

**“EX INIURIA IUS NON ORITUR” AND THE BALTIC CASE:  
A BRIEF WESTERN PERSPECTIVE**

I. INTRODUCTION.

Attempts to regulate, limit, and finally to prohibit the use of force in international relations are well documented.<sup>1</sup> The right of conquest was the undisputed rule for centuries as part of the developing system of the law of nations since the writings of Hugo Grotius in the seventeenth century. Acquisition of territory by force was recognized as the legitimate right of the conqueror until the end of World War I, when the principle of self-determination gained international acceptance and some application. Efforts to limit the use of force by nations manifested already in the historic Hague Conventions of 1907,<sup>2</sup> continued with the provisions of the Covenant of the League of Nations of 1919,<sup>3</sup> the General Treaty for the Renunciation of War of 1928 (known as the Kellogg-Briand Pact of Paris),<sup>4</sup> and culminated in the stipulations of the Charter of the United Nations of 1945.<sup>5</sup> In addition, the four Geneva Conventions of 1949 now regulate rights and duties during hostilities and constitute ius cogens on the subject today.<sup>6</sup> The most striking recent example of a collective security response to an attempt to acquire territory by force is the U.N. military action in 1991: the illegal annexation of Kuwait by Iraq was not permitted to stand.<sup>7</sup>

The Soviet annexation in 1940 of Estonia, Latvia, and Lithuania, resulting from the secret agreements of the Nazi-Soviet non-aggression pact of 1939<sup>8</sup> was not recognized by the majority of states.<sup>9</sup> This non-recognition was based on the generally accepted Roman maxim “ex iniuria ius non oritur” (illegal acts cannot produce legal results or rights) which was the

juridical basis for the application of the Stimson Doctrine of Non-Recognition<sup>10</sup> in the Baltic Case. Numerous authors and publications have dealt with the forcible incorporation of the Baltic States by the USSR and its consequences.<sup>11</sup> Western governments, legislatures, and courts have also dealt with this problem politically, juridically, administratively in various documents. These statements, regulations, decisions, and declarations are scattered in a wide variety of sources, not all of them so well-known or even identified. By briefly mentioning some of these existing materials and their categories, and indicating a perceived need for additional research, the author hopes to offer encouragement for students of Baltic affairs to examine possibilities for more detailed and comprehensive international studies of the application of “*ex iniuria ius non oritur*” to the Baltic Case and its final vindication.

## II. BALTIC - RUSSIAN RELATIONS BEFORE WORLD WAR II

Estonia, Latvia, and Lithuania declared their independence and separated from the crumbling Russian empire in 1918. Peace treaties were signed in 1920 with Soviet Russia<sup>12</sup> in which Russia forever renounced any and all sovereign rights over the peoples and territories of the Baltic States which had formerly belonged to the Russian empire. Various bilateral and multilateral treaties followed later<sup>13</sup> so that Baltic - Russian relations were stabilized and were based on general principles of international law, non-interference in internal affairs, and peaceful, if somewhat cool, coexistence.<sup>14</sup>

All three Baltic States were admitted as members of the League of Nations, as was the USSR. The Covenant of the League of Nations could not, however, protect Lithuania, Latvia, and Estonia from the secret designs of their big neighbors. The surprising Molotov-Ribentrop

non-aggression pact,<sup>15</sup> signed in Moscow on August 23, 1939, with secret agreements on spheres of influence did seal the fate of the Baltic States and unleashed World War II. Not very long thereafter, when Poland had been crushed by Nazi forces, and the Red Army had seized its part of Poland's territory, Estonia, Latvia, and Lithuania were pressured to conclude Pacts of Mutual Assistance with the Soviet Union<sup>16</sup> which established Soviet military bases on Baltic territories, and practically signaled the beginning of the end of sovereignty for the Baltic nations. The assurances were, however, given formally in no uncertain terms that no such thing would happen. Each of the pacts stressed the "recognition of the independent statehood", and "noninterference in the internal affairs of the other party", recognized the peace treaties of 1920 and the 1932 agreements concerning non-aggression and peaceful settlement of disputes, and, quoting the text of Art. VI of the Latvian-Soviet Pact, declared:

"The carrying into effect of the present pact must in no way affect the sovereign rights of the contracting parties, in particular their political structure, their economic and social system, and their military measures. The areas set aside for the bases and airfields (Article III) remain the territory of the Latvian Republic."<sup>17</sup>

Finland was offered similar guaranties and assistance but bravely refused to accept and became a victim of Soviet military aggression. The League of Nations expelled the USSR from membership.<sup>18</sup>

### III. SOVIET SEIZURE OF THE BALTIC STATES AND WESTERN NONRECOGNITION

Nazi-Soviet cooperation lasted almost two years and permitted both totalitarian powers to accomplish some of their objectives as outlined in their secret agreements of 1939. Soviet military bases were established on Baltic territories, and thus the first steps of Soviet strategy for the seizure of Lithuania, Latvia, and Estonia were successfully completed. Baltic governments cooperated fully in the implementation of the Mutual Assistance Pacts and their compliance was publicly confirmed on several occasions by representatives of the Soviet government. In June 1940, however, following the fall of Paris and the collapse of France, the USSR presented ultimatums to all three Baltic States which resulted in their total occupation by the Red Army, a subsequent masquerade of mock elections, and their “voluntary” joining the USSR<sup>19</sup>

Described and analyzed by numerous scholars of Western nations, this 1940 annexation of the Baltic States has been found to be a flagrant violation of basic principles of international law and of the many bilateral and multilateral obligations binding the Soviet Union vis-a-vis the Baltic States. This illegal act could not and did not produce any legal rights for the aggressor - the old Roman maxim of “ex iniuria ius non oritur” intervened and prevented this international crime to be validated, even during the long decades of Soviet domination and despite the opposing other principle that ex factis ius oritur”.<sup>20</sup>

For an illegal acquisition of territory to become legal either of the following conditions must be met: consent of the injured party, undisturbed possession for a considerably long time, prescription, or general international settlement recognizing the situation. None of these conditions were met during the decades of “de facto” Soviet rule in the Baltic States. Military

resistance in the form of anti-Soviet guerrilla movements existed for almost a decade, civil passive resistance continued in various forms for many years thereafter, the nonrecognition policies of Western powers prevented the beginning of the process of prescription, and there was no international settlement which would have formally recognized Soviet rule in the Baltic States as the legal one.

The leader in the declaration and implementation of the nonrecognition policy in the Baltic Case was the United States. On July 15, the assets of the Baltic States in the U.S. were frozen by President Roosevelt,<sup>21</sup> and on July 23, 1940, Acting Secretary of State, Sumner Welles, issued the now famous statement, condemning Soviet “devious processes” and “predatory activities” in the Baltic States, and pronouncing continued adherence of the United States to the policy of nonrecognition of “predatory activities no matter whether they are carried on by the use of force or by the threat of force”.<sup>22</sup> With some variation in form and emphasis but not of substance, the United States maintained this declared nonrecognition policy during the period of World War II,<sup>23</sup> continued to adhere to it during the years of the Cold War and détente, and confirmed the policy to be unchanged after the Helsinki Agreements of 1975<sup>24</sup> Despite occasional compromises and inconsistencies in its practical case to case implementation,<sup>25</sup> the nonrecognition policy of not giving international approval to the Soviet annexation of the Baltic States during the fifty years of “de facto” Soviet rule in these countries, did fulfill its moral, political, and legal task - the maxim “ex iniuria ius non oritur” finally prevailed. Even the Nazi-Soviet secret agreements were declared null and void by the Soviet Union herself. International recognition to Lithuania, Latvia, and Estonia was accorded de jure not as to new States but as to former members of the family of nations whose independence and

sovereignty had been illegally suspended and had now been restored. The Baltic States did not and could not “secede” from the Soviet Union (as did Russia, Ukraine and other Soviet republics), as they never legally had been parts of it. As the legal successor of the USSR, the democratic Russia still has to objectively and painstakingly investigate its archives and secret files to find the full and blunt truth about the Soviet forcible incorporation of the Baltic States and its tragic consequences. For decades, the existence of the 1939 secret Nazi-Soviet agreements was vehemently denied by the highest Soviet officials, despite the early post-World War II publication of their photocopies, until finally they were “discovered”. It is to be hoped that in a democratic Russia it would not take that long to find and publicly recognize the other, probably secret, documents in which detailed plans and instructions for the seizure and illegal annexation of the Baltic States had been drafted and ordered to be executed. History does sometimes take a long time to reveal the truth; it may also be so for the Soviet schemes and real actions in the Baltic Case.. History, however, is also relentless in the search for truth. Only when the Stalinist “devious processes” and “predatory activities” are fully recognized not only by the nonrecognizing Western states but also by Russia as the successor to the Soviet empire, can history declare the chapter on the Baltic tragedy closed.

#### IV. ABUNDANCE OF AVAILABLE RESEARCH MATERIAL.

Space here permits only a brief glimpse at the diversity and richness of available Western research material. Nonrecognition of the incorporation of Lithuania, Latvia, and Estonia into the Soviet Union by the United States and other Western powers produced specific political, diplomatic, and legal results. Soviet efforts to obtain possession and control of Baltic gold,<sup>26</sup> deposits, and ships<sup>27</sup> created some tension in Soviet - American diplomatic relations, as was to be expected. A diversity of courts in various countries had to decide cases involving Soviet claims for Baltic ships abroad and other property.<sup>28</sup> One of the major American collections of significant international law materials, Marjorie Whiteman's Digest of International Law and its later successors,<sup>29</sup> published by the U.S. Department of State, offers access to much important material relating to the Baltic Case. Also, the well-known Annual Digest of Public International Law Cases, since the volume covering 1950 entitled International Law Reports,<sup>30</sup> provides information on numerous Baltic court cases in the United States, Great Britain, Canada, Germany, Eire, and elsewhere. Other cases, involving the Baltic problem in some way, but not considered significant enough by the compilers to be included in the big international collections, are available through the regular legal research tools of the national reporting systems. After World War II in Germany there were numerous cases in the British and American occupation zones in which questions of the applicable law to, and the citizenship of Baltic refugees had to be judicially determined. The reported decisions of West German courts reflected the Allied nonrecognition policies, were quite diversified in their approach, and constitute an interesting and not yet fully analyzed source of legal history.<sup>31</sup> Some Baltic cases reached even the highest courts of the respective country, for example, in Sweden and in

France<sup>32</sup>. While many scholars have considered some of these individual Baltic cases in their works, comprehensive and comparative legal studies are few and dated. There is room for detailed, comparative national and international studies on the implementation by Western courts of the maxim “ex iniuria ius non oritur” in the Baltic Case. Such new research studies may now seem unnecessary, but could provide important new understanding of this not yet completely examined part of the Baltic history and may also contribute generally to further development of international law discussions on nonrecognition and its practical applications. The role of the Baltic diplomats, vividly illustrated by many of these Baltic court cases, as guardians of Baltic state and citizens’ interests in the Western world, also deserve a thorough and objective examination, for which material has been accumulated in various files, and now should be made a public part of this unique Baltic story. Studies of the various national collections of official documents, such as the Foreign Relations of the United States, and similar sources for other Western powers, should also be undertaken to complete the not yet fully discovered facts and procedures of Western policies. Likewise, the abundance of materials available in the U.S. presidential papers, State Department and other governmental publications, and yes - the huge U.S. Congressional Record, the public hearings, reports, and other prints of various congressional committees and commissions,<sup>33</sup> with the enormous bulk of documents, as well as similar sources in other Western countries - all these materials are inviting bibliographers, analysts, and critics, to identify, describe, and analyze them for the benefit of the truth and the edification of future generations. As a footnote to history some students of Baltic affairs might also examine and evaluate the organized and individual activities of Baltic exile organizations, scholars, and private citizens in United States, Canada, Australia, and elsewhere, whose

organized, persistent, and relentless efforts on behalf of their long-suffering native countries must have had some impact on developments in the final vindication of the principle that “*ex iniuria ius non oritur*”.

## V. CONCLUSION

Restoration of independence to Lithuania, Latvia, and Estonia was not achieved by the magical strokes of Western nonrecognition policies. However, nonrecognition did play a significant role in diplomatic calculations and strategies, and was quite important in maintaining the Baltic peoples’ faith in themselves and in nurturing their hopes to be free again one day.

Many events and personalities have influenced history in the Baltic Case. For two American career diplomats history has, in this writer’s opinion, assigned a special niche in the Baltic story. Loy W. Henderson, as the original framer and long-time supporter of U.S. nonrecognition policy at the U.S. State Department, was the guardian-angel in 1940 and later,<sup>34</sup> while Jack F. Matlock, Jr. had the historic opportunity, eloquence and courage in 1986, in the still very tightly Soviet-controlled Latvia, to announce at a large semi-public meeting the continued U.S. nonrecognition of the Soviet annexation and, later, as the U.S. Ambassador to the USSR, discretely and wisely advised Baltic leaders of the diplomatic possibilities and impossibilities on their dangerous road to freedom.<sup>35</sup>

“*Ex iniuria ius non oritur*” was finally vindicated in the Baltic Case. That is a significant victory in the long fight of “Right versus Might”. At the end of this very tragic century, the restoration of independence to the Baltic States does offer some hope for the future - that sometimes moral principles may have some significance and effectiveness in a world dominated

by force.

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## Notes

<sup>1</sup> See Sharon Korman, The Right of Conquest: The Acquisition of Territory by Force in International Law and Practice. Oxford: Clarendon Press, 1996. 342 p.

<sup>2</sup> For texts of the October 18, 1907 Hague agreements, including the Conventions for the Peaceful Settlement of International Disputes, the Limitation of the Employment of Force for the Recovery of Contract Debts, one relative to the Opening of Hostilities, the Laws and Customs of War, and several others, see the Consolidated Treaty Series, vol. 205, pp. 233-408.

<sup>3</sup> Text of the Covenant of the League of Nations of June 28, 1919 and its later amendments in International Legislation: A Collection of the Texts of Multipartite International Instruments of General Interest, ed. by Manley O. Hudson. Washington: Carnegie Endowment for International Peace, 1931, vol. 1 (1919-1921), pp. 1-42.

<sup>4</sup> Text in International Legislation (Hudson), vol. IV (1928-1929), pp. 2522-2526.

<sup>5</sup> See text in English and French in International Legislation (Hudson), vol. IX (1942-1945), pp. 327-366; for a very informative and well-documented analysis of these international efforts, see Korman, op.cit. in her chapter on “Legal Developments Regarding the Acquisition of Territory by Conquest,” pp. 178-248.

<sup>6</sup> The Diplomatic Conference, convened by the Swiss Federal Council, deliberated from April 21 to August 12, 1949, and established texts of four Geneva Conventions: 1) Geneva Convention for the Amelioration of the Conditions of the Wounded and Sick in Armed Forces in the Field; 2) Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea; 3) Geneva Convention Relative to the Treatment of Prisoners of War; and 4) Geneva Convention Relative to the Protection of Civilian Persons in Time of War, which are published in English and French in vol. 75 of the United Nations Treaty Series (UNTS) (1950) pp. 3-468.

<sup>7</sup> See Korman, op.cit. 292-301.

<sup>8</sup> Nazi-Soviet Relations 1939-1941: Documents from the Archives of the German Foreign Office. Ed. by Raymond Sontag and James S. Beddie. Washington, D.C.: U.S. Department of State, 1948, pp. 76-78.

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<sup>9</sup> See, among many other works, William J. H. Hough, III, “The Annexation of the Baltic States and Its Effects on the Development of Law Prohibiting Forcible Seizure of Territory” in New York Law School Journal of International and Comparative Law, vol. 6 no. 2 (Winter 1985) pp. 301-533.

<sup>10</sup> Robert Langer’s book The Stimson Doctrine and Related Principles in Legal Theory and Diplomatic Practice, Princeton: Princeton University Press, 1947, 313 p., was one of the first publications in the West after World War II which discussed the application of the principle of non-recognition to the Baltic States.

<sup>11</sup> For further guidance see Hough, op.cit. and his abundant pool of references, and the most recent U.S. Library of Congress book Estonia, Latvia, and Lithuania: Country Studies. Federal Research Division, Library of Congress. Edited by Walter R. Iwashkiv (Authors: Estonia - Vello A. Pettai; Latvia - Juris Dreifelds; Lithuania - V. Stanley Vardys and William A. Slaven) Washington, D.C., 1996, 303 p. (Area handbook series) A few major early works should also be mentioned here to show that their evaluation of the Baltic Case was proven right and vindicated by the 1991 restoration of Baltic independence: Annexation of the Baltic States. Facts and Documents not to be forgotten by UNO and the Peace Conference, by Dr. Hugo Vitols, Professor U. Kaasik, J. Kajeckas, and Professor M. W. Graham. Stockholm (The Baltic Review), 1946; Krystyna Marek, Identity and Continuity of States in Public International Law, Genève: Librairie Droz, 1954 (1968), 619 p., and the definitive work on the subject by Boris Meissner, Die Sowjetunion, die baltische Staaten und das Völkerrecht. Köln: Verlag für Politik und Wirtschaft, 1956. xi, 377 p., his article in 12 Encyclopedia of Public International Law 39-49 (1990). “Baltic States”, as well as his numerous other publications on the Baltic Case.

<sup>12</sup> Texts in League of Nations Treaty Series (LNTS): Estonia-Russia, February 2, 1920, 11 LNTS 29-71 (1922); Lithuania-Russia, July 12, 1920, 3 LNTS 105-137 (1921); Latvia-Russia, August 11, 1920, 2 LNTS 195-231 (1920-1921)

<sup>13</sup> E.g., Non-aggression pacts were concluded between Lithuania and the USSR on September 18, 1926 - 60 LNTS 146; Latvia-USSR on February 8, 1932, 148 LNTS 126; Estonia-USSR on May 4, 1932 - 131 LNTS 297; the Kellog-Briand Pact of Paris was made binding by the Litvinov Protocol, signed in Moscow February 9, 1929 - 89 LNTS 369, as well as arbitration treaties of 1932 - 131 LNTS 309, and 148 LNTS 129. For a more complete record on Latvia, as an example, see Latvian-Russian Relations. Documents. Compiled by Dr. Alfred Bilmanis. Washington: The Latvian Legation, 1944. 255 p.

<sup>14</sup> For a contemporary evaluation see a study prepared by the Royal Institute of International Affairs, The Baltic States: A Survey of the Political and Economic Structure and the Foreign Relations of Estonia, Latvia, and Lithuania. London: Oxford University Press, 1938. 194 p.; Soviet policy for that period is analyzed by

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Albert N. Tarulis, Soviet Policy toward the Baltic States 1918-1940. Notre Dame, IN: University of Notre Dame Press, 1959. 276 p.; see also Georg von Rauch, The Baltic States: The Years of Independence, 1917-1940. Berkeley: University of California Press, 1974, and for general reference under more than thirty subject headings in publications from 1980-1992, see a recent annotated bibliography, The Baltic States: Estonia, Latvia, Lithuania. Inese A. Smith and Marita V. Grunts, compilers. Oxford: Clio Press, 1993. lxxvii, 199 p. (World bibliographical series, 161) .

<sup>15</sup> Treaty of Non-Aggression between Germany and the Union of Soviet Socialist Republics, in Nazi-Soviet Relations, 1939-1941, pp. 76-78.

<sup>16</sup> Pact of Mutual Assistance between the Republic of Estonia and the Union of Soviet Socialist Republics, September 28, 1939 - 198 LNTS 227-229; with Latvia, October 5, 1939 - 198 LNTS 385-387; and with Lithuania, October 10, 1939, in 3 Soviet Documents on Foreign Policy 1933-1941 at 380 (1953); see also the section entitled "Pressure by the Soviet Union upon Estonia, Latvia, and Lithuania to conclude Pacts of Mutual Assistance" in Foreign Relations of the United States. Diplomatic Papers. The Soviet Union 1933-1939. Washington: Government Printing Office, 1952. CII, 1034 pp. at 934-984.

<sup>17</sup> As quoted in Latvian-Russian Relations (Bilmanis), p. 199.

<sup>18</sup> Foreign Relations of the United States. The Soviet Union 1933-1939. Washington, D.C. : Government Printing Office, 1952. CII, 1034, pp. at 984.

<sup>19</sup> For these developments as they are reflected in an authoritative collection of documents, see the section entitled "Forcible Occupation of the Baltic States and their Incorporation into the Soviet Union" in Foreign Relations of the United States. Diplomatic Papers 1940. Washington: Government Printing Office, vol. 1, 1959, pp. 357-444; see also The USSR-German Aggression Against Lithuania. Edited, with a Foreword and Introduction by Bronis J. Kaslas. New York: Robert Speller & Sons, 1975. 543 p., and Latvian-Russian Relations (Bilmanis), and similar collections.

<sup>20</sup> E.g. the works by Meissner, Marek, Hough and others, mentioned in note no. 11; see also The Baltic States: Years of Dependence, 1940-1991, by Romuald J. Misiunas and Rein Taagepera. Berkeley: University of California Press, 1981.

<sup>21</sup> Text of the Executive Order No. 8484 in 5 C.F.R. 2586 (1940).

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<sup>22</sup> Text of the declaration was released to the Press on July 23, 1940, and originally published in the Department of State Bulletin, vol. III, No. 57, p. 48, July 27, 1940. The original draft of this historic statement was prepared by Loy W. Henderson, Assistant Chief of the Division of European Affairs in charge of the U.S. State Department Eastern European Section. In his preface to Res Baltica. A Collection of Essays in Honor of the Memory of Dr. Alfred Bilmanis (1887-1948), ed. by Adolf Sprudz and Armins Ruis. Leyden: A. W. Sijthoff, 1968, 303 p. at p. 8, Henderson recalls: "... in my official capacity, I was called upon to prepare the first draft of the historic statement on July 23, 1940. ... Mr. Welles was not fully satisfied with my draft. After asking me a few questions he telephoned the President and then made several changes that materially strengthened it. In this statement the American Government condemned the predatory activities of the Soviet Union in the Baltic States and inaugurated its policy of not recognizing the annexation of Estonia, Latvia and Lithuania - an annexation that was in flagrant violation of existing treaties and of the basic precepts of international law."

<sup>23</sup> Primary materials on this topic have been found and will continue to be discovered in the series of documents published by the Western powers, such as, e.g., the fifty-seven volumes of Foreign Relations of the United States, covering the period of World War II from 1939-1945, and similar collections. The Cumulative Index to the U.S. Department of State Papers Relating to the Foreign Relations of the United States, 1939-1945. Vols. I & II. Introduction by Fredrick Aandahl. Millwood, N.Y.: Kraus International Publications (c1980), 1031 pp., provides a very helpful key to these important materials, with the heading "Baltic States" (pp.56-59) listing numerous references to documents relevant for the subject.

<sup>24</sup> The U.S. House of Representatives and the U.S. Senate passed resolutions on December 2, 1975 and on July 26, 1976, respectively (H.Res. 864 and S.Res.319), which again officially reconfirmed that "...the signing in Helsinki on August 1, 1975, of the Final Act of the Conference on Security and Cooperation in Europe, did not change in any way United States policy on the nonrecognition of the Soviet Union's seizure and annexation of the three Baltic nations of Estonia, Latvia, and Lithuania" (Digest of United States Practice in International Law, 1975:331-332, and 1976:273-274), thus clearly supporting earlier statements of President Ford's Administration on the subject.

<sup>25</sup> For a well-documented and occasionally critical study of the U.S. policy, see Robert A. Vitas, The United States and Lithuania: The Stimson Doctrine of Nonrecognition. New York: Praeger, 1990. 175 p.

<sup>26</sup> Baltic gold, ships, and other Baltic assets were subjects of rather sharp exchanges between American and Soviet diplomats, as reported in the U.S. Foreign Relations volumes; see also Dietrich A. Loeber's study of the British handling of the Baltic gold in 1968, in Baltic Review No. 36, pp. 11-39 (October, 1969)

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<sup>27</sup> See Herbert W. Briggs, “Non-Recognition in the Courts - The Ships of the Baltic Republics” in 37 American Journal of International Law 585-596 (1943)

<sup>28</sup> Vitas, op.cit. 156-158 gives a listing of many such legal cases, with references to original court reports in various countries.

<sup>29</sup> The fifteen-volume Digest of International Law, prepared by Marjorie M. Whiteman, Assisting Legal Adviser, U.S. department of State, Washington: Government Printing Office, 1963-1973, its predecessor and its later successors - Digests of United States Practice in International Law are very important sources for any research on international law-related subjects.

<sup>30</sup> Started in 1932 and covering the years of 1919-1922 in its volume one, the Annual Digest of Public International Law Cases, under the editorship of John Fischer Williams and Hersh Lauterpacht became an indispensable work of reference in international research; with vol. 17, covering 1950, the title was changed to International Law Reports is now edited by E. Lauterpacht, C. J. Greenwood, and A. G. Oppenheimer, and in 1996 has reached vol. 103 in the series. Cambridge University Press is the publisher.

<sup>31</sup> For numerous texts of German court decisions involving Baltic matters see, for example, A. N. Makarov’s compilation Die deutsche Rechtsprechung auf dem Gebiete des internationalen Privatrechts in den Jahren 1945-1949 (also 1950-1951, 1952-1953, and others) Tübingen: Mohr, 1952, etc.; see also D. A. Loeber’s contribution “Succession to Estates of Latvian Nationals in German Law of Conflicts” in Res Baltica: 247-255.

<sup>32</sup> See Ilmars Bekeris, “Foreign Nationalizations and their Consequences in Sweden” in Res Baltica: 230-246; for the 1951 Gerbaud v. dame de Meden case in the French Cour de Cassation, see 78 Journal du Droit International (Clunet) 168-173 (1951).

<sup>33</sup> Just one example, to illustrate the relevance of U.S. official sources for studies of the Baltic Case: in 1953, the U.S. House Selected Committee on Communist Aggression was established and held public hearings on communist takeover and occupation of the Baltic States and other non-Russian nations of the USSR. Hundreds of former officials and eye-witnesses gave testimony, and many important documents were identified and made public. This Select Committee, with its published hearings and reports has left a very significant documentary record in English, which at the time could not be matched by any sources elsewhere. See, especially, U.S. Congress. House of Representatives. Select Committee on Communist Aggression. 83rd Congress, 2nd Session. Third Interim Report. Washington: GPO, 1954. 537 p., reprinted as Baltic States: A Study of Their Origin and National Development, Their Seizure and Incorporation into the USSR Buffalo: William S. Hein & CO., 1972. The origins and activities of this Select Committee, its

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dissolution and final disposition of documentary materials and collected testimonies could make an interesting research subject for a graduate student in search of a thesis topic.

<sup>34</sup> See footnote no. 22; see also A Question of Trust: The Origins of U.S. - Soviet Diplomatic Relations: The Memoirs of Loy W. Henderson. Edited with an introduction by George W. Baer. Stanford: Hoover Institution Press, 1986. xxx, 579 p.

<sup>35</sup> See Ambassador Matlock's massive work Autopsy on an Empire: The American Ambassador's Account of the Collapse of the Soviet Union. New York: Random House, 1995. viii, 836, [16] p. See also his keynote presentation at the 15th Conference on Baltic Studies, June 29, 1996, entitled "The Baltic States, Russia, and the World of the Future" in Baltic Studies Newsletter of the Association for the Advancement of Baltic Studies, vol. XXI, No. 1 (81), March 1997, pp. 1-7.