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Final Report

TITLE VIII RESEARCH SCHOLAR PROGRAM
TITLE VIII COMBINED RESEARCH AND LANGUAGE TRAINING PROGRAM

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Holocaust Retribution in the Polish-Soviet West, 1944-65

June 1, 2019 – August 31, 2019
Vilnius, Lithuania

Research Abstract:

This research is part of a broader project examining how governments and citizens of two different communist states, Poland and the Soviet Union (with emphasis on Lithuania), endeavored to confront the aftermath of violence during the Second World War, particularly through the pursuit of justice for Jews murdered in the Holocaust. The spectrum of analysis includes criminal trials against local (non-German) perpetrators and literary/fine arts representation of the Holocaust and meanings of justice by Jews and non-Jews of Polish, Ukrainian, and Lithuanian background. My comparison of the western USSR and Poland, grounded in Russian imperial and Soviet borderlands methodology, shows how patterns of punishment among European communist states reflected broader politics of memory and citizenship.

Research Goals:

My main research goal was to ask whether we can speak of a Soviet project of Holocaust justice in the context of postwar criminal trials in the Polish-Soviet West (spaces formally within postwar Poland but heavily influenced by hard or soft Soviet policies; and western Soviet

territory politically connected to formal Polish territory), and to ascertain the purpose, function, and visibility of such a process. As the pursuit of Holocaust justice is typically associated with the inauguration of the Eichmann Trial in Jerusalem in 1961, I aimed to research how the Soviet practices of justice for Jews murdered in the Holocaust compared in the decades before Eichmann's sentencing.

Practical research goals consisted of completing in-depth archival research and training in Lithuanian language, required to carry out this project. Specifically, I aimed to review interrogation records and administrative paperwork of persons involved in the Holocaust, located in the Lithuanian Special Archives (LYA) in Vilnius. The LYA is the former NKVD/KGB archive of Soviet Lithuania, and its open access constituted the main reason for long-term research in Vilnius, as the central former NKVD/KGB archives in Moscow remain closed to the public. I also intended to work in the Lithuanian Central State Archives (LCVA) reviewing topical protocols and minutes related to judicial and other forms of transition to Soviet rule. Lastly, I planned to regularly research postwar creative production concerning representations of war and the Holocaust in the Lithuanian Archives of Literature and Art (LLMA). Additionally, the review of materials (non-digitized newspapers, in particular) at the Lithuanian National Library was an ongoing goal throughout the duration of my research stay.

In the archives, I aimed to collect and analyze interrogation stenograms, trial paperwork, and appeals of the accused for release from the Gulag collated in individual case files. I intended to search for witness testimony indicating how Jews either corroborated or directly contradicted others' interpretation of events; and for trial and Party records indicating the perspectives and motives of case managers at the local, national republic, or central state level regarding sentencing or appeals. I sought holistic and specialized materials, as well as subjective sources,

on creative production, Soviet nationalities policy, religion, and official memory of the war in order to contextualize my main source base (trial records).

Research Activities:

During my research program I was affiliated with the Institute of International Relations and Political Science at Vilnius University under the supervision of Dr. Violeta Davoliute, a specialist on Sovietization and Nazism in Lithuania. I took tri-weekly private Lithuanian language lessons and completed a two-week intensive advanced language program at the *Lingua Lituanica* language school in Vilnius. I met regularly with my advisor and another local scholar with whom I became acquainted to discuss mutual research. My research activities consisted of daily in-depth archival research; including recording notes, analyzing data, and photographing materials. Additionally, I met with several independent human rights and political activists and regularly attended public academic lectures in Vilnius.

At the LYA I reviewed several files in the following collections: k-40, aps. 1 and 2 (interrogation units of the Soviet Lithuanian NKVD/KGB) and K-15, ap. 1 (NKVD/MGB/KGB 10th division operational and filtration files, war crimes records, etc.). Additionally, I reviewed a Polish repository collection (K-48, ap. 1) including Polish security records and files related to war crimes and the Holocaust, Lithuanian and Polish collaborators with the Germans, and postwar Polish-Soviet relations in respect to Polish-Lithuanian relations. I made ongoing use of the individual case files of Holocaust perpetrators in k-1, ap. 58 throughout the summer, as needed.

At the LLMA I extensively reviewed materials and protocols of the Soviet Lithuanian Writers Union (f. 34) from the 1940s to 1960s in follow up to research I did at the LLMA in spring on literary and artistic production on the Holocaust and themes of justice.

At the LCVA I collected records from f. 181 (aps. 1 and 2) on the postwar Jewish community in Lithuania and the interactions with authorities on a variety of communal and Holocaust commemoration (but not legal) issues. I ended my work at LCVA by researching how war crimes trials fit into the process of legal reform and creation of a new criminal code in the 1950s and 60s. I reviewed protocols from the Ministry of Justice (f. 761, ap. 1) related to legal reform, criminal policy, and sentencing in the 1950s; and the 1961 project to reform the criminal code of Soviet Lithuania in f. R-524, ap. 1.

Supplemental work at the Lithuanian National Library included comprehensive reviews of the central newspaper *Tiesa* and the literary/artistic/cultural journals *Pergalė*, *Literatūra ir menas*, and *Švyturys*.

Important Research Findings:

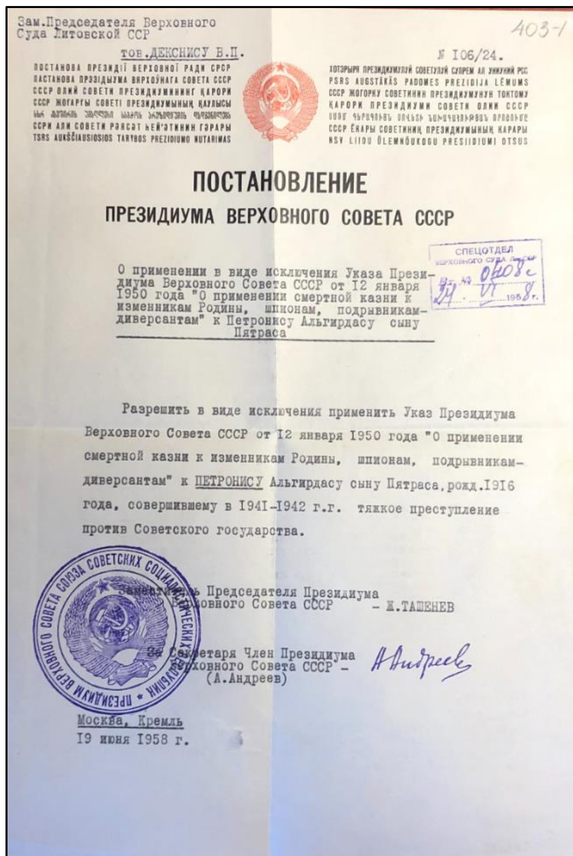
While Soviet retributive practices undermined a normative justice for genocide, the officials conducting the trials navigated the murky terrain between individual and collective responsibility, and between desires for justice and desires for retribution. My comparison of legal trials and artistic production in the context of post-Holocaust Europe illustrates that the Soviet Union and its communist satellite states were invested in an Enlightenment project of progress and justice, by which a state may act ruthlessly against its own citizens while also remaining strong in its defense of humans.

Stereotypes of "draconian" communist justice in the postwar internationalized sphere of Soviet influence (direct or indirect) in Eastern Europe are not supported by my research findings, when the topic of analysis concerns trials against non-Jews who participated in the Holocaust. The evidence suggests that relatively few received the death penalty, which, when applied, was reserved for individuals who personally shot Jews, typically as members of police battalions or national resistance groups. Individuals who helped arrest and escort Jews to mass shootings sites, requisitioned and/or traded in Jewish property, guarded Jews during mass shootings, supervised labor camps, and/or beat Jews at any time typically received 5-25 years imprisonment in the Soviet penal administration (Gulag) with confiscation of property. The evidence suggests that the Soviet state preferred to try Holocaust perpetrators secretly, except in high profile cases that supported the pedagogical aim of emphasizing the superiority of Soviet law and morality. The scholarship and popular memory hold that 1) the Soviet Union obscured Jewish victimhood in the Holocaust by referring to Jews as "Soviet citizens" and 2) that trials of Holocaust perpetrators should not be interpreted as Holocaust trials because the culprits were tried with treason and not crimes against Jews specifically. Indeed, my research findings show that the USSR typically used its own prewar legal codes (specifically the catch-all Article 58 for treason and anti-state crimes) against perpetrators, rather than its own special legislation qualifying Nazi atrocities in law (the presidium decree of 19 April 1943, Ukaz 39). But substantiation for the charge of treason and anti-state crimes in cases I reviewed nearly always evoked, specifically, participation in shootings of Jews.

My research findings support my preliminary assertion that precisely because much of the Holocaust had taken place in Lithuania, local authorities were particularly attuned to violence against Jews in treason trials against Nazi collaborators; and that the Soviet Union rebranded

crimes against humanity as crimes against the Soviet state, even in cases that were not used for public and international propaganda purposes, with an eye to efficiency in prosecution and prevention of similar crimes in the future; and that momentum was propelled locally among Lithuanian authorities.

Using prewar codes, particularly Article 58, allowed the USSR to avoid concerns about retroactive application of law and to ensure that crimes against Jews were punished. In a word, the goal was to punish crimes against Jews, not obscure them. This is illustrated by a document I found in which the Kremlin in 1958 (Figure 1) instructed Lithuanian authorities to apply the death penalty for "traitors, spies, and diversionists" to a man, Algirdas Petronis, whose case was solely based on his commanding of a battalion which carried out shootings of Jews.



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ПОСТАНОВА ПРЕЗИДІЇ ВЕРХОВНОЇ РАДИ СРСР
ПАСТАНОВА ПРЭЗІДЫУМА ВЯРХОЎНАГА САВЕТА СССР
СССР ОЛИЙ СОВЕТИ ПРЕЗИДИУМИНИНГ ҚАРОРИ
СССР ЖОҒАРҒЫ СОВЕТІ ПРЕЗИДИУМЫНЫҢ ҚАУЛЫСЫ
ССРИ АЛИ СОВЕТИ РӘЈСӘТ ҺЕЈ'ӘТИНИН ГӘРАРЫ
TSRS AUKŠČIAUSIOSIOS TARYBOS PREZIDIUMO NUTARIMAS

PSRS AUGSTĀKĀS PADOMES PREZIDIJA LĒMUMS
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ПОСТАНОВЛЕНИЕ
ПРЕЗИДИУМА ВЕРХОВНОГО СОВЕТА СССР

СПЕЦОТДЕЛ
Вх. № 0408с
24. VI. 1958 г.

О применении в виде исключения Указа Президиума Верховного Совета СССР от 12 января 1950 года "О применении смертной казни к изменникам Родины, шпионам, подрывникам-диверсантам" к Петронису Альгирдасу сыну Пятраса

Разрешить в виде исключения применить Указ Президиума Верховного Совета СССР от 12 января 1950 года "О применении смертной казни к изменникам Родины, шпионам, подрывникам-диверсантам" к ПЕТРОНИСУ Альгирдасу сыну Пятраса, рожд.1916 года, совершившему в 1941–1942 г.г. тяжкое преступление против Советского государства.

Заместитель Председателя Президиума Верховного Совета СССР – Ж.ТАШЕНЕВ

За Секретаря Член Президиума Верховного Совета СССР – (А.Андреев)

Москва, Кремль
19 июня 1958 г.

Figure 1

In his case, the gravity was interpreted as acting against state and people, mutually: "Petronis committed especially grave crimes against Soviet power, against his people [*Petronis įvykdė ypatingai sunkų nusikaltimą prieš Tarybiną Valstybę—prieš jos liaudį*]."[1] Information from other cases was used to corroborate his actions. The recurring and specific transgression in cases over time (1944-68) which I reviewed was specifically defined as "personal participation in mass murder [*asmeninis dalyvavimas masinėse žudynėse*]." In such cases, participants all strove to ascertain what counted as "personal" or "direct" participation in the committal of a "very grave crime [*labai sunkų nusikaltimą*]" evoked typically as "participation in mass shootings of Soviet citizens of Jewish nationality" and ascribed, particularly in the cases carried out locally and in Lithuanian language, as "crimes against humanity [*nusikaltimus prieš žmoniją*]."[2] Whether or not somebody personally pulled triggers was relevant for degree of sentence, although those who did not shoot but otherwise participated were still perceived as guilty.

When Soviet Lithuania began a project to reform the criminal code in 1961 in the aftermath of the death of Stalin and Khrushchev's secret speech denouncing Stalinist crimes, drafts stipulated that a main goal was to ensure that "not one innocent person is punished and sentenced [*kad nė vianas nekaltas asmuo nebūtų patraukiamas baudžiamojon atsakomybėn ir nuteisiamas*]" but that "Criminal procedures should strengthen socialist law, prevent crimes, and permanently liquidate them [*Baudziamanio prosesas turi padeti stiprinti socialistini teisetuma, uzkirsti kelia nusikaltimams ir juos visiskai likviduoti*]."[3] This admission that socialist justice had unfairly punished the non-guilty could support the artificial creation of guilt and social danger in

[1] LYA k-15, ap. 2, b. 24, ap. v. 127.
[2] LYA k-15, ap. 2, b. 24, ap. v. 202.
[3] LCVA, f. R-524, ap. 1, b. 6, l. 2.

benign activities, such as listening to Radio Free Europe. But in cases of Holocaust perpetrators and accomplices, their guilt remained evident amid concern that many sentences had been too lenient. While language in the 1950s and 1960s in the aftermath of the UN Genocide Convention and inauguration of the Eichmann trial reflected a more explicit discourse of crimes against humanity, my research findings indicate that proper punishment for participation in shootings of Jews particularly preoccupied authorities amid their general efforts to confront treason (real or imagined) since the early aftermath of war.[4]

In July 2018, I determined that People's Poland had opted to end trials against Nazi collaborators in 1965. However, while researching in Vilnius I ascertained that the Polish Communist government and judiciary continued to collaborate with Soviet Lithuania in pursuing cases against ethnic Lithuanians living in postwar Poland who had participated in Holocaust crimes.

My findings illustrate a range of motives for participating in the Holocaust and undermine assertions in the Lithuanian scholarship that participation in the Holocaust was limited solely to either 1) society outcasts or 2) nationalists.

In Soviet Lithuania, just as in other areas of Eastern Europe, there was no collective Jewish response to Holocaust justice. Some Jews wanted legal justice for the crimes, others viewed justice as the building of a society in which racialized violence and discrimination would never happen again. Jewish cultural figures who engaged the theme of Holocaust justice in their creative works balanced the two, sometimes competing, approaches.

[4] LYA, k-40, ap. 1, b. 2, ap. v. 28-30.

A particularly intriguing finding was a transcription of the famous Soviet writer Ilya Ehrenburg’s 1947 visit to the Lithuanian Writer’s Union. During his visit, he articulated divergent understandings of justice among state authorities in the Party-legal sphere, and those in the creative sphere. Namely, Ehrenburg’s conception of justice changed from a wartime retributive intent for stopping murders as they were happening “in-time” to a more philosophical, non-punitive justice based in forward-thinking exposition of the conditions for the break in human solidarity.

Kaina 20 kap.

Visų šalių proletarai, vienykitės!

TIESA

LIETUVOS KOMUNISTŲ PARTIJOS (bolševikų) CK ORGANAS

Paneriai

Nėra Lietuvoje žmogaus, kuris nebūtų girdėjęs šio vardo. Vokiečių okupacijos laikais šis žodis kiekvienam mūsų krašto piliečiui kėlė pasibaisėjimo jausmą, o dabar jis teprimena tik netolimą siaubingą praeitį. Nuostabiai gražioje Vilniaus apylinkėje, Panerių kalnuose dar visai neseniai aidėjo kulkosvaidžių ir automatų šūviai. Čia hitleriniai barbarai, apakinti žmogėdriškos rasinės teorijos, kupini neapykantos visoms nevokiečių tautoms, masiškai naikino savo pavergtųjų kraštų gyventojus — vyrus ir moteris, vaikus ir senius. Šitokiomis priemonėmis hitlerininkai svajojo paruošti dirvą plačiems vokiškųjų grobikų kolonizaciniams planams jų pagrobtose šalyse.

Vyriausiojo Kariuomenės Vado

ĮSAKYMAS

Figure 2: September 1944 *Tiesa* article describing mass murder at Ponar and human racial theory

Figure 3: Grant recipent at the Lithuanian Special Archives, August 2019

Program for Research and Training on Eastern Europe and the Independent States of the Former Soviet Union (Title VIII)
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Figure 4: Memorial march commemorating the murder of Jews in Biržai
June 17, 2019

Policy Implications and Recommendations:

Since the post-communist transition, anti-Soviet bias and the tacit (and sometimes explicit) justification of Holocaust collaboration remains deeply institutionalized in Lithuania. Lithuanian courts, like elsewhere in former Soviet space, have demonstrated an expansive scope of "participation" in ascribing collaboration in Soviet crimes, but not in Holocaust crimes.[5]

During my program, the mayor of Vilnius, Remigijus Šimašius, ordered the removal of a commemorative plaque honoring Jonas Noreika who was executed by Soviet authorities in 1947 for his role in nationalist anti-Soviet resistance. He also signed orders sanctioning the removal of

[5] "Complaint Regarding the Changing of a Finding of History," by Grant Gochin to the Budgetary Enterprise Center for the Study of the Genocide and Resistance of Residents of Lithuania, 29 August 2019, Vilnius, available from https://ggochin.files.wordpress.com/2019/09/noreika-complaint-8-29-19.pdf.

Jews from their homes into the ghetto in Šiauliai and the requisition of their property in 1941. Additionally, he commanded the Lithuanian Activist Front whose members participated in mass shootings of Jews. Noreika is celebrated in Lithuania as a hero of anti-Soviet resistance. After Šimašius organized the successful removal of the plaque, it was reinstalled on a state building without government permission and remains in place. There is an ongoing court case in Vilnius regarding public commemoration sites in Noreika's honor. Šimašius recently successfully organized the renaming of another street which had previously been in honor of a Holocaust collaborator.

The Center for the Study of the Genocide and Resistance of Residents of Lithuania has "only considered whether Noreika was what they consider a direct participant in the Holocaust."[6] This echoes the Soviet practice of Holocaust justice—the research topic of my American Councils grant—which was limited in scope and focused primarily on the process of mass shootings.

The litigation of historical memory should be met with policy that seeks to discourage the glorification of Holocaust collaboration in areas of the former USSR, such as the example of US diplomat, Cherrie Daniels.[7] However, diplomats should also actively applaud and encourage local efforts to end glorification of Holocaust collaborators as they occur, so that policy functions as reinforcement rather than reprimanding.

[6] Ibid.

[7] "US diplomat tells Lithuania not to glorify Holocaust collaborators," *LRT*, September 19, 2019, available from https://www.lrt.lt/naujienos/news-in-english/19/1098192/us-diplomat-tells-lithuania-not-to-glorify-holocaust-collaborators-every-country-has-its-dark-moments?fbclid=IwAR2kVzleUHwrydpKReC-PZwHDwl-5OhSqRMKbQbUshafVsZOqBBgpIK771Y.

Deep readings of case files and administrative records contextualized by the broader historiography of the rise of fascism and the international efforts to confront the aftermath of the war do not support rhetorical tendency, evidenced by the 2008 Prague Declaration on European Conscience and Communism, to philosophically equate Nazism and Communism in essence, form, and practice. Obscuring meaningful distinction between the Holocaust and Communism perpetuates a Cold War discourse that artificially outsources internal domestic problems of a given country (particularly the susceptibility to racist and fascist rhetoric/policy and the rise of authoritarian nationalistic governments) to Russia.

As lack of empathy and the internalization of harmful rhetoric are behaviors liable for criminal prosecution, and as prosecution is an inherently retroactive practice, punishing genocide/crimes against humanity/contemporary injustices and preventing them should be conceptualized separately. Policy should emphasize anti-discrimination law and inclusive civil code.

The US should support policy in former Soviet states that encourages full religious, ethnic, gender, and sexuality-based social inclusion, rather than merely European military and energy security integration vis-à-vis Russia.

Co-Curricular Activity:

I regularly participated in events organized by the Lithuanian women's and LGBTQ rights group "Gender Wrongs." I often met with the director of the Lithuanian Human Rights Center, Birutė Sabatauskaitė, as well as another representative of the organization, Jūratė Juškaitė. I further developed my professional relationship with Milda Jakulytė-Vasil of the Lost Shtetl NGO and museum project, sharing research findings for future collaboration in developing curricula for

police training programs for confronting hate crimes and preventing mistreatment of minorities. I met with the Chairwoman of the Lithuanian Jewish Community to discuss research implications. I regularly met with local historians Violeta Davoliūtė and Tomas Bakelis, as well as the director of the Judaica Research Center at the Lithuanian National Library, Lara Lempert, and head researcher in the Lithuanian Studies Center at the Lithuanian National Library, Dalia Cidzikaitė.

Conclusions:

Efficiency in prosecuting crimes against humanity does not necessarily correlate with their prevention, as lack of empathy for fellow human beings and susceptibility to harmful rhetoric are fundamental pre-conditions of mass violence but are not categories of criminal prosecution.

We should approach Soviet judicial history through a framework of multiplicity and avoid monolithic assessments of Soviet practices.

One of Hannah Arendt's critques of the Eichmann trial was that in narrowing the legal code and making the trial only about crimes against Jews, it could not effectively serve the purpose of preventing similar crimes against humanity in the future. Prosecuting crimes against Jews in Lithuania during the Holocaust as a fascist crime against Soviet citizens was an efficient means of prosecuting Holocaust perpetrators who had voluntarily, for a variety of reasons, participated directly or indirectly in blood crimes against Jews. In using, about 80% of the time, its own prewar legal codes for treason (rather than its own wartime legislation qualifying Nazi atrocities) and in emphasizing categories of susceptibility and social danger, the USSR demonstrated a commitment to eradicating racialized violence and fascist ideology. On the other hand, this efficiency in its focus on objective action (particularly the gendered participation in mass shootings), adherence to categories in ascribing human behavior, and subservience to

concerns of military and state security limited the ability of the judiciary to produce just outcomes for Nazism's main victims. Punitive politics also precluded a full accounting for the dynamics of genocide, of which the actual carrying out of mass violence is a final stage.

Plans for Future Research Agenda/ Presentations and Publications:

This research constitutes part of my dissertation and future book manuscript titled *The Art of Retribution: Holocaust Memory and Justice in People's Poland and Soviet Lithuania, 1944-68*. I will distribute copies of my dissertation to Vilnius University and the National Library of Lithuania and pursue translations of my eventual book into Lithuanian and Polish. I intend to present on this research at the 2020 annual convention of the Association for Slavic, East European, and Eurasian Studies. Future research will build upon archival findings to analyze internally displaced persons in the Soviet Union; I will also pursue an article project analyzing the history of anti-treason legislation as a global tool in the nexus of security and morality politics.

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