

## LITHUANIA'S SOVIET OCCUPATION AND THE POSITION OF LITHUANIAN LAWYERS: LEGAL ASPECTS OF THE EVALUATION

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### **Abstract**

*The article discusses publications of expatriate Lithuanian lawyers in the emigration press wherein Lithuania's Soviet occupation was analysed. The subject of Lithuania's occupation and issues related thereto were relevant to the expatriates and, therefore, were reflected in their numerous works. The article aims at conducting an overview of only certain aspects of these explorations, the ones that were less known in the Lithuanian law; the effort has also been made to consider the issues of the current subject-matter as well as some of the more original studies on Lithuania's Soviet occupation conducted by the Lithuanian expatriates. The article has been prepared in the framework of the research project "Issues of the State and Law in the Lithuanian Expatriates' Works", which was funded by the Research Council of Lithuania (Lietuvos mokslo taryba Nr.VAT-04/2010).*

**Keywords:** Expatriate lawyers, Soviet occupation.

## 1. Introduction

In the analysis of the issues of the Soviet-time state and law of Lithuania, an issue which is particularly important and, from the scientific point of view, relevant is the question of Lithuania's occupation and liquidation of a sovereign state implemented by foreign forces (Maksimaitis, 2000). It was not by chance that the fate of Lithuania's statehood, the process of Lithuania's incorporation into the Soviet Union, legal aspects of Lithuania's occupation and annexation, and the efforts of the Soviets to legitimise this process complying with, at least in a formal manner, the universally-recognised right to self-determination of nations were questions that, for decades, featured in the works of expatriate Lithuanian lawyers, historians and, especially, representatives of the political science, thus constituting one of the central problems which was examined in the periodicals of the Lithuanian expatriates, all the more because, with regard to these issues, the expatriates had competent scientists and principal legislation available in this field, which provided a possibility to evaluate the political phenomena, fateful to Lithuania, in a broad international context.

The defence of sovereignty of states, in international law, acquired a fundamentally new momentum and form only in the 20<sup>th</sup> century, with the commencement of protection of state sovereignty by legal means, prohibiting unlawful use of military force. On 27 August 1928, in Paris, France and the USA signed the General Treaty for Renunciation of War, which was also granted the name of the Kellogg-Briand Pact. This Treaty is of significance because it rapidly gained international recognition and, just in several years, was acceded to by more than 65 states.

Another legal measure in an attempt to defend a state's sovereignty, which constituted a particularly important legal argument in the case of liberation of the Baltic States, was the Stimson Doctrine. This Doctrine, in the explanation of the principle *ex injuria jus non oritur*, was, in fact, formulated by the State Secretary of the USA Henry L. Stimson in his exercise of the country's foreign policy. When, in 1931, Japan occupied a part of the territory of China, Manchuria, the USA did not recognise the current consequences resulting from the actions in breach of the Kellogg-Briand Pact. This Doctrine was also the basis for the US Administration in the case of non-recognition of the Baltic States' occupation. On 23 July 1940, in a declaration of the US Secretary of State, on the basis on the said Doctrine, the USA refused to acknowledge the fact of annexation of the Baltic States by the Soviet Union and their incorporation into the Soviet Union. The USA followed the provisions of this declaration until the Baltic States regained their independence (Hiden, Made, Smith, 2008, p. 38-41).

## 2. Secret Agreements between Germany and the Soviet Union and Lithuania's Occupation

In the analysis of the Soviet occupation of Lithuania, it is reasonably deemed that one of the most important points of departure is the so-called Ribbentrop-Molotov Pact, namely, the entirety of deals concluded in 1939-1941 between Germany and the Soviet Union, the majority of which were signed by the heads of the then foreign affairs authorities of both countries J. Ribbentrop and V. Molotov (only the last one, the secret protocol of 10 January 1941 regarding a part of the territory of Lithuania, Suvalkija, on the German part was signed by the German ambassador to the Soviet Union F. Schulenburg). This Pact was covered by expatriate lawyer Dr Prof Bronius Nemickas (1979), who analysed and evaluated the circumstances and content of the emergence of the secret additional protocols of Germany and the Soviet Union. He compared these documents with the widely-known so-called Munich Dictate of 29 September 1938. B. Nemickas stated that both the Dictate and the secret protocols had encroached on a foreign territory, only in the former event, four signatory countries allegedly gave to the aggressor as a gift a territory belonging to the fifth country, while in the latter event, both signatories divided a territory between themselves. In addition, the secret protocols, according to B. Nemickas, demonstrated a more blatant disregard of the basic requirements of law than the Dictate, which was also notorious for "incredible profanation of law". More importantly, unlike the openly-executed Dictate, where the

country which directly suffered from the Dictate was forced to agree to it, the protocols were secret, and they were never mentioned to the Governments of the aggrieved countries, including Lithuania (1981, p. 16). The consequences of the secret protocols, however, were the most serious, according to B. Nemickas: as Germany lost the war, Czechoslovakia, which was seeking the annulment of the consequences of the Dictate, was supported by the USSR, other states did not oppose that either, while the legal and territorial consequences of the secret protocols, the very fact of the existence of which was not acknowledged by the USSR, were consolidated and – for a long time, as there was no “power which would manage to change the USSR occupation” (1981, p. 17).

All those circumstances, as believed B. Nemickas, must have been taken into account “while planning the policy of Lithuania’s liberation, in particular, formulating steps which would eventually seek the repeal of the secret Molotov-Ribbentrop protocols”.

As asserts B. Nemickas (1989, p. 118), the non-participation of the countries, which suffered from the Ribbentrop-Molotov deal, in that deal, from the legal point of view, did not bind those countries by any relations of obligatory nature either among themselves, or with Germany and the Soviet Union, and did not bring any liability upon them; on the contrary, it granted the right to demand the liquidation of the sustained injustice, the annulment of the unlawful situation. Moreover, in accordance with the universally-recognised principle that for civil legal transactions of legal and natural persons as well as treaties to be legitimate, they must be fair and just, and considering that invasion of foreign territories is neither honest, nor just, according to B. Nemickas (1989, p. 118-119), the documents executing this deal, as of the beginning of their conclusion, could not become treaties; and the inter-state crimes materialised in those documents created an obligation to the accomplices to repair the harm done, and incurred international sanctions.

The question as to the criminal nature of the Ribbentrop-Molotov deal was also raised by K. Šidlauskas who deemed the deal “an incomprehensible and unjustifiable agreement” whereby, under the pretence of dividing the spheres of influence, it was sought to occupy free states, thus committing an international criminal offence. According to the author (Šidlauskas, 1989, p. 13), the political and military leaders of one of the parties to the deal – Germany – have been sentenced by the international Nurnberg tribunal, while the leaders of the other party – the Soviet Union – have remained unpunished, and by this “the Western allies, flattering Stalin, added to the true profanation of the court proceedings”. D. Krivickas (1959), a representative of international law, also wrote on this matter asserting that agreements between the Soviets and the German, who had been powerful neighbours of Lithuania and carriers of the new European order, should have inevitably affected Lithuania at least due to its geopolitical situation. D. Krivickas (1959, p. 11) examined the alleged legitimacy, or an attempt to create it, of the annexation of the Baltic States, which had been carried out by realising the said Pact, also comparing the very annexation of the Baltic States carried out by the Soviets and the staged elections to popular representations with analogous actions of Germany in the event of Austria’s Anschluss, and stated that the Soviets themselves had acknowledged that allegedly “people’s” (Soviet) Governments in the Baltic States were created not only “by the will of the population” but also “with the help of the Red Army”.

The expatriate community paid quite a lot of attention to the agreement on mutual assistance of 1939 between Lithuania and the Soviet Union, which had been actually concluded by realising the Ribbentrop-Molotov agreements. The provision on deployment of Soviet military bases on the territory of Lithuania was considered to be the most problematic point. This provision, first of all, created an international legal problem with regard to the declared neutrality of Lithuania: M. Römeris (X.Y., 1949, p. 6) emphasised that in case there were Soviet military bases in Lithuania, the legend of Lithuania’s neutrality was buried and what remained was to think, in a futile manner, only about the neutrality of the Soviets, together with Lithuania, but not the neutrality of Lithuania itself. Secondly, the very presence of the Soviet military bases on the territory of

Lithuania already created every precondition for its occupation, therefore, not only the form and constitutional regime of the state of Lithuania were placed at the disposal of the Soviets, but also its very independence.

The process of Lithuania's occupation, in fact, started on 14 June 1940 as the Soviet Union delivered an ultimatum to the Government of Lithuania. The Soviets, under the pretence of alleged kidnapping of their soldiers from the military bases located in Lithuania, impertinently demanded that senior officials of the Lithuanian state (Minister of the Interior and Director of the State Security Department) be tried, that a new government be set up and that additional Soviet military contingent be admitted into Lithuania's territory. Lithuanian lawyers, especially M. Römeris (X.Y., 1949, p. 9), considered such demands as incompatible with the state's sovereignty, and the acceptance of such an ultimatum and fulfilment of the demands would have already meant total dependence of the Government of Lithuania upon the USSR. According to B. Nemickas (1975, p. 5), the ultimatum's demands meant not only brutal interference into domestic affairs of a foreign state but also a determination, which was no longer hidden, "to grip the state of Lithuania with the Soviet Union's political and military tongs and occupy it".

When examining the Soviets' ultimatum to Lithuania, D. Krivickas (1988, p. 69) stated that the Soviet Union had not had any legal grounds for the demands put forward therein and that such an ultimatum had only witnessed the fact of unjustifiable aggression. According to him, states, which want to justify or legitimise their aggression, quite often use the tactics of making claims to the victim and assert a legitimate right of self-defence. In the event in question, the Soviet Union, too, using such tactics, argued that the state of Lithuania, being, in fact, sixty times smaller than the Soviet Union, without modern military industry and with an army only 22,000-soldier strong, allegedly posed a real direct threat to the Soviet Union.

This ultimatum of the Soviets was accepted by the Government of Lithuania, according to M. Römeris, simply "not daring to resist" (Römeris, 2011, p. 16), though, by the way, preparing his text for printing in the emigration, the publishers replaced the author's brief and dogmatic phrase, evaluating the Government resolution, by a phrase attempting to justify the Government at least to some extent – the ultimatum allegedly was accepted by the Government "not being able to resist with weapons due to the international and geographical situation" (X.Y., 1949, p. 9).

### **3. The Process and Legal Evaluation of Lithuania's Incorporation into the Soviet Union**

Thus the expatriate Lithuanian community also focused quite a lot on another important matter of Soviet occupation – a formal process of Lithuania's incorporation into the Soviet Union, especially on the efforts of the Soviets to legitimise this process, at least formally complying with the universally recognised right of self-determination of nations.

As the Government of Lithuania accepted the ultimatum of the USSR and implemented the demands that were put forward, the President of the state A. Smetona, seeing that a factual occupation of the state had started, decided to withdraw from his office and, according to the Constitution of Lithuania of 1938, the functions of the President – the right to perform actions of presidential power – were delegated to the Prime Minister. A. Smetona hoped that his withdrawal would make it more difficult for the Soviets to conduct the incorporation of the state into the USSR. On 17 June 1940, units of the Red Army occupied Lithuania. On 17 June, a new pro-Soviet Government of Lithuania was set up and, on 27 June, the Seimas (the parliament) of Lithuania – the last remaining top-level authority of a sovereign state – was disbanded. In July, new laws on elections to the parliament are adopted whereby conditions were created to elect only pro-Soviet candidates. An exceptional role was afforded to the People's Seimas, allegedly elected by the Lithuanian nation. Regardless of the allegedly conducted free elections, researchers registered certain curious facts, which clearly witnessed the non-democratic nature of the elections to the People's Seimas. For instance, V. A. Dambrava (1995, p. 65) highlighted that even though the Soviet authorities had indicated

that the turnout was 99.87%, however, there were also candidates whose names had been included into the lists even without their will. Such actions demonstrated not only a lack of democracy but also a targeted aspiration to falsify the events.

As the expatriates analysed the events of the first Soviet occupation, in particular, the question of the legitimacy of the authorities emerged. The Soviets tried to portray this incorporation process as voluntary accession of a sovereign state into another union state and, for that purpose, tried to use, according to M. Römeris (X.Y., 1949, p. 10), the legislation of Lithuania itself. The Constitution of Lithuania of 1938, which was effective prior to the occupation, served in an excellent manner to that end; that Constitution consolidated the maximum of political power, including the right to replace the Cabinet of Ministers, disband the Seimas and even issue laws, in the hands of the President “leading the state”. However, retreat abroad of the President of the Republic A. Smetona, at the start of the occupation, created certain difficulties for the real use of this institution for the invaders’ interests. Leaving Lithuania, by his act of 15 June 1940, giving as a reason his illness and quoting as the basis Article 71 of the Constitution of Lithuania, the President asked A. Merkys, who had already resigned and was an acting Prime Minister, to substitute for him in the President’s office. In accordance with the procedure established by the Constitution of Lithuania of 1938, the Prime Minister, substituting for the President of the Republic pursuant to Article 71 of the Constitution, i.e. in case the President was ill or abroad, was allowed to perform only “the actions of his power”, but not “lead the state”. Article 72 of the Constitution allowed the Prime Minister “to lead the state” only when the Prime Minister was an acting President, which was permissible exclusively in case of death or resignation of the President, consequently, only in those two cases was the Prime Minister granted by the Constitution all the power of the President of the Republic. According to M. Römeris (X.Y., 1949, p. 11), “if the President of the Republic merely leaves abroad, the Prime Minister only ‘substitutes for him’ without leading the state, only performs separate actions of his power without taking over ‘all’ the power of the President”; in such a case “there still remains the old President – the one who has left abroad”. The Constitution very clearly discerned the departure of the President abroad from his resignation. For this reason, a communication was announced whereby the departure of the President of the Republic had been considered by the Government as his resignation from office and, on these grounds, according to Article 72 of the Constitution, the Prime Minister A. Merkys took the office of the President. Such a statement was necessary so that the Prime Minister, substituting for the President, could officially delegate the formation of a new Government to the invaders’ puppet leader (in this case, J. Paleckis), and subsequently the new Prime Minister would also take over the office of the President, which would provide a possibility to use the extensive constitutional powers of the President to realise the Soviets’ scheme against Lithuania. And that was done immediately. The constitutionality of the act of A. Merkys as the Prime Minister, substituting for the President, as well as of the takeover of the President’s office by the Prime Minister J. Paleckis, appointed by A. Merkys, became a legal problem which had received some of the widest coverage in the expatriate press.

In principle, the authors who covered the issue were of the unanimous opinion that A. Merkys, as the Prime Minister substituting for the President, had not had the constitutional power to appoint a new Government. In his comments on the Constitution of 1938, K. Račkauskas pronounced against the right of the person, who substituted for the President, to perform certain actions of the power of the President on the President’s behalf. Without directly linking the comments with specific events of 1940, K. Račkauskas (1967, p. 57 - 58) attempted to derive the content of “leading the state” not only from the articles of the Constitution, directly discussing the President’s competence, but also from the text of the President’s oath and the introductory provisions of the Constitution. Based on analysis, he clearly attributed the selection and appointment of the Prime Minister, among other powers of the President, to “leading”. K. Račkauskas (1967, p. 60) was confident that the Prime Minister, holding the office of the President, even when “leading the state” according to Article 72 of the Constitution, had not had “the full competence of leading of the President” and could not appoint a new Prime Minister, among other things. K. Račkauskas’ arguments were the following: the

Prime Minister had not made a presidential oath, therefore, he could not perform actions of the President's competence of leading, which had followed from the text of the oath or had been authorised by the oath.

Meanwhile, the majority of expatriate authors (Švoba, 1985, p. 385; Raistas, 1953, p. 167), recognising, in fact, that only Article 72 of the Constitution granted the Prime Minister, holding the President's office, the right to appoint a new Prime Minister, at the same time, asserted that the situation, artificially created by the invader, had not had legal consequences, because the Constitution did not allow to consider the President, who had left abroad, as resigned, and did not grant the right, altogether, to the Prime Minister or the Council of Ministers to dismiss the President. The Lithuanian Encyclopaedia (1956, p. 522), issued by the expatriate community, explained the concept of "incorporation" using the example of Lithuania and also highlighted that the said communication had been ungrounded and unlawful for the following reasons: (a) A. Smetona departed abroad only following Lithuania's occupation due to which he was no longer able to perform functions of authority in Lithuania; (b) the Government actually did not pass a resolution regarding the qualification of the President's departure as his resignation; (c) even if the Government passed the said resolution, in any case, it was not published in the Official Gazette (*Vyriausybės žinios*) wherein all the Government acts should have been published. Due to the fact that the resolution regarding the qualification of the President's retreat abroad as his resignation was not published in the Official Gazette, J. Švoba, too, considers that the resolution did not have a legal basis.

When trying to prove the illegitimacy of the occupation by the Soviets, certain lawyers faced a problem as to whether, before the occupation, the authorities of Lithuania had been legitimate, whether they truly had had the nation's mandate? For instance, V. Raulinaitis questioned the legitimacy of the authorities in power following the coup d'état, carried out by A. Smetona in 1926, asserting that the only legitimate Constitution of the state of Lithuania had been that of 1922. On the basis of V. Raulinaitis' writings, it would seem that such a fact as if made it easier to prove the fact of the occupation, and denied any claims or attempts of the Soviet Union to show the events of 1940 in Lithuania as the nation's act of self-determination by free will. According to V. Raulinaitis (1954, p. 137 - 138), the transfer and formation of authority could not be legitimate because we must look at the provisions of the Constitution of 1922 whereby the office of the President of the state should have been held by the Speaker of the Seimas, and not the Prime Minister as was in the case of A. Merkys. For this reason, the acts adopted by the Government of A. Merkys were null and void, and thus J. Paleckis took over only alleged powers from the Government of A. Merkys, therefore, the acts passed by the Government of J. Paleckis did not have any legal power, either. However, this opinion did not receive wider support in the expatriate press. All the more because, still during the years of independence, M. Rōmeris, talking about the coup d'état, carried out by the representatives of the popular party, and the consequences thereof, tried to prove that the nation had the right to establish any authority and that the legitimacy thereof might also be acquired throughout a long time of leading. The position of V. Raulinaitis, in the case of Soviet occupation, may have been, in fact, even dangerous, especially in the debates of politicians; on the basis of such opinions, the Soviet Union could gain a certain advantage and try to prove, in the manner beneficial to it, that the former authorities of Lithuania had been illegitimate.

While assessing the incorporation of Lithuania into the Soviet Union, shrewd comments in foreign periodic publications were made by S. Vardys (1990, p. 171), who had identified this process as an attempt by the Soviet Union to portray Lithuania's voluntary accession to the Union, when in reality the Soviets, availing themselves of legal measures and using agreements, in 1940, in several weeks organised an armed intervention into the Baltic States, under the pretence of alleged people's revolutions. Such a process, when former sovereign states suddenly turned into "people's democracies", later on was successfully adapted to other Eastern European states.

#### **4. The Question of the Soviet Occupation and the Campaign of Lithuania's Liberation**

The expatriate lawyers were of special service in the campaign of Lithuania's liberation by not only examining the question of Lithuania's occupation in the expatriate Lithuanian periodical press, but also raising this question on the international arena. Expert of international law D. Krivickas published a study (1959) about the Molotov-Ribbentrop Pact and its consequences, which was not large in size but comprehensive. The latter study was based on the works of international law researchers of the time as well as legal and diplomatic sources published in the West. In the study, D. Krivickas asserted (1959, p. 3) that agreements between the Soviets and the German must have inevitably affected Lithuania at least because Lithuania's geopolitical situation had been determined by those two neighbours who were owners of the power of force and carriers of the new European order. D. Krivickas also compared the alleged legitimacy of the annexations carried out as a result of this Pact or an attempt to create it. The annexation of the Baltic States, carried out by the Soviets, and the conducted alleged elections to people's representations were compared by D. Krivickas with the analogous actions of Germany in the event of Austria's Anschluss; he drew a conclusion that both German and Soviet annexations had been concealed under the alleged will of the nation, thus seeking to legitimise the incorporation of the states. However, D. Krivickas emphasised (1959, p. 11) that the Soviets had not put in a great deal of effort in this area and paid less attention to legal aspects or an attempt to portray the true self-determination of the nation; he gave as an example the statement of the Soviet Government: "With the help of the Red Army and the inhabitants willing, in separate states, people's (Soviet) Governments were set up...".

An article by B. Kaslas (1973) was dedicated to the secret Molotov-Ribbentrop protocols and their analysis. At first, the author gave an overview of the secret protocols, followed by the process of Lithuania's occupation, highlighting the illegitimacy of the elections to the People's Seimas and providing the following arguments: the elections to the representative body of the future Soviet authorities took place after the state of Lithuania had actually been occupied, after the Soviet Union had brought military units into Lithuania, therefore, it is impossible to talk about free self-determination of the nation. Moreover, the very elections had essential shortcomings because only one party, under the patronage of the Soviet Union, participated in the elections, while other parties were not allowed to take part. The lists of voters and candidates as well as the organisation of the elections were coordinated with Soviet emissaries.

The campaign of Lithuania's liberation, organised by the expatriate community, paid quite a lot of attention to the aspiration to familiarise the Western society with the illegitimate occupation carried out by the Soviet Union with regard to Lithuania and the Baltic States; the studies thereon, in the form of memoranda, were presented to the Governments of the Western states, one of such memoranda was prepared by the Supreme Committee for the Liberation of Lithuania with D. Krivickas (1988) in the lead. This memorandum, prepared by D. Krivickas, focused on the establishment of military bases of the Soviet Union in Lithuania, an agreement on mutual assistance, and the development of diplomatic-legal relations until 1940. While analysing the agreement on mutual assistance of 10 October 1939 between Lithuania and the Soviet Union, D. Krivickas noted (1988, p. 61) that the said agreement had been forced on Lithuania when the Soviet Union, upon a change of the political circumstances, due to the secret protocols with Germany, became the most powerful neighbour of Lithuania; even though the preamble to the agreement declared respect to a state's sovereignty and non-interference into another state's international matters as well as peaceful resolution of conflicts and so on.

D. Krivickas, examining the ultimatum issued by the Soviets to Lithuania on 14 July 1940, states that the Soviet Union did not have any legal basis for that and such an ultimatum only witnesses the fact of unlawful aggression. D. Krivickas maintained (1988, p. 69) that, in order to justify or even legitimise their aggression, states often made claims to another state on the basis of their legitimate right of defence

and, in exceptional cases, international law allowed the use of force. The Soviet Union, willing to use such a right, should have proved that the state of Lithuania indeed posed a real, current and direct threat. Lithuania did not pose any threat as a country which was sixty times smaller, without modern military industry and with only 22,000 soldiers.

In the said memorandum, D. Krivickas analysed the process of incorporation of the already-Soviet Lithuania into the Soviet Union where an exceptional role was played by the Government of the Soviet Union. The author emphasises that the Soviets strictly took the attitude that the process of accession of a Soviet Lithuania to the Soviet Union was by no means regulated by the rules of international law, these rules were not applicable in this event. The Soviets' attitude was that it was only a domestic matter of the state and that no international powers or institutions could interfere. At the same time, D. Krivickas highlights the desire of Soviet lawyers to create Soviet international law whose provisions would clearly be in conflict with applied international law, acceptable to the global community. Rejecting such an attitude, D. Krivickas conveyed a provision of international law and, at the same time, provided an evaluation of this process from a legal point of view: "The change of sovereignty in a certain territory has to do with the state, however, it can not be conducted on the basis, unilaterally, of the law of one state, but must be based on the law of both countries, which means on international law, too. We can only examine Lithuania's incorporation into the Soviet Union in two manners: as a matter of treaties or as a matter of the law of one state, and in the latter case there is only annexation." (Krivickas, 1988, p. 77).

## 5. Conclusions

Lithuanian lawyers, in the expatriate press and in memoranda submitted to the Governments of Western states, were among the first to try and evaluate the actions of the Soviets' aggression against the state of Lithuania. This evaluation is important, because it contained legal reasoning with regard to the said events. In their evaluations, the Lithuanian lawyers noted that the USSR had conducted crafty and treacherous policy, hiding its aggression behind the alleged will of citizens of the invaded states and the alleged sovereignty. For that purpose, not only means of international law were used, but there were also attempts to use the legal system of local states, in this case, Lithuania, and, in particular, the features or even gaps of constitutional law.

## References

- Dambrava, V.A. (1995). *Kelyje į laisvę. Straipsniai esė, interviu*. Vilnius: Du Ka.
- Hidden, J., Made, V., Smith D.J. (2008). *The Baltic question during the Cold War*. London, New York: Routledge.
- Kaslas, B.J. (1973). The Lithuanian strip in Soviet-German Secret diplomacy, 1939-1941: [three secret protocols]. *Journal of Baltic studies*, 3, 211-225.
- Kellogg-Briand Pact. [Online] Available: <http://legal-dictionary.thefreedictionary.com/Briand-Kellogg+Pact> (August 15, 2011).
- Krivickas, D. (1959). *Soviet-German pact of 1939 and Lithuania*. Hamilton: Federation of Lithuanian - Canadians Hamilton Branch.
- Krivickas, D. (1988). *Memorandum on the restoration of Lithuania's independence*. New York: Lithuanian National Foundation.
- Lietuvių enciklopedija*. VIII tomas. (1956). Boston: Lietuvių Enciklopedijos leidykla.
- Maksimaitis, M. (2000). Kai kurie teisiniai Lietuvos sovietinės okupacijos aspektai lietuvių išeivijos darbuose. *Teisė*, 34, 5 - 16.

- Nemickas, B. (1975). Pavergtos Lietuvos valdymo sąranga. *Naujoji viltis*, 8, 2 - 20.
- Nemickas, B. (1979). Vokietijos - Sovietų Sąjungos sąmokslas. *Aidai*, 10, 425 - 432.
- Nemickas, B. (1981). Slaptiesiems protokolams analogijos ieškant. *Naujoji viltis*, 14, 3 - 25.
- Nemickas, B. (1989). Ribbentropo - Molotovo sandėrių apžvalga ir teisinė prigimtis. *Naujoji viltis*, 22, 113 - 122.
- Račkauskas, K. (1967). *Lietuvos konstitucinės teisės klausimais*. New York: K. Račkauskas.
- Raistas, V. (1953). „Liaudies vyriausybės“ sudarymo kai kurios aplinkybės. *Lietuva*, 4, 167.
- Raulinaitis, V. (1954). Okupanto įsakymų teisinė vertė. *Tėvynės sargas*, 11, 135 - 147.
- Römeris, M. (2011). *Lietuvos sovietizacija 1940 metais: istorinė Lietuvos sovietizacijos apžvalga ir konstitucinis jos įvertinimas*. Vilnius: Mykolo Romerio universitetas: Baltijos kopija.
- Stanley Vardys V. (1990). *Litauen: Sowjetrepublik mit Widerwillen. Die Entwicklung seit 1940*. Köln: Meissner.
- Stimson Doctrine [Online] Available: <http://encyclopedia.thefreedictionary.com/Stimson+Doctrine> (August 15, 2011).
- Šidlauskas, K. (1989). Ribbentropo - Molotovo paktas. *Tėvynės sargas*, 2 (72), 7 - 18.
- Švoba, J. (1985). *Seiminė ir prezidentinė Lietuva*. Cleveland: Viltis.
- X.Y. (1949). *Lietuvos sovietizacija 1940-1941 m.* Augsburgas: Lietuvos teisininkų tremtinių draugija.