

OSI set precedent for Lithuanian betrayal

by Joseph Brewda

When George Bush stated on March 13 that he would not recognize an independent Lithuania, it became clear that his administration had betrayed that embattled state in the interests of the superpower condominium. In an attempt to justify himself, Bush lied that there was no basis for such recognition since the Landsbergis government did not "control its territory." This "might makes right" concept of sovereignty, which is openly at odds with 200 years of U.S. diplomacy and the U.S. Constitution, is all the more disgusting as applied against Lithuania. The U.S. government had refused, for 50 years, to recognize the Soviet occupation of Lithuania, since to do so would have been to recognize the 1940 Hitler-Stalin Pact under whose "legal" authority the state was seized. Now Bush has changed all that.

It is important to recognize that the prosecution of Americans of Baltic origin as alleged "Nazi war criminals" by the Reagan Justice Department's Office of Special Investigations (OSI), provides the "legal" precedents for Bush's behavior. The origins of the OSI date back to the Ford administration's groundbreaking decision that Soviet testimony and state documents could be accepted as evidence in U.S. courts against U.S. citizens accused of war crimes. The decision was hotly opposed by many former government officials who argued that Soviet evidence is notoriously frequently forged, and that the Soviets would use the cases to selectively target Soviet opponents. The OSI was finally formed in 1979, despite this opposition, to collect this Soviet "evidence," and was uniquely mandated to work with Soviet intelligence agencies to this end.

The case of Karl Linnas

The case of Estonian-born U.S. citizen Karl Linnas shows how the Reagan-Bush administration used the OSI to grant de facto U.S. recognition to the Soviet occupation of the Baltic states on behalf of the U.S.-Soviet deal.

In January 1962, a Soviet state-prosecuted trial in Tartu, Estonia, found Karl Linnas guilty *in absentia* of war crimes during a period when he was allegedly a concentration camp guard. There was never any question as to what the court would decide; in an unusual and highly sensational error, the Soviet magazine *Soviet Legality* published the Linnas verdict

three weeks before the trial's conclusion. The Soviets duly attempted to extradite Linnas from the United States where he was then an anti-communist activist. However, President John Kennedy said "No." The Kennedy administration asserted that Soviet courts and Soviet authority in the illegally occupied Baltic states had no standing, and Soviet legal decisions, in any case, had no validity under U.S. law. Kennedy was unwilling to send Linnas to his death. For such reasons, the Soviets accused the Kennedy administration of harboring Nazis.

In 1980, however, the OSI began deportation hearings against Linnas based solely on the same Soviet claims rejected by the Kennedy administration. The U.S. District Court in Uniondale, New York revoked Linnas's citizenship, and the U.S. government prepared to deport him to the Soviet Union to face execution. Linnas, who always maintained his innocence, appealed the decision all the way up to the U.S. Supreme Court.

In addition to arguing his innocence, Linnas's attorneys simply repeated the arguments accepted by the Kennedy administration 20 years earlier: The United States does not recognize the Soviet occupation of the Baltic states, and consequently does not recognize Soviet legal authority over Estonian territory or nationals. Moreover, Linnas had never been a Soviet citizen; there was, consequently, no basis for deporting him to the U.S.S.R. Because the case was so important, the independent Estonian, Latvian, and Lithuanian legations to the U.S. protested the planned deportation. The legations are the still diplomatically accredited representative offices of the governments overthrown by Stalin.

Dancing around this issue, the Reagan administration State Department claimed, in a declaration made to the Supreme Court on Dec. 20, 1984, that the planned deportation of Linnas to the U.S.S.R. did not contravene its policy of non-recognition of Soviet seizure of the Baltic states. The State Department lied that the administration had designated the U.S.S.R. as the place of his deportation, not under the theory that it is was his country of origin, but merely because it was a state willing to "accept such an alien in its territory." The court accepted this absurd argument and subsequently ordered Linnas deported to the U.S.S.R.

Linnas was finally deported in April 1987, as the post-Reykjavik summit, U.S.-Soviet condominium was being dramatically strengthened. At the airport, Linnas, handcuffed and still an American citizen, screamed to onlookers that he would be killed, but that he still loved America. Upon his arrival in Moscow, the Soviets promptly put Linnas into prison and announced that their 1962 legal decision was still valid. Linnas was not legally executed, however, as directed by the Soviet court; he died of a "heart attack" while in a Soviet prison, within six months of his incarceration. Now that Bush has given Gorbachov the go-ahead, there will be many more Lithuanians and other Baltic anti-communists having "heart attacks" in Soviet prisons.