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REPORT ON THE TRIAL TESTIMONY OF SIMAS KUDIRKA — LITHUANIAN SAILOR*

ANATOLE SHUB
Washington Post

PARIS — "I do not consider myself guilty since I did not betray my homeland, Lithuania. I do not consider Russia, called the Soviet Union today, as my homeland."

So spoke Simas Kudirka at his trial in May for attempting to defect from a Soviet ship to a US Coast Guard cutter off Massachusetts last fall. Kudirka was sentenced to 10 years at forced labor. A summary of his trial, prepared by friends in the Soviet Union, reached the West last week.

"The ordinary Americans received me very well," said Kudirka of the sailors aboard the Vigilant who were ordered to return him to the Soviet fishing trawler after eight hours.

"Seeing that I was cold, they gave me warm clothing, while the Russians sailors afterwards beat me until I was unconscious, and they crippled my knee when I lay in prison for several months. I don't consider (the Americans) turning me back as a great tragedy. By the decision of the Teheran, Yalta and Postdam conferences, whole nations found themselves in slavery. In the eyes of the American military administration, I, as a Lithuanian, was the legal property of Brezhnev, the heir to Stalin, and should be returned to him."

On May 18, during the cross-examination of the witnesses, sailors acknowledged that they had beaten Kudirka.

The chairman asked the second witness, who knew Kudirka well, why he had sought to flee the Soviet Union. When the witness answered that Kudirka was driven to it, the chairman immediately stopped him from continuing.

A political commissar of his ship, the Sovietskaya Litva, asked Kudirka whether he would have sought asylum in the United States if he had known that "you wouldn't find work there, and if you did, it would have been cleaning toilets?"

Kudirka replied: "The job isn't important. There is no dishonorable work, and if I had cleaned toilets, it would have been with a clear conscience, which is not the way you carry out your work. Your party membership card is only a ration card."

In explaining why he attempted to defect, Kudirka spoke for more than four hours. He said he had grown up in a very poor family and was familiar with social injustice. In 1940, when the Red Army occupied Lithuania, Kudirka said, social injustice increased because national injustice was added to it.

He recalled that in June 1941 people were sent to Siberia, whom he considered the most conscious Lithuanians, including the majority of the nationalist teachers whom Soviet propaganda branded as "bourgeois."

In 1941, German occupation replaced Soviet rule. In 1944, before the return of the Red Army, Kudirka said, rumors began that the Soviet system had changed. But it hadn't.

He again saw how people he considered innocent were sent to Siberia. He also witnessed mass killings. Many of his comrades joined anti-Communist partisans. Almost all of them died. He didn't have the courage to follow their example, Kudirka told the court. He tried to continue his studies in Vilnius, finishing the 8th grade, and then decided to become a sailor.

"My grandfather was a sailor," Kudirka told the court, "and I've been drawn to far-away countries. There was the wish to see the world, and besides, I thought that at sea I would forget the tragedy of my people. I wanted to flee from the strange scene: Not a week went by that in various Lithuanians towns the disfigured bodies of Lithuanian partisans weren't stacked up in the marketplace. I wanted to flee the hunger which reigned in the Kolkhozes (collective farms) at that time, the total lack of rights... reminiscent of the serfdom in Lithuania 100 years ago.

It's a shame, but even in the fleet I found this kind of injustice and national discrimination.

In the (Soviet) press I read about the great Lithuanian fleet, but in reality there is no Lithuanian fleet: It's Lithuanian only in so far as the ordinary sailors are Lithuanian. Lithuanians command this fleet only in exceptional cases: The majority don't even know the Lithuanian language. The top leadership of the so-called Lithuanian fleet lives in Moscow and doesn't trust us Lithuanians. Permission to sail abroad and go ashore is, in general, not granted to Lithuanians..."

Kudirka's trial took place last May 17-20, before the Supreme Court of the Lithuanian Republic (one of 16 nominally autonomous republics comprising the Soviet Union) in the city of Vilnius.

According to the excerpted documents, the chairman of the court was named Nisiunas and the prosecutor was Petrauskas. The Lawyer assigned for the defense was named Gavronskis, but Kudirka declined counsel. Asked why, he said: "If Gavronskis is an honest man and defends me according to his conscience, then it can only do him harm. But if he is dishonest and plays the role of a second prosecutor, as often happens in political trials in Lithuania, then I think that my case is already complex enough and one prosecutor is enough."

On May 19, the prosecution made his final plea, expressing indignation with Kudirka's treachery. He demanded as punishment 15 years in a strict regime labor camp as well as the confiscation of all personal belongings.

Kudirka spoke in his own defense, citing Herzen, Marx and Lenin to explain the difference between socialist theory and practice in Lithuania. In Kudirka's view, socialism does not exist in Lithuania, but there does exist an almost inexplicable type of "parody" of socialism.

"From the standpoint of international law," Kudirka said, "I am not a criminal. My decision to go abroad does not contradict the United Nations Declaration of Human Rights or even the Soviet constitution. Therefore I consider myself completely innocent. However, I know very well that my fate has already been decided by the security organs."

Kudirka described how Senior Lieutenant Urbonas, director of the investigatory section Kisman, KGB (secret police) Major General Petkavichius and many other secret police officials, some of whom had come especially from Moscow, had tried to re-educate him while he was in prison. They had suggested that he condemn "bourgeois nationalism" in Lithuania and abroad, which had ideologically prepared his treachery, hinting at a lighter sentence if he cooperated. But Kudirka stated that he was relinquishing his own personal freedom for the sake of his real homeland Lithuania. Six months in solitary confinement had given him sufficient time for deep reflection.

Kudirka continued: "I remember that when I studied in Vilnius, instead of the two prisons which were there under the Germans, there were seven under Soviet rule, in which there were about 20,000 prisoners. They were overfilled until 1955. Already in 1950, waves of Lithuanians with their young went to the concentration camps... The death of Stalin saved my people from physical extermination. However, the essence of the policy remained the same.

"Now," Kudirka said, "we are destined to die a much slower death — assimilation. However, we don't want to die. For 10 years our 'brothers in the woods' (the Lithuanian partisans) fought, believing that in the west our struggle was known and supported, even if only morally. Those who died in battle or in the concentrations camps believed it as well. (Even the state security officials admit that 50,000 Lithuanian partisans died.) The Atlantic Charter, which promised the enslaved nations freedom, was an empty promise, costing my people 50,000 dead and 400,000 deported, of whom 150,000 found their graves in the earth of Siberia..."

"The bravest and most resolute patriots of Lithuania were physically annihilated. But a new young generation has grown up which intends to go the road of their fathers. When I refused to fulfill the wish of the state security organs, they threatened me with the death sentence. I believe that this promise will be fulfilled.

"I am a devout Catholic. Therefore, if the supreme court sentences me to death, I would request it to invite a priest to give me the last rites of the Catholic church."

At this point the chairman interrupted Kudirka and said: "I don't understand, what you are talking about."

Kudirka: "I ask the supreme court not to persecute my mother, my wife and my children. I ask you not to harm them."

Chairman: "Your own conduct brings hardship to your family." Kudirka: "Not me, but you. I hoped from America to help my family more than with the slave wages I receive here. Besides I hoped to bring them abroad."

The chairman read from a newspaper: "In the US a committee has been created for aiding the Kudirka family," From another newspaper: "The US intends to help the family of Kudirka, although many American families whose breadwinners have died in Vietnam are left to the mercy of fate."

Kudirka remarked: "Evidently this committee is in the hands of those who are on the side of peace."

Before sentencing on May 20, Kudirka said: "I have nothing to add to what I have already said, only one wish, more specifically, a request both to the supreme court and the government of the Soviet Union: I ask that you grant my homeland, Lithuania, independence."

Chairman: "How do you picture an independent Lithuania?"

Kudirka: "An independent Lithuania, in my opinion, has a sovereign government and is not occupied by any army. The government has a national administration, its own legal system, and a free democratic system of elections. The laws of other countries are not binding on this government, as the laws of Russia are here today. An independent Lithuania wouldn't be dominated by the Russian language as it is today. I would like there to be no more trials such as mine in Lithuania."

Chairman: "Are you perhaps saying that the present court was not democratic and was illegal?"

Kudirka: "Of course, inasmuch as it takes place behind carefully screened windows and closed doors with Russians on guard. In a democratic trial, anyone who wished would be permitted to attend. If I betrayed my homeland, then why are you afraid to show the public a traitor. Let the public itself judge me. Unfortunately, the courtroom is empty. Besides my wife and a few Chekists (security police), I see no one. There are also a few guards, but they don't know the Lithuanian language and don't know what we are arguing about."

After a short consultation, the chairman pronounced the sentence: "Ten years labor in a strict regime camp with confiscation of personal property."

When he heard the sentence, Kudirka couldn't conceal his pleasure. He had thought he would be shot.

Soon after the trial, state security employees took from his apartment a set of "Kaunas" furniture, a rug and a radio set, amounting in value to some 700 roubles (\$770 at the official rate of exchange).

* The text here is taken from *The Boston Globe*, August 7, 1971. Reprinted by permission: Courtesy *The Boston Globe* and *The Washington Post*.