian population in the Wilna region; declaration issued at Wilna, January 21, 1922, signed Dr. Basanavičius as Vice-President; letter of the Lithuanian government of December 17, 1923 signed Galvanauskas concerning Lithuanian schools in Wilna and Pusk-Sejny.

⁶¹ Omry Kaplan-Feuereisen, [“At the Service of the Jewish Nation: Jacob Robinson and International Law”](#), p. 11.

The categories by which the murder of European Jewry was eventually named in law were built, in part, by a man whose own parliament had told him there was no room.

Leib Garfunkel stayed.

He had been general secretary of the Jewish National Council of Lithuanian Jewry, whose effective authority had been dismantled in 1924 and whose proposed statutory restoration the Seimas rejected on March 31, 1925. He sat on the Kaunas city council from 1924. He was the first editor of

Di Yidishe Shtime and of *Dos Vort*. He remained a deputy until the coup.

On August 5, 1941, in the ghetto at Vilijampolė, some thirty community leaders met to constitute a Council of Elders. They elected Dr. Elchanan Elkes chairman. They elected Leib Garfunkel his deputy.⁶³

He survived the ghetto and the camps that followed it, and wrote one of the essential books on the destruction of Jewish Kaunas. In 1976 he gave Claude Lanzmann the first interview Lanzmann filmed for *Shoah*. He died a week later.⁶⁴

Sixteen days before the Seimas resolved to exclude the minorities from its commissions, Garfunkel stood in that chamber and read out what was being done to Jewish farmers who had volunteered for the Lithuanian army. Seventeen years later he was deputy chairman of a Jewish council in a ghetto, in the state with the highest murder rate of Jews in Europe.

I am not claiming that the vote of December 19, 1924 caused what happened in 1941. It did not. What the record shows is narrower and, I think, harder to dismiss. Long before the German occupation, Lithuania had established that the guarantees it had given its Jews could be narrowed at will by ordinary majority, that the account it gave abroad need not match the record at home, and that Jews who documented the difference would find the documentation received, registered, circulated and filed. On the evidence of these files, nothing in that sequence ever produced a decision.

XVIII. The Shape of It

Set the four stages beside one another, all of them inside Lithuania's first seven years of recognized statehood, all of them in the archive of the guarantor.

A promise, drafted voluntarily and tendered internationally at the moment recognition was being sought. A guarantee construed by an administrative body so as to defeat itself, with the construction defended as arithmetic. A parliament excluding the minority bloc expressly or effectively from twelve of its fourteen commissions, while the handling of the remaining two

⁶² Hebrew University of Jerusalem, [Jacob Robinson Institute](#), "About"; and Encyclopaedia Judaica, "Robinson, Jacob."

⁶³ United States Holocaust Memorial Museum, "[Leib Garfunkel — Ghetto Kovno](#)"; Yad Vashem, "How the Jewish Police in the Kovno Ghetto Saw Itself."

⁶⁴ Ibid. Garfunkel, *Kovno ha-Yehudit be-Hurbanah* (Jerusalem, 1959). The interview was the first Claude Lanzmann filmed for *Shoah*; Garfunkel died a week later, on September 7, 1976.

produced protest, rejection and attempted renomination. A statute entrenching the dismantling of the arrangement, a representative giving Geneva an account his own parliamentarians itemized as false, and petitioners under investigation for having petitioned.

And a guarantor that received all of it and decided none of it.

I am not arguing that a single unbroken policy runs from 1919 to 2026. Authoritarian rule, Soviet occupation, German occupation, the murder of Lithuania's Jews, renewed Soviet rule and restored independence all lie between, and any thesis that ignores them is not worth defending.

The claim is narrower. At each point where Lithuania has sought recognition, legitimacy, or protection from criticism, it has offered expansive commitments concerning Jews. What the archive establishes is what has followed each time: domestic narrowing of the commitment, a more favorable account presented abroad, Jewish documentation of the difference, and an international procedure that received the documentation without producing a remedy.

Promise. Retrenchment. The version told abroad. Procedural closure.

Three different international regimes have now presented Lithuania with the same underlying transaction: standing in exchange for commitments concerning Jewish rights, Jewish history, or the Jewish dead. Recognition at the Peace Conference in 1919. The Declaration before the Council of the League in 1922. Membership of the International Holocaust Remembrance Alliance since 2002 — a credential which rests on undertakings about Holocaust education, remembrance, research, open archives and honest public examination of a country's own past.

The first two are matters of record. The record is above.

XIX. August 2026

On January 21, 2026, the Lithuanian government adopted a 157-measure Action Plan for Combating Antisemitism, Xenophobia, and Any Other Form of Incitement to Hatred and for Fostering Jewish Life.⁶⁵ The Foreign Minister carried it to Munich in February and presented it to the chief executive of the American Jewish Committee. On May 1 a Lithuanian delegation presented it to a Jewish audience in Los Angeles.

Since then the government that adopted it has fallen and been replaced. On July 22 the Court of Appeal doubled the penalty against a sitting member of the Seimas for inciting hatred against Jews and grossly trivializing the Holocaust, finding that he had systematically distorted historical facts.⁶⁶ His party had sat in the coalition that adopted the antisemitism plan.

Lithuania presents the number as the achievement. One hundred and fifty-seven measures.

Lithuania wrote a better plan in 1919. Eight principles, and every one of them more substantial than a seminar. It wrote that plan voluntarily, before anybody compelled it, and it asked to be thanked for the initiative.

⁶⁵ Lithuanian National Radio and Television, [“Lithuania’s govt approves action plan to combat antisemitism, xenophobia and hate,” January 21, 2026.](#)

⁶⁶ Lithuanian National Radio and Television, [“Appeals court finds MP Žemaitaitis guilty of antisemitism, trivialising Holocaust,” July 22, 2026.](#)

So the questions that matter are not about the count.

Does any measure open an independent examination of the state institutions that produce contested history, or does the plan leave the LGGRTC as the authoritative voice on the Holocaust? Does any measure withdraw a single state honor from a single documented perpetrator? Does any measure require a state institution to retract a demonstrably false historical claim? And who evaluates performance — Lithuania, or a body capable of concluding that Lithuania has failed?

That last question is the one this archive was assembled to answer, and the answer it gives is not encouraging.

In 1922 the guarantor sent the promise to the Lithuanian Minister in London, for information. In 1925 it sent the accusation to the Lithuanian Minister in Geneva, for information. In September 1925 it relied on Lithuania's prudence. In 1928 it instructed that Lithuania's record was not to be weighed against another state's. On every occasion the material was contemporaneous, detailed, and supported by statutes, gazette numbers, parliamentary records or named cases. On no occasion did anyone decide anything.

The Jewish representatives of interwar Lithuania did not fail for want of evidence. They had the statutes, the gazette numbers, the parliamentary transcript, three of the finest jurists in Europe, and the arithmetic. What they lacked was an institution willing to reach a conclusion.

XX. The Thing That Changed

On August 26, 2026 a Lithuanian court sits in the case of Artur Fridman.

Fridman is a Lithuanian Jewish citizen. On May 9, 2024, at Antakalnis Cemetery, he posted after visiting the grave of his grandfather Aron Fridman, a Jewish Red Army soldier who fought Nazi Germany. Authorities imposed a written pledge not to leave the country on January 8, 2025; on October 30 — seventeen months after the post — prosecutor Kristina Minko signed a 220-page indictment in Case No. 02-2-00512-24 under Articles 170-2 §1 and 313 §2. The indictment relies in part on LGGRTC Letter No. 13R-645, confirming Ramanauskas's Soviet security-service recruitment contact under the codename Džūkija.⁶⁷

Set that against the century recorded above.

In 1921 Motzkin filed and the memorial was posted to the Lithuanian Minister in London, for information. In 1922 three of Europe's leading jurists demolished the electoral construction and the file records no decision. In 1924 the Jewish faction's nominee was defeated and then told twice that there were no places; Finkelšteinas received the third refusal. In 1925 the deputies charged the state's representative with eleven statements that did not correspond to reality, and the charge was forwarded to the man whose account it challenged. In September 1925 the Council relied on Lithuania's prudence. In 1928 comparison was ruled outside the method.

⁶⁷ Case No. 02-2-00512-24. Indictment particulars and LGGRTC Letter No. 13R-645 are from the case file; hearing date of August 26, 2026, from court notice held by the author. See Grant Arthur Gochin, [“The Prosecution of Artur Fridman,”](#) [The Times of Israel](#), April 30, 2026.

Every one of those is a procedural disposal. Nobody was punished. Nobody was vindicated. The complaint was received, registered, circulated and filed.

That is no longer the pattern.

In 1925 the Lithuanian deputies told the Council that proceedings against former Constituent Assembly members Bronislav Laus, Adolphe Grajevski and Anton Snelevski for having submitted a complaint to the League had not been discontinued, and that an investigating judge was still inquiring into their case — while Lithuania's representative told the same Council that no such proceedings existed. That was the earliest form of it: the state investigating the men who petitioned the guarantor, and denying to the guarantor that it was doing so.

A hundred and one years later the state has stopped denying it.

The Jewish complaint about Lithuanian history is no longer received and filed. It is charged. What a century of archives records as procedural termination has become, in the case listed for August 26, a criminal matter with a Jewish defendant.

Lithuania has never suffered from a shortage of promises to Jews. What the record examined here does not reveal is a body that squarely determined whether these promises were kept and supplied an enforceable remedy when they were not. What Lithuania has now produced instead is a courtroom, and in that courtroom the Jew is not the complainant.

In December 1924 the Lithuanian parliament rejected Jacob Robinson twenty-two votes to sixteen, and then told him twice more that there was no room for him. He went on to help build the legal architecture by which the murder of his people was named, judged and recorded.

The place he was denied was in a committee of a small parliament in Kaunas. The place still vacant, nearly a hundred and two years later, is the one where somebody decides.

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