

# The Witchcraft Trial in Moscow

Preface by Norman Thomas

Friedrich  
Adler



# THE WITCHCRAFT

## TRIAL

## IN MOSCOW

By DR. FRIEDRICH ADLER

(Secretary of the Labor and Socialist International)

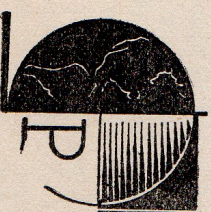
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## PREFACE

It would be an impertinence for me or anybody else to write a Preface to this pamphlet in order to commend to the public Friedrich Adler, long time Secretary of the Labor and Socialist International, or anything written by him. The author and his pamphlet speak for themselves.

But it is neither impertinent nor necessary to point out to American readers the tremendous importance of the subject with which Friedrich Adler deals and the fact of which he gives conspicuous proof, that those interested in justice for Trotsky are by no means all "Trotskyists." The attempt of the Soviet government and the Communist Party to deny all rights of asylum to Leon Trotsky throughout the world is based upon the revelations, or supposed revelations, of the Moscow trial here examined. It is on such miserable foundations that they seek to establish a precedent which would end political asylum, one of the oldest of civil rights, turn the world into a prison-house, and give the keys to the dictators. Communists exiled by the fascist dictators of Italy and Germany would be among the chief of sufferers.

Nor is this all. At the very time when under their new line the Communist parties of the Third International are preaching a united front against fascism they themselves by the policy of which the Moscow trial of Kamenev, Zinoviev, and their companions, and now in all probability of Radek, is an illustration, are intensifying suspicion, division, and mutual hatred in the working class movements of the world.

Worst of all, they are dimming the glory of the Socialist ideal in the minds of thoughtful observers. It is precisely because I am so eager to emphasize the differences between Soviet Russia and Nazi Germany and to extol the great achievements of Russia that I mourn a situation which permits men to say: "Hitler's blood purge of his party, Stalin's war against Trotsky—what is the difference in spirit, in method, in meaning for mankind?" It is because I believe that the Socialist revolution is the basis for true liberty and true justice, as well as for the economic well-being of the workers, that I must regard the Moscow trial and the temper it illustrates as a betrayal of Socialism and a blot upon a great record of achievement in Soviet Russia.

In reading of the Moscow trial we are not studying an event that is over and done with. We are not simply trying to decide how and why such an amazing affair could have taken place. We are not primarily concerned with a final judgment upon Kamenev and Zinoviev. From my point of view, no interpretation of the trial can rehabilitate them. We are concerned with the living issue of justice, first for Trotsky, and second for others who dissent for one reason or another from some of Stalin's policies, and who challenge what they fear are dangerous bureaucratic tendencies in Soviet Russia. That is what gives importance to Friedrich Adler's study of the Moscow Trial.

NORMAN THOMAS.

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# The Witchcraft Trial in Moscow

By FRIEDRICH ADLER

*(Secretary of the Labor and Socialist International)*

BECAUSE of the wave of indignation which passed over public opinion in Europe and America as a result of the trial of Zinoviev, Kamenev and fourteen other defendants, the People's Commissariat of Justice of the U.S.S.R. decided to issue the reports of the court proceedings, in so far as they had been published by the Russian Government Press, as a propaganda pamphlet in English, French and German. As far as we can tell, the text of the pamphlet only differs verbally from that published in the Communist "International Press Correspondence."

As the material is now generally available, to the extent to which the Soviet Government is prepared to allow it to be used, the moment for a definite consideration has arrived.

## AN ATTEMPT AT AN UNDERSTANDING WITH GEORGI DIMITROV

"It is impossible to read, without a feeling of deepest indignation, the telegram sent in such haste to the Soviet Government regarding the trial of the terrorist Trotsky-Zinoviev centre, by the official representatives of the Labor and Socialist International and the International Federation of Trade Unions, signed by de Brouckère, Adler, Citrine and Schevenels."

In these words Georgi Dimitrov, Secretary of the Communist International, began his article, in which he poured out a veritable flood of insults and misrepresentations against the "reactionary leaders" who signed the telegram to the Soviet Government. From the tone adopted by Dimitrov it is possible to see the embarrassment felt by all who are obliged to cover up the damage done in Moscow, an embarrassment which is all the greater the more one knows of the devastating effects which it was bound to produce in Western Europe.

Nothing would be easier than to strike Dimitrov with his own weapons and to give expression to the exasperation and indignation which we are much more entitled to feel than the semi-official spokesmen of Moscow.





But I do not intend to follow Georgi Dimitrov's line. The time is too serious for wordy warfare, for allowing anger to vent itself in insults. I will attempt in a sober manner to make intelligible the problem with which we are faced, a problem whose importance will not be underrated by anybody who is not pursuing an ostrich policy in relation to the severe setback in the International Labor Movement which has been a consequence of the Moscow Trial.

I address these statements to Georgi Dimitrov because in his case certain conditions are present which permit me to hope that he is more susceptible to my way of thinking than other rulers in Moscow. Dimitrov, like myself, has had personal experience of a trial which was a matter of life and death.

At the Reichstag Fire Trial it was for him a matter of course, just as it was for me when I stood before the Special Tribunal, to put forward his own convictions aggressively and without concession, to the end. And he therefore has the same feeling as I have with regard to the pitiableness of the human species which revealed itself in such a revolting manner in the defendants at the Moscow trial.

I therefore have some hope that Dimitrov may understand the real kernel of the problem beyond the mass of untenable accusations which he produces in the chorus of the Moscow Government press, even though he may not dare to admit this openly, in view of the psychosis which at present prevails in Moscow. But I am not concerned with today—the damage is done—but with creating the conditions for the future. Towards this, everybody can make a contribution who understands what is the real matter at issue.

#### INTERNATIONAL LABOR'S PROTEST

The telegram which we sent from Paris on August 21st was as follows:

"To the President of the Council of People's Commissars in Moscow!"

"At the time when world working class is unitedly backing the Spanish workers in the defence of their democratic republic, we regret the opening in Moscow of a great political trial.

"Although the accused Zinoviev and his associates have always been bitter enemies of the Labor and Socialist International and the International Federation of Trade Unions, we nevertheless demand that all legal guarantees shall be given and that the accused shall be allowed to have defending Counsel who are absolutely independent of the government. And that no death sentence shall be promulgated and in any case that no procedure excluding the right of appeal shall be applied.

De Brouckere, President,      Adler, Secretary,

of the Labor and Socialist International.      Schevenels, Secretary,

of the International Federation of Trade Unions."

We have reproduced the text of our telegram here, as it is sufficient to read it for the whole of the fantastic accusation that its signatories

had shown solidarity in any way with "the accomplices of Fascism, the allies of the Gestapo" to dissolve into nothingness.

#### INTERNATIONAL LABOR AND THE ACCUSED

Nobody who knows anything of the history of the Labor Movement since the war can harbor the suspicion that we have any particular sympathy for Zinoviev, Kameney or Trotsky, whether political or personal. I have never known any of the sixteen defendants personally, and the names of a dozen of them I only read for the first time in the indictment.

My enmity toward Zinoviev is of a somewhat earlier date than Dimitrov's. I recognized him to be one of those mainly responsible for the split in the ranks of the working-class at a time when Dimitrov still had to honor him as President of the Communist International. We condemned Zinoviev when he caused the infamous "twenty-one conditions" to be adopted at the Second Congress of the Communist International in 1920 and came to Halle a few months later in order to split the Independent Social-Democratic Party of Germany on their basis. We condemned Zinoviev when at the same Congress of the Communist International he called for a split in the International Trade Union Movement and when, after this "frontal attack" had miscarried, he degraded the serious problem of the unity of the working-class to the deceitful tactics of the united front maneuver at the Fourth Congress of the Communist International in 1922. We saw through the inventor of the united front maneuver as a "double-dealer" and opposed him a dozen years before this really suitable word was hurled at him in Moscow.

And Trotsky? The personal contact which I had with him before and during the war was brought to a drastic end by Trotsky himself in November 1919, when he thought it necessary to put forward personally the proposal that I should be deprived of my honorary membership of the Russian Soviet Congress. We were never Trotskyists, not when the Communists of all countries had to walk in awe of the supreme leader of the Red Army, nor when six months after Lenin's death Stalin presided jointly with Trotsky over the Fifth Congress of the Communist International (1924), nor later when the struggle for the succession had led to Trotsky's proscription.

The defendants in the Moscow trial and their alleged "spiritus rector," Trotsky, were not our friends when they were great rulers in the Soviet Union, nor were they when they went into opposition in order to replace the dictatorship of Stalin by their own. We had no reason whatever to expect from Trotsky or Zinoviev that the development of the Soviet Union towards the Socialist democracy for which we are hoping, would be accelerated if they returned to power.



*Any attempt to explain our telegram by any solidarity or sympathy whatever with the defendants, or by any relation to them, is pure nonsense, which could only deceive the most abysmally ignorant. The problem is not with the accused but with the accusers, with the methods of political justice in the Soviet Union.*

#### THESE JUDICIAL ATROCITIES MUST CEASE

We have no desire whatever to introduce "the old tune of hypocritical humanity" (*International Press Correspondence*, p. 1042), which is treated by the Communist Press with so much disdain. We will openly admit that in comparison with the thousands who are being made the victims of the rebel generals in Spain, with the innumerable victims whom Hitlerite Fascism has on its conscience, and even with those who lost their lives in the earlier waves of terror of the Stalin dictatorship, the sixteen who were shot in Moscow are a relatively small number.

Nor have we any desire to raise the problems connected with the principle of the death penalty as such, or the problems of terrorism under a dictatorship, or to go into the question whether it is really a fact that in the *nineteenth* year of the Bolshevik dictatorship the regime is still unable to maintain itself without large-scale slaughter. In this connection we do not intend to discuss any of these problems but simply what Leon Blum castigated as "The Odious Moscow Trial" in a devastating series of articles in the *Populaire* as long ago as 1931. No attention was paid to him or to all the others who protested at the time, and five years later the same methods of detestable judicial atrocities have been employed.

It is no accident that the very Socialists who most clearly recognize the necessity for rallying all the forces of the proletariat in the great class struggle which the near future will bring, are those who protest most vigorously. *They are determined to defend the Soviet Union with all their energy, but they cannot bear having to be asbamed of the Soviet Union because of these methods of trial. Such trials must not take place again; this must at last be realized by the rulers in Moscow.*

And since this realization is so urgently necessary, we wish to explain the essential point again fully and objectively, although we are positively filled with anger at being compelled to make matters clear to the atavistic rulers in Moscow when all our thoughts and feelings are with the defenders of liberty in Spain.

#### WITCHCRAFT TRIALS

I confess to the "liberalistic prejudice" that the witchcraft trials which took place during practically three centuries, belonged to the

most terrible aberrations in the history of mankind. During this era thousands of "confessions" were solemnly made before the courts, in which the defendant affirmed that he had met the devil in person, that he had concluded a pact with him and that on the basis of this pact he had practised all kinds of sorcery. Thousands suffered death by fire as a result of their "confession" that by their magic they had caused sickness in human beings and animals, the failure of crops, hailstorms, and other damage of all kinds.

Pope Innocent VIII solemnly proclaimed in his Bull "Summis Desiderantis" in 1484 that witchcraft was something which actually existed, and his two Inquisitors published the infamous "malleus maleficarum," which instructed the courts in the procedure for the conviction of witches and sorcerers. Witchcraft was treated as a crime against religion in the same way as heresy, with the same penalties and the same procedure of inquisition, which was aimed at securing a "confession" at all costs.

The most famous success achieved by this method is known to all: after the fourth "hearing" the great Galileo was already ripe for the final proceedings in public before the tribunal of the Inquisition in Rome, which took place on the day after this hearing. At this final stage he read out and signed the confession of his sins in the presence of the Cardinals and prelates of the Holy Office, in which the following passage occurred:

"... I abjure with a sincere heart and unfeigned faith, I curse and detest the said errors and heresies . . . that is, of having held and believed that the Sun is the centre of the universe and immovable, and that the Earth is not the centre of the same, and that it does move."

That was in 1633, during a century which began with the burning of the heretic Giordano Bruno, and produced the largest crop of witch-burnings. There is an abundance of literature on the question whether Galileo was submitted to physical torture by the Inquisition, or whether they were able to content themselves with *psychic torture*. The latter is more probable. The fear of physical torture, and the fear of a violent death at the stake was probably sufficient to bring Galileo to subjection, to a complete "confession" of his sins.

The last witch-burning in public took place in Germany in 1729, and this was the case of the Prioress of the Convent of Untertzell, who was burnt alive at Würzburg after her "confession" that she was possessed of the devil. But death sentences for witchcraft were carried out for half-a-century longer, the last as recently as 1782 against a maid-servant in Glarus in Switzerland; and it was not until 1834, hardly more than a hundred years ago, that the Inquisition was finally abolished in its last refuge in Spain.



And now we see the staggering fact that the present century has produced serious relapses into the methods of the tribunals of the Inquisition.

Physical torture has become a daily event under the barbarism of Fascism. The bestialities in Hitler's concentration camps and storm troop barracks are a matter of general knowledge. Death sentences have been pronounced in Hitlerite Germany after fictitious confessions extorted by torture. Even in Spain, the country in which the Inquisition continued to exist longest of all, it has made its appearance once again. The Socialists, defeated in October 1934, were subjected to terrible tortures in the prisons.

But still more surprising is the paradox that the Russian Revolution, which has made much extraordinary efforts to fight against superstition, has returned under Stalin to the methods of the witchcraft trials for political purposes. Five years ago it was pointed out in the pamphlet issued by the Secretariat of the Labor and Socialist International,\* which has now unfortunately become of great immediate interest again, that:

"It is a characteristic feature of all the great trials which have been set on foot by Krylenko since Schachty that *no* documents and material documentary proof appear in them. Everything is proved simply by *voluntary confessions* and *self-accusations* of 'penitent defendants' and nothing by documents . . ." They work "only with guaranteed genuine 'sincere confessions' which by a wonderful 'predesigned harmony' always correspond exactly to the latest guiding lines of the 'Politbureau' of the Communist Party."

The picture, as seen from outside, is always the same. The indictment which reproduces the "confessions" of the accused made during the preliminary investigations, is repeated at the public proceedings where the defendants make their "confessions" again. The only change is in the role of the producers. A. Y. Vyshinsky, however, is always present. At the trials down to 1931 he is not so noticeable in his apparent objectivity as "President of the Court," but at the trials since 1931 he takes over from Krylenko the role of State Attorney who presents the trained defendants at the main proceedings in public. The most important thing, the drilling of the defendants at the preliminary investigation, i.e., what happens behind the scenes, is in the hands of the OGPU. Its powerful chief, Yagoda—who suddenly fell into disfavor after the trial and was transferred to the unimportant position of Minister for the Postal Service—and his assistant, Jacob Agranoff, are regarded as the chief masters of the Bolshevik "maieus maledictarum."

\*"The Moscow Trial and the Labor and Socialist International," issued by the Secretariat of the Labor and Socialist International, with contributions by Friedrich Adler, R. Abramovitch, Leon Blum and Emile Vandervelde (Labour Party, London, 1931), p. 26.

The trial of Zinoviev, Kamenev and others in August, 1936, is for the moment the last of four trials which were brought into relation with the assassination of Kirov, Secretary of the Communist Party in Leningrad, on December 1st, 1934. But even before this date the four trials indicated below took place, which are of the greatest importance for an understanding of the system of political justice in the Soviet Union, as they were conducted "publicly" for propaganda purposes, on the same large scale and by precisely the same methods as the last trial.

1. In June, 1928, fifty-three defendants, mostly engineers and technicians, in the Schachty district of the Donetz Basin, stood their trial for "economic counter-revolution." They were supposed to have formed "the Counter-Revolutionary Organization of Engineers in the Coal Industry of the Soviet Union" with a "Kharkov centre" and a "Moscow centre." Eleven death sentences were pronounced, five of them were carried out, and more than 130 years of imprisonment were imposed.

2. In November and December, 1930, eight high economic officials with Professor Ransin at their head, were charged with "sabotage activity." They were supposed to have founded a "Union of Engineers' Organizations" which was described by the indictment as an "Industrial Party." Five death sentences were pronounced, and the remaining defendants were each sentenced to ten years' imprisonment. The death penalties were commuted to terms of imprisonment.

3. In March, 1931, the so-called "Menshevik Trial" took place. There were fourteen defendants, and they were charged with having formed an "All-Union Bureau." They were sentenced to a total of 53 years' imprisonment.

4. In April, 1933, there was a "Sabotage and Espionage Trial" of engineers and technicians employed on various technical plants in the Soviet Union. Of the defendants eleven were Soviet citizens and six of British nationality. They were said to have organized a Sabotage and Espionage Bureau. Eight of the Soviet Russian defendants were sentenced to a total of 61 years' imprisonment, and two of the British to a total of 5 years.

#### THE MENSHEVIK TRIAL

In 1931 I had to make a thorough study of one of these trials, that of the "Menshevik Union Bureau," in all its details. From my knowledge of this trial comes my absolute certainty that the Moscow political public prosecutors systematically and deliberately extort fictitious confessions from the defendants. I will not express an opinion as to the other trials. Perhaps in these cases there were confessions which accorded with the facts. But as regards the Menshevik Trial there is no doubt whatever as to the fact of the false confessions.

*At this trial, an alleged visit by our Comrade Abramovitch to Russia was the central feature of the "proofs."*

The defendants made full "confessions" with regard to the details of their meetings and conversations with Abramovitch in Russia in the summer of 1928, but for me it is absolutely certain that all these statements were made against their better knowledge.

*We proved this in our pamphlet for every phase, and in the most*



*drastic manner of all by the photograph which shows Abramovitch with the delegates of the International Socialist Congress in Brussels at the very time when, according to the "confessions," he is supposed to have been in Russia.*

The overlooking of this congress was one of the "errors of stage-management" from which the Moscow trials continually suffer in spite of the most careful preparation. In our pamphlet on the Moscow Trial of 1931 we came to the conclusion that the "verdict" which provided the climax of the judicial farce was a pure invention as a whole and in all its details. We definitely declared (p. 35)

"... that not one single point of essential political importance in the tissue of lies in the Moscow trial can be maintained."

#### A QUESTION OF HASTE

Our unshakable experiences in connection with the trial of 1931 were of necessity bound to awaken our greatest mistrust at once when the Russian telegraphic agency announced that once again a great trial was being staged against Zinoviev, Kamenev and others, who had already been sentenced eighteen months before and had since been in prison.

Dimitrov dares to say that we sent our telegram to the Soviet Government "in such haste." The facts must be kept in mind in order fully to appreciate the character of this reproach. The indictment is dated August 14th. The accused had to appear before the court on August 19th, that is, five days later. During the night of August 23rd to 24th, sentence was pronounced, and on August 25th the telegraphic agency announced that it had already been carried out.

*In truth we did not send our telegram on August 21st too soon, but too late.*

Nobody at that time imagined that the 16 defendants would already be shot four days later. It was only the Soviet Government which acted "in such haste" and gave the trial the character of a surprise attack, a surprise attack upon the accused and upon world public opinion.

#### MOSCOW TRIAL OFFICIAL REPORTS

After our experiences in 1931, it was our right and duty to demand all legal guarantees for the defendants immediately. Before forming our opinion on the trial, however, we wanted to wait until the full reports were available. They are full. The pamphlet published by the People's Commissariat of Justice runs to 180 pages. But in spite of its relatively great length, this report is unfortunately by no means verbatim, and it leaves room for all kinds of doubts. It is worst of all with regard to the concluding speeches.

The final speech of State Attorney Vyshinsky, which lasted for more than four hours, is given in full on 49 pages. But to all the last pleas of the defendants together, which took three full sessions of the court and are said to have lasted 14 hours, only a bare ten pages are given, whereas there should have been at least seventeen times as many if the last pleas of the defendants had been given as fully as the final speech of the State Attorney. Important material is missing which might perhaps have allowed further serious inferences to be made as to the veracity of the "confessions" of the accused. Thus all we learn of the final plea of the defendant Holtzman are the following three lines:

"Here," says Holtzman, "in the dock beside me, is a gang of murderers, not only murderers, but Fascist murderers. I do not ask for mercy" (p. 172).

And yet it would have been important to learn something more from the last plea of Holtzman, for in his very important "confession" there is one of the "errors of stage-management" which can be demonstrated to the full.

#### DEMONSTRABLY FALSE WITNESS

Holtzman is a highly important defendant. It is said of him in the indictment, and also in the report of his examination (p. 98) that:

"In 1932 he personally received from L. Trotsky instructions regarding preparations for terroristic acts against the leaders of the C. P. S. U. and the Soviet Government."

Holtzman stated in his examination how he met Trotsky's son, Sedov, and how the latter took him to L. Trotsky in Copenhagen to that conversation during which Trotsky "plainly told" him "that the fundamental task now (that is, in the autumn of 1932) was to assassinate Comrade Stalin" (p. 101). In this decisive "confession" by Holtzman the following passage occurred (p. 100):

"I arranged with Sedov to be in Copenhagen within two or three days, to put up at the Hotel Bristol and meet him there. I went to the hotel straight from the station and in the lounge met Sedov. About 10 a.m. we went to Trotsky . . ."

This *Hotel Bristol*, at which Holtzman met Trotsky's son in 1932, according to his confession, is actually given first place among the Copenhagen hotels in a pre-war edition of Baedeker's Denmark. But it is not to be found in the post-war guide books, as it was pulled down in 1917 and has not been rebuilt.

This trivial fact, which fully reveals the veracity value of the "confessions," was not ascertained until Holtzman had been shot without having had the opportunity of appealing.

But this does not by any means exhaust the number of "confessions" by Holtzman which are demonstrably false. Sedov, Trotsky's son, whom Holtzman claims to have met "in the lounge" of the *Hotel Bristol*, and who is supposed to have taken him to Trotsky's apartment



*in Copenhagen, can prove convincingly that he was not in Copenhagen while Trotsky was staying there. Indeed the truth is more drastic still: Sedov was never in Copenhagen in his life!*

From the non-existent *Hotel Bristol*, Sedov, who has never been in Copenhagen, took Holtzman to Trotsky! Such are the "facts" which are supposed to prove that Trotsky had "personally" given "instructions regarding preparations for terrorist acts!"

There are likewise quite a number of other facts which prove that fictitious confessions were extorted from the defendants in this trial too. Thus there are proofs that the confessions of the defendant V. P. Olberg are in contradiction to the facts on important points. But here there is no need to multiply proofs; what has already been said suffices to remove every doubt that this trial too was built up on extorted fictitious "confessions," and that the same methods were employed as in the case of the Menshevik Trial in 1931.

#### THE OGPU TECHNIQUE

At each of the great political sensational trials the State Attorney has attached particular importance to obtaining confessions from the defendants with regard to the existence of a special *organization*. There must be the very strongest doubts as to whether a single one of the centres of organization about which stories were invented at the trials actually existed. With regard to one of them, namely, the Menshevik Union Bureau, there is no doubt, for we know that this did not exist. But from each of the indictments it is seen that the fiction of an "organization" is necessary for the production of an amalgam of charges, in order to bring people into relation with the matter, when there is otherwise no indication that they are connected with it. We made the details of this system clear in our pamphlet in 1931, when the OGPU was concerned with bringing the Labor and Socialist International into relation with the mythical "All Union Bureau." And when we study the reports of the trial of 1936 we find that the purpose of all the improbable constructions and "confessions" is to bring Trotsky within the reach of the charge. The most important thing for the State Attorney, that which he demanded from the defendants, was confessions which would make this connection credible. But if the reports are followed in relation to this point the impression of an untenable tissue of lies is strengthened still more. In all probability the "Trotskyite-Zinovievite United Terrorist Centre" was in reality as non-existent as the "Menshevik Union Bureau" of 1931.

Dimitrov pathetically declares:

"Has it not been proved that Trotsky, whom reactionary Socialist leaders carried on their shields at one time, is the organizer of individual terrorism in the Soviet Union? It has been proved."

Yes, it has been "proved," proved "by the categorical admissions of the defendants themselves," as Dimitrov so instructively describes them. And all the "admissions" have the same overwhelming power of conviction, such as the admission regarding the meeting in the *Hotel Bristol*, from which the go-between is supposed to have proceeded to L. Trotsky.

Among the accused there may have been individuals who actually did play with terrorist ideas. From the report of the court proceedings no conclusive proof can be obtained either for or against this assumption. And that is the terrible thing about this trial, that the concluding words of State Attorney Vyshinsky: "I demand that dogs gone mad should be shot—every one of them!" (p. 164) became a reality, although no proceedings were taken that could illuminate the real facts, although no second court was allowed to investigate the matter, and although it is certain in the case of quite a number of decisive "admissions" that they are untrue. Moreover, the period of 72 hours for appeal was not even allowed to elapse, but the shootings took place during the night after the verdict. There was no reason for this haste in any particularly critical situation of the regime, but the simple reason for it was the bad consciences of those who apply the "malleus maleficarum" in the Soviet Union. *The OGPU wanted to make sure of its victims as quickly as possible.*

#### DIMITROV AND INDEPENDENT COUNSEL

In our telegram we put forward the demand that "the accused shall be allowed to have defending counsel who are absolutely independent of the Government." The semi-official spokesmen in Moscow were indignant at this demand. Dimitrov regards it as "ridiculous and pitiable" for, as he says, the defendants "were granted the right to choose their defending counsel . . . but they renounced the right of choosing defending counsel." But as to the necessity of having *foreign* counsel for the defense at a trial in a dictatorship country, as well as the reasons for rejecting defending counsel who are dependent upon the dictatorship government, we have a good witness who has said everything which it was necessary to say, namely, Georgi Dimitrov himself. He began his final speech at the Reichstag Fire Trial with the following statement, which we take from the Communist *International Press Correspondence* of December 29th, 1933 (p. 1296).\*

\*We give the version from the English edition of "International Press Correspondence." The first text published in the German edition (*Rundschau*, page 1881), is still more striking. For example, instead of the words, "but in the present situation in Germany I cannot possibly have the necessary confidence in his defense," it contains the following sentence: "The present political conditions in Germany do not permit me to have any confidence in him as my defender, as he lacks the necessary independence for such a defense."



"I proposed the names of a number of lawyers whom I wanted to undertake my defense—Moro Gafferi, Torrès, Campinchi, Willard, Grigorov and four others, but all my proposals were rejected. I have no particular distrust in Teichert, but in the present situation in Germany I cannot possibly have the necessary confidence in his defense. I now address you with the request that you permit Willard to undertake my defense in conjunction with Teichert. If you are not prepared to agree to this, then I shall defend myself as best I can alone."

(The court then rejected this last request of Dimitrov.)

"Now that you have rejected this proposal, I have decided to defend myself. I want neither the honey or the poison of a defense which is forced upon me. I do not feel myself in any way bound by the speech for my defense made by Teichert. Decisive for my position is exclusively that which I say myself. I do not wish to offend my party comrade, Torgler particularly as, in my opinion, his defending lawyer has already offended him enough, but as far as I am concerned, I would sooner be sentenced to death as an innocent man by this court than accept the sort of defense put forward by Dr. Sack" (our italics).

What Dimitrov said with regard to Germany, namely, that no confidence could be placed in defending counsel from the country itself, as the necessary independence of such a defense was lacking, unfortunately applies to the full in the case of the Soviet Union as well. What counsel for the defense could have dared seriously to oppose State Attorney Vyshinsky and attempt to reveal the truth?

And what would have happened if one of the defendants had done what Dimitrov repeatedly did in the Reichstag Fire Trial, namely, demand defending counsel from abroad? We can picture this for ourselves only too well, for the *Pravda* condemned this demand, which we put forward for the defendants in our telegram, as an attempt "to libel the Soviet Court." (Translated from *Rundschau*, p. 1678).

Defendants in the Soviet Union may not dare to express their real opinion with regard to the political system of court proceedings. But we openly declare that as long as these methods of witchcraft trial obtain we consider political justice under Stalin to be just as detestable as political justice under Hitler.

#### D. N. PRITT'S DEFENSE OF MOSCOW

A. J. Vyshinsky has found an advocate, a famous advocate, in Western Europe. The whole of the Bolshevik press breathes again at the fact that in the face of the storm of indignation and desperation caused by the last Moscow trial it can fall back upon an authority such as D. N. Pritt. This British lawyer is one of the ornaments of the British Bar and bears the title of "King's Counsel." He was elected a Labor Member of Parliament at the last General Election, and his name became known far beyond the confines of Great Britain when he took over the presidency of the "Counter-Trial" which was held in London and Paris in order to expose the National-Socialist tissue of lies in connection with the Reichstag Trial. On that occasion Pritt performed an

invaluable service for Dimitrov, Torgler and the other two Communist defendants, and rightly earned the thanks of all anti-Fascists. What he has to say is noteworthy, not only because he is a great lawyer but also because of his political views.

Pritt was in Moscow during the trial—whether by chance or specially for the purpose we have not learned—and he telegraphed to the *Liberal News Chronicle* (August 27th) from the Crimea, which he visited immediately after the trial, and later wrote a long article for the same newspaper (published on September 3rd), at the same time giving an interview to the Communist *Daily Worker*. He then wrote a preface to a pamphlet on the Moscow Trial, published by the "Anglo-Russian Parliamentary Committee," which is run by W. P. Coates in accordance with the wishes of the Soviet Government. This pamphlet also reprints the article from the *News Chronicle*, which concludes with the following words:

"The executive authorities of the U.S.S.R. may have taken, by the successful prosecution of this case, a very big step towards eradicating counter-revolutionary activities.

"But it is equally clear that the judiciary and the prosecuting attorney of the U.S.S.R. have taken at least as great a step towards establishing their reputation among the legal systems of the modern world."

Pritt's attitude has been strongly criticized in England, and he has now made a second series of public statements in which he attempts to defend himself against his critics. Thus, he has sent two letters to the *Manchester Guardian* (September 21st and October 9th) and, as his most important statement, has written a pamphlet of 39 pages, entitled "The Zinoviev Trial" (published by Victor Gollancz). He has also taken the lead in a debate arranged in London by the Society of Friends of the Soviet Union, a report of which appeared in the *Manchester Guardian* of October 1st.

The complete contrast between Pritt's view and our own, obviously calls for a careful examination of Pritt's arguments.

#### VITAL DISTINCTION BETWEEN ENGLISH AND RUSSIAN PROCEDURE

Pritt points to his authority as an expert in criminal law, to his comparative studies of criminal proceedings in many countries, and particularly to his studies on Soviet Russia which appeared in 1933. I am quite prepared to believe that tremendous progress has been made in criminal trials and criminal proceedings in the Soviet Union, and that in many respects there have been exemplary innovations. But, however much this may apply in *criminal* cases, it does not prove anything at all with regard to the character of *political justice*.

The first series of statements made by Pritt were bound to produce the greatest astonishment, since he drew all his conclusions solely from



what the spectator sees in court and did not make the slightest reference to the fact that there might also be problems which lie behind the scenes—in the preliminary investigation. Not until he had been driven on to the defensive by his critics did he go into the real problems in his last pamphlet. We must therefore consider the two phases of Pritt's defense of what happened in Moscow separately.

During the first phase Pritt untingly repeats how "courteous" the President of the Court and the Public Prosecutor were in their treatment of the defendants. They are not interrupted even when they speak at great length; the only thing that "seems odd to the English mind" is that the public applauds the speech of State Attorney Vyshinsky, and that no attempt is made to prevent the applause. But "where there is no jury" this "cannot do much harm."

These first statements of Pritt's are based upon the tactics of regarding the Moscow trial as if it had taken place before a normal English court. In England the stress in legal proceedings really is placed upon the main proceedings in open court; here everything must appear. *Criminal procedure on the Continent is very different, and inquisitorial jurisdiction is positively the extreme opposite of an English criminal trial. Here the stress is laid upon the preliminary investigation; at the proceedings in open court only the results of this investigation, the finished confessions, are made known.*

All this is, of course, very well known to Pritt, who has studied the various legal systems, and it was therefore extremely surprising that he should write and express opinions on a trial conducted on the principles of inquisitorial jurisdiction as if the confessions had been made before English judges.\* Thus he announces as the result of his observations that a "fair trial" had taken place, just as a Pritt of the 17th century on a visit to Rome, as a spectator at the tribunal of the Inquisition in the Dominican Convent of Sante Maria sopra Minerva, might have observed the absolutely "fair trial" when Galileo publicly abjured his errors.

#### FICTITIOUS CONFESSIONS AND FALSE ADMISSIONS

Pritt's thesis is that if the defendants plead guilty the court is not obliged to produce further proofs by documents or witnesses. The plea of guilty suffices as a basis for the verdict. Certainly many jurists,

\*In a book, *The Moscow Trial* (Victor Gollancz, London, 1933), which is concerned with the "Metropolitan Vickers Trial" in which British defendants were among those who stood before the court in Moscow on a charge of "sabotage," A. J. Cummings indicated the difference between the two systems in the following words: "The narrative method is effective and impressive; for the prisoners are allowed virtually to tell the story themselves. We are permitted to know nearly everything relevant to the accusations they say to their interrogators. All that we are not permitted to know is what the interrogators say to them" (pp. 76-77, our italics).

though by no means all,\* will accept this view in *normal* cases. It becomes an absurdity, however, when there is a suspicion that the plea of guilty is fictitious. There have repeatedly been such false pleas of guilty during absolutely unobjectionable court proceedings, but they arose from mental aberrations in the defendant, or else their motive was one of self-sacrifice on the part of the defendant, who wished to shield the real culprit. These were individual exceptions—but in the case of the tribunals of the Inquisition they existed on the largest scale to the extent of being an error inherent in the system.

In view of the opposition which Pritt encountered he has now found himself obliged to express an opinion on the real problems involved. In his last pamphlet he thus examines in great detail the possibilities which might suggest that "confessions may have been extorted by brutality, by threats or by promises." He refers to the many examples of such criminal procedure in other countries and asks, "but what iota of evidence is there that anything of the sort actually happened in this case?" He says that "it seems plain to me, on a number of different grounds, that anything in the nature of forced confessions is intrinsically impossible." Pritt considers all these different grounds and shows with great forensic skill that the probabilities are against forced confessions. However much might need to be said with regard to this demonstration of Pritt's, we can nevertheless spare ourselves this discussion. For there is one point where there is no need to balance possibilities but where the matter rests on certainty. This point is the fact that a fictitious confession can be proved. It is surprising that Pritt, who deals fully with all kinds of more or less far-fetched indications, gives no consideration whatever to the possibilities of confessions which show themselves to be objectively fictitious.

#### A SIGNIFICANT SUPPRESSION

Yet it is clear that if the untruthfulness of even a single admission is shown, the whole artificial structure of probabilities with which Pritt operates, collapses. As we have already shown, there were the demonstrably false admissions in the Menshevik Trial of 1931 on the journey of Abramovitch to Russia, and in the last trial there was the demonstrably false admission as to what happened in the non-existent Hotel Bristol at Copenhagen. Pritt makes no mention whatever of these facts, but he writes a preface to an edition of the report of the court proceedings in which the British public is guarded against learning anything of the testimony which can easily be proved to be a false confession. In this report, the passage from Holtzman's confession with regard to the Hotel Bristol is simply—omitted. Anyone who wishes to convince him-

\*In the interesting study on the juridical bases of the Moscow Trial written by Egon Schwelb for the *Kampf* (Czechoslovakian edition, No. 10), it is convincingly shown that great jurists hold quite a different view from Pritt on this matter.



self of the "accuracy" of the edition of the report of the court proceedings published under Pritt's auspices, which he prefaces with the recommendation that a perusal of it "will enable anyone to inform himself adequately of the course of the trial," should compare page 49 of his edition with page 100 of the English edition published by the People's Commissariat of Justice of the U.S.S.R. We are quite convinced that Pritt did not delete this passage himself, and that he assumed in good faith the responsibility for the cuts made by the editor of this edition. But the deletion is so striking that we are unfortunately compelled to assume that the editor of this report of the trial was aware of the business of the Hotel Bristol, which had meanwhile become widely known as the result of information published in the Copenhagen *Social-Demokraten*.

Pritt really feels himself to be the defender of Vyshinsky, of whom he says that he "looked like a very intelligent and rather mild-mannered English business man." We need only ask the question what would have happened if Pritt had been defending the accused, if he had been able to talk to them in private, and if he had been able to see the documents of the preliminary investigation. Would he then have confined himself to stating that "as to the precise degree of guilt of Smirnov and Holtzman, there was much that was interesting and important." Or would he perhaps have succeeded with his penetrating mind in discovering even before the verdict the veracity value of the confessions of Holtzman with regard to his meeting at the Hotel Bristol in Copenhagen? But Pritt was not the advocate for the defendants. . . .

#### A CHALLENGE TO D. N. PRITT

Pritt concludes his last pamphlet with a reference to the counter-trial of 1933 at which certain persons, "instead of publishing half-informed criticisms on the charge and the procedure, spent some days in London, publicly investigating the facts with the assistance of material witnesses, in order that criticism might be well informed." The supporters of Trotsky in Western Europe have set everything in motion in order to hold a "counter-trial" to prove the innocence of Leon Trotsky and his supporters.

We are so convinced that fictitious confessions formed the basis of the charge that the great expenditure of time and money necessary for arranging a counter-trial seems to us to be superfluous. But as Pritt points to the counter-trial of 1933 as a model, we feel obliged to ask him whether he would be willing to participate in the examination of a very easily verifiable complex of facts of decisive importance for the veracity value of the confessions, namely, in the interrogation of Leon Sedov, Trotsky's son, who lives in Paris, and whom the indictment and

the "confessions" have turned, in a positively grotesque manner, into one of the principal figures in the alleged terrorist plans.

The certainty that Sedov can never have been in the Hotel Bristol suffices for us to form a judgment as to the veracity value of the "confessions" made by the defendants. But should Pritt feel disposed to argue that in this detail there may be a mistake in the name of the hotel, although this particular statement by Holtzman was made with the utmost precision, he may convince himself by such an interrogation that the other assumption for this important item of proof, namely, the presence of Sedov in Copenhagen, is also unfounded and that the whole complex of the indictment which rests upon the activity of Holtzman, is thus based upon a fictitious confession.

When there is a suspicion that the plea of guilty is fictitious then counsel is necessary even in the case of the best courts, if only to protect the defendant from himself. This applies all the more when there is a suspicion that the methods of the tribunals of the Inquisition are being applied.

The sixteen defendants are dead. The manner in which their "confessions" were secured is covered with the cloak of secrecy. Here we will only speak of verifiable facts and not of hypotheses. We will therefore not discuss what may have happened during the preliminary investigation; it is sufficient for us to state that things must have happened at the preliminary investigation that urgently need explaining, and that just as in the case of all the earlier trials of this kind a "collective confession" was organized which is grotesque as a whole, and in its details rests upon false self-accusations. Precisely because what happened at the preliminary investigation is kept a secret, and because only counsel for defendants could ask to see the documents of the preliminary investigation, was the demand for the calling in of counsel really independent of the Soviet Government so fully justified. Pritt telegraphed to the *News Chronicle* from the Crimea that he was "shocked" at our telegram which contained this demand, and in his last pamphlet he devotes several pages to a polemic against the telegram.

Pritt repeats the refrain of the semi-official spokesmen of Moscow: "The prisoners voluntarily renounced counsel; they could have had counsel without fee had they wished but they preferred to dispense with them." Pritt avoids seriously considering the question why all these defendants "voluntarily renounced" counsel. His explanation is extremely simple: they wanted to make a confession of guilt and they were themselves good speakers. And he maintains that they probably did not suffer by their decision, adding the tribute, "able as some of my Moscow colleagues are."

Such is the level of argument to which Pritt descends. He acts as



if he did not know that his "Moscow colleagues" are useless in a political trial of this importance, since if they desired to conduct the defendants' case seriously they would have to fear the revenge of the rulers. Yet Pritt actually knows better than many others what efforts were made by the friends of Dimitrov and the other Communist defendants in the Reichstag Fire Trial to secure the admission of foreign lawyers and particularly the admission of Pritt. He himself took a prominent part in these efforts!

Unfortunately, Pritt was not admitted as counsel to the Reichstag Fire Trial in Leipzig and so the expedient of the counter-trial was necessary. We are convinced that if Pritt could emancipate himself from his function as the defender of Vyshinsky he would already be obliged in the light of what is known regarding the false confessions in the Moscow Trial to express the same judgment\* as he pronounced at the end of the counter trial in London with regard to the Reichstag Fire Trial in Leipzig, namely, that:

"The proceedings were an offense to the most primitive conceptions of humanity and justice" (translated from *Rundschau*, 1933, p. 1869).

#### AFTERMATH OF THE KIROV ASSASSINATION

In the middle of December, 1934, we wrote in the "Communications on the Conditions of Political Prisoners" (No. 25) that:

"On December 1st Sergius Kirov, the Secretary of the Central Committee of the Bolshevik Party, was assassinated in Leningrad. Everyone understands the deep indignation and dismay which filled his friends and Party comrades, who regarded him as one of the most valuable forces in the Soviet Union. Nobody would be surprised if the Bolshevik dictatorship pursued the culprit or culprits with the full rigor of the law. He who takes up the sword must expect to perish by the sword. But what happened in the Soviet Union after this assassination was something very different. Twelve days after the assassination the assassin had not yet been tried, nothing was known to the public as to his motives, or even as to whether it was an action committed for political reasons or a personal act of revenge. But while the investigation against the murderer Nikolayev was still proceeding, there were mass executions in Leningrad and Moscow on December 6th. Thirty-seven death sentences were carried out in Leningrad, and 29 in Moscow, and the wave of terror is passing from town to town."

Now, eighteen months later, we have some idea of what may be regarded as expiation for the assassination of Kirov. There have been reports of four trials:

\*The "International Juridical Association" in Paris, which is under Communist direction but normally appears as a "non-party" organization, has thought fit to state in connection with the Moscow Trial that political justice in the Soviet Union is "a truly popular justice" and, after giving the text of Pritt's first telegram to the *News Chronicle*, i.e., without taking into consideration all the later statements published by Pritt, to declare that the International Juridical Association adopts "the conclusions of . . . its eminent collaborator, D. N. Pritt, K.C." (Bulletin of the International Juridical Association for September 15th, 1936.) This procedure is characteristic of the manner in which members of these Communist auxiliary organizations are treated. The well-known Socialists whose names are given at the head of this Bulletin, thus giving the reader the impression that they bear some responsibility for this publication, will seriously have to consider what consequences to draw from this incident.

1. The Communist *Rundschau* (1934, No. 63, p. 2846) reported as follows: "The Collegium of the Supreme Court of the U.S.S.R. proceeded on December 5th, 1934, against 71 White Guards who were accused of preparing and organizing terrorist acts against officials of the Soviet State. The court ascertained that the majority of the accused had slipped in through Poland, Latvia and Finland. They were entrusted with definite tasks in the organization of terrorist acts. Sixty-six accused White Guards were sentenced to be shot. The investigation against five defendants is being continued by decision of the court." (This passage is translated from the German *Rundschau*. The report apparently did not appear in the English "International Press Correspondence.") Apart from the names of the defendants, which were published in the *Pravda* on December 4th and 6th, 1934, i.e., at the beginning of the proceedings, and in the verdict, nothing was ever heard about the details of the charge or the course of the trial. The death sentences, 37 in Leningrad and 29 in Moscow, were immediately carried out.

2. On December 28th and 29th, 1934, the trial of Nikolayev, who had fired the shot at Kirov, and eleven other defendants, took place. All twelve accused, who were stated to have belonged to a "Leningrad Centre," were sentenced to death and immediately shot. With regard to this trial only an extract from the indictment, a page-and-a-half in length (*Rundschau*, 1934, p. 3101, and *International Press Correspondence*, 1935, p. 31), and the verdict (*Rundschau*, 1935, p. 49) are known.

3. From January 15th to 18th, 1935, the first trial of Zinoviev and Kamenev took place. Altogether there were 19 defendants before the Military Collegium of the Supreme Court. They were said to have organized a "Moscow Centre." The 19 defendants received a total of 137 years of imprisonment, of which Zinoviev and three others received ten years each. In addition, the People's Commissariat of the Interior sentenced 49 persons involved in the matter of the Zinoviev group to internment in camps for criminals for a period of four to five years, and 29 other persons to be removed to various places in the country for a period of two to five years. The reports of the trial before the Military Collegium, which was held in secret, were unusually brief. Apart from an extract from the indictment, and the verdict, only the declaration of one of the defendants (Yevdokimov) was published. The whole of the material published in the *International Press Correspondence* only occupies two-and-a-half pages (pp. 109-111).

4. From August 19th to 24th, 1936, the second\* trial of Zinoviev and Kamenev took place. At this trial a total of 16 defendants faced the court. All of them were sentenced to death and shot.

It will be seen that according to the official reports of the Bolshevik press 94 death sentences have been carried out since the assassination of Kirov. But there is no doubt that the number of victims executed without legal sentence is much greater.

\*Between these two trials there was another trial of Zinoviev and Kamenev which has so far been kept secret, and with regard to which only private information was available. Salomon Schwarz, who has studied with great thoroughness the whole of the material relating to the Moscow Trial and the events leading up to it, has now discovered that there are references to this secret trial in the report of the Moscow Trial of August of this year. First of all this circumstance confirms the words of Kamenev, who said that: "This is the third time I am facing a proletarian court on the charge of terrorist intentions, designs and actions" (p. 169). Then it is stated in the verdict, under previous sentences, that Kamenev was "again sentenced on July 27th, 1935, to imprisonment for ten years, in accordance with articles 17 and 588 of the Criminal Code of the R. S. F. S. R." According to private information there were thirty-eight defendants before the court at this trial and two of them were sentenced to death and shot.



## LEGAL SECURITY ABOLISHED

On December 1st, 1934, on the day after the assassination of Kirov, the Central Executive Committee of the U.S.S.R. put into force decrees containing the following terrible provisions:

"Appeals against sentences imposed, and petitions for pardon will not be considered."  
"Sentences to the highest penalty are to be carried out immediately after the sentence is promulgated."

Against this barbarism, this "complete destruction by a stroke of the pen of the morsel of legal security which lies in the time allowed for appeal between the death sentence and the execution," we energetically protested in the above mentioned article, and we shall continue to protest against it. But we admit that we did not think it possible that that which was proclaimed at the moment of panic following the assassination of Kirov would be regarded as the law in force eighteen months later and literally carried out.

On that occasion, December 5th, 1934, "sixty-six accused White-Guardists were sentenced to be shot" in accordance with the "verdict" of the Supreme Court. The only concrete point which the world learned with regard to their crime was that "the majority of the accused had slipped in through Poland, Latvia and Finland." The shooting was the application of the accelerated procedure of the death penalty without any respite, which had been proclaimed five days before. What really happened may be clearly seen at once from the official statement in the *Pravda* of December 4th, the first part of which announces which members of the People's Commissariat of the Interior in the Leningrad area were dismissed and delivered over to the court, while the second part gives the names of the 71 "White-Guardists" who were handed over to the Collegium of the Supreme Court of the U.S.S.R. on December 2nd to be judged by rapid procedure. It was a terrorist measure produced by the failure of the police in the case of the assassination of Kirov.

What happened at that time, occurred at a moment of panic. But now, eighteen months later, another sixteen men are shot without it having been possible for their trial to be reconsidered by a second court, and the shooting was carried out during the night after the verdict.

In our telegram of August 21st to the Soviet Government, we demanded that "in any case no procedure excluding the *right of appeal* shall be applied." The reconsideration of a verdict by a second court is one of the obvious conditions for legal security, and rally does not need any further explanation.\* Because we demanded legal guarantees

\*Even on this point Pritt decides to defend political justice in the Soviet Union ("The Zimov Trial," pp. 34-35). He does not shrink from saying that this lack of the right to appeal is accounted for by an enormous advantage for the accused, since they have the good fortune to come before the *highest court* at once. And logically, of course, there cannot be a higher court than the highest. Accordingly, the right to appeal must fall! Yet this highest court, which Pritt describes—without meaning to be ironical—as "the most highly qualified court" for such cases, is—literally—a Collegium of three military judges. We shall not discuss this "argument" until Pritt suggests introducing this advantage of the single court, in the case of offenses involving the death penalty, for defendants in England as well.

for the Moscow Trial the *Pravda* described de Brouckère, Citrine, Schevenels and myself as a "quartet of contemptible advocates for the Trotskyist murderers" and reproached us with "making an attempt to libel the Soviet Court, curtail its rights, alter the court procedure and tone down the Soviet laws in favor of the terrorists." (Translated from the German *Rundschan*, pp. 1677-1678).

Yes, we confess that we shall always advocate with all our energy the "alteration" of this "court procedure," this procedure under which the reconsideration of verdicts by a second court is excluded and the death sentence carried out without any respite.

## THE OGPU "FRAMES" TROTSKY

The sixteen defendants have "confessed"—but the principal defendant, the true "spiritus rector" of all conspiracies, Leon Trotsky, has *not* confessed. On the contrary, he most energetically denies that any of the accusations against him, which the defendants made in their "confessions," are grounded in truth.\* Yet after having sentenced the sixteen to be shot, the verdict of the Military Collegium of the Supreme Court closes with the following order:

"Leo Davidovich Trotsky, and his son, Leo Lvovich Sedov, now abroad, convicted by the evidence of the accused I. N. Smirnov, E. S. Holtzman, Dreitzer, V. Olberg, Fritz David (I. I. Kruglyanski) and Berman-Yurin, and also by the materials in the present case as having directly prepared and personally directed the organization in the U.S.S.R. of terrorist acts against the leaders of the C.P.S.U. and the Soviet State, are subject in the event of their being discovered on the territory of the U.S.S.R. to immediate arrest and trial by the Military Collegium of the Supreme Court of the U.S.S.R." (p. 180).

The quality of the "proofs" against Trotsky is known from the confession of Holtzman, who is supposed to have conveyed a verbal message from Trotsky, and from the most important document published in the indictment (p. 22) which represents a letter alleged to have been written by Trotsky personally. *The Court learned of the "text" of this letter from the confession of the defendant Dreitzer, who was able to recite the letter textually, though two years earlier it had been—burnt.* (That the letter was not burnt, because it had never existed, is a matter of no great importance compared with the defendant Dreitzer's achievement).

After what is known concerning the demonstrably false evidence of the accused, nobody can believe all these "proofs" against Trotsky which are adduced in the confessions.

But on one occasion Trotsky really did write about individual terror

\*In the Bulletin de l'Opposition (Boltcheviks-Leninistes) No. 52-53 (Paris, October, 1936) the Trotskyists abroad have published a voluminous and extremely well-documented statement, running to 52 pages, on the facts of the trial. This did not arrive until the present article was concluded.



in the Soviet Union, a very characteristic expression of opinion, the only one which really exists in documentary form, but not a word was said about it at the trial, because it was—*against* individual terror in the Soviet Union!

This expression of opinion by Trotsky was known only too well in Moscow, and the part it played in the preparations for bringing Trotsky into the "amalgam of charges" is one of the most illuminating sidelights upon the methods by which the trial was conducted.

Trotsky's opinion was expressed in a very long article on "The New Constitution of the U.S.S.R.," which is dated April 16th, 1936, and was published in the Trotskyist organs at that time in Russian, French, German and English. In the course of a polemic against a statement by Molotov which the latter had made to the editor-in-chief of the Paris *Temps*, Trotsky stated that:

"At the dawn of the Soviet power the terroristic acts were perpetrated by S.R.'s and the Whites in the atmosphere of the still unfinished civil war. When the former ruling classes abandoned all their hopes, terrorism disappeared as well. Kulak terror, traces of which are observable even now, was always local in character, and was an accompaniment of the partisan war against the Soviet regime. This is not what Molotov had in mind. The new terror does not lean upon either the old ruling classes or the Kulak. The terrorists of recent years are recruited exclusively from among the Soviet Youth, from the ranks of the Y.C.L. and of the Party. *While utterly impotent to solve those tasks which it sets itself*, individual terror is, however, of the greatest symptomatic importance, because it characterizes the sharpness of the antagonism between the bureaucracy and the wide masses of the people, especially the younger generation. Terrorism is the tragic accompaniment of Bonapartism."

The article closes with these words:

"Bonapartism is afraid of the young people, hence they must be brought together under the banner of Marx and Lenin. *From the adventures of individual terror, the method of the desperate, the vanguard of the young generation must be led over to the broad path of the world revolution.* New Bolshevik cadres must be formed to replace the rotting bureaucratic regime."

What is the inference drawn by Communist propaganda from this quotation, from which it prudently suppresses the concluding sentences entirely? An amazing one! "Every honest person who reads this quotation cannot help seeing that Trotsky is inciting to individual terror." These are the actual words from an article in the Communist *International Press Correspondence* of August 1st, 1936, first published in the German *Rundschau* of July 23rd, 1936, which went unnoticed at the time—three weeks before the Moscow Trial. The article bears the title "The Dreams of the Traitor Trotsky" in the German edition, and in the English edition the title "Trotsky Replies to Stalinist Constitution by Praise of Individual Terrorism." It becomes of unusual interest in connection with the preparation of the trial, since it contains what is really a program of what later came to pass. The article is signed by P. Lang (in the German edition, but not in the English),

a name or pseudonym which we do not remember to have met before, but under which the most perfidious part of the campaign of misrepresentation, especially against the Labor and Socialist International, was carried on during the trial. The most interesting part about this article is the date when it appeared. It was the date on which, as is apparent from the indictment, the greatest pressure was applied in order to obtain "confessions" from the accused regarding Trotsky's call for terrorism.

#### MOSCOW AND TROTSKY'S RIGHT OF ASYLUM

We wish to make it very clear that we do not accept the mistaken world-revolutionary ideas of the Trotskyist sect, we want no responsibility for the thoroughly mistaken policy of the Trotskyists, but it is our duty to point out that the inclusion of Trotsky in the "amalgam" of the trial is one of the most wanton and ridiculous actions which have ever been encountered in the criminal witchcraft trials. The practical object of this action is the most ignominious chapter of the whole affair. It is an attempt to deprive Trotsky of the right of asylum in Norway and to organize a hue and cry against him which would leave him no place anywhere in the world where he could live.

On the basis of the "results" of the trial, which are supposed to "prove" that "Trotsky, who is living in Norway, is the organizer and director of the terroristic acts, the object of which is the assassination of members of the Soviet Government and leaders of the Soviet People," the Soviet Government addressed a note to the Norwegian Government on August 30th, 1936, the shameless text of which can be read in the Communist *Rundschau* (No. 40, p. 1682). The note closes with the following words:

"The Soviet Government hopes that the Norwegian Government will not fail to take the necessary measures to withdraw from Trotsky the further right of asylum on Norwegian soil."

The Soviet Government openly demands the withdrawal of the right of asylum from a political refugee, and it indirectly demands still more, namely, the surrender of Trotsky to the Soviet Government, by pointing to negotiations which are being conducted in Geneva—and are not even concluded—according to which "Members of the League of Nations have to support each other in the struggle against terrorism."

#### MOSCOW AND POLITICAL PERSECUTION

We are fighting for legal security in political trials, we are fighting for the liberation of the prisoners in Fascist countries, we are fighting against the barbarism of the Gestapo, we are fighting against the death penalty, and we are fighting for the right of asylum in the democratic countries. And in every one of these spheres of combat Stalin falls



upon us from behind, in every one of these spheres he provides the reaction with splendid weapons: Fascism is always able to contrast our demands with what is happening in the Soviet Union. Hence our struggle on behalf of the political prisoners in the Fascist countries is only possible if we openly and sharply oppose offenses against justice in the Soviet Union as well. From this mournful necessity the difficulties of co-operation with Communist auxiliary organizations arise. Such organizations may not dare to offer even the slightest objection to the judicial atrocities in the Soviet Union.

These Communist auxiliary organizations could of course adopt the attitude of a pure struggle for power: force against force, injustice against injustice. But they do not do this. They appeal to the sense of justice of European public opinion, and to the feelings of humanity of civilized people. Thus the "Red Aid" and all the institutions created by it become "double-dealing" organizations which suffer one failure after another. During this summer the facts of this double-dealing have appeared with positively dramatic force.

On June 21st, 1936, a "Conference for the Right of Asylum," initiated by the Communists, following a really brilliant idea, adopted in Paris (see *Rundschau*, No. 29, p. 1176) a well-considered draft of a law for political fugitives which contained the following two paragraphs:

Article 4: The political refugee shall be admitted to the country in which he seeks asylum, and may not be expelled therefrom.

Article 5: Should the authorities of a country in which the political refugee has resided demand his extradition, satisfaction can only be given them whatever the official reasons for the demand, if it is judicially established in an irrefutable manner, after hearing a representative of the co-ordinating body, comprising the representatives of the refugees and the national organizations concerning themselves with refugees, that the demand is neither directly nor indirectly motivated by the political activity of the refugee."

Two months after the Conference in Paris formulated these demands, namely, on August 30th, Stalin deals the right of asylum a hammer-blow by demanding of the Norwegian Government the withdrawal of the right of asylum from Trotsky!

On July 5th, 1936, a "European Amnesty Conference for the anti-Fascist prisoners in Germany" met in Brussels on the initiative of the Communists and, as reported in the Communist *International Press Correspondence* (No. 33, p. 889), unanimously "voted a Manifesto for a complete amnesty for the political prisoners of the Third Reich, and drew up a judicial petition as a basis of the demand for amnesty." Six weeks later, on August 24th, the principle proclaimed by the Soviet Government that "appeals against sentences imposed, and petitions for pardon, will not be considered," is again applied in Moscow.

The Amnesty Conference had before it well-documented memoranda on the atrocities of the Gestapo, but the Moscow Trial disturbs the consciences of all right-thinking people with the question, "And the OGPU?"

The Communists are absolutely right when they do all in their power to save political prisoners from the executioner, but unfortunately their actions take on a positively grotesque aspect when they at the same time pass over in silence the shootings in Moscow or are even obliged to applaud them.

The Communist auxiliary organizations possess good ideas, organizing skill and abundant financial resources. The only thing they lack is unity of moral basis. Yet this is more important than anything else for people who desire effectively to combat the disgrace of Fascist barbarism. Thus out of the necessities of the struggle against Fascism arises the question which presents itself again and again under every possible aspect:

*Why are the Moscow rulers unable to dispense with the witchcraft trials, why are they unable to introduce those forms of political penal trials which we unrelentingly demand from the Fascist rulers?*

#### THE AUTHOR'S PERSONAL CONCLUSIONS

What I have so far set out could have been written by any other Socialist, and I assume that it will meet with the approval of all honest people who are able *freely* to express their convictions. In my conclusions I am compelled to speak *personally* for my attitude to the problems raised by the Moscow Trial is not so simple as that of those who reject individual terror "on principle."

In my defense before the Special Tribunal\* two decades ago, I declared that only

"the holding of such trials as today's justifies every act of violence against the rulers in Austria. This trial alone—and such trials in general—is for me a moral justification. And I should like to point out that it is the *state of justice* in Austria which has weighed upon me most seriously since the beginning of the war, and has repeatedly awakened in me a feeling of offended honor, a feeling of shame at being an Austrian."

From these few words it will be understood that the struggle against the *destruction of legal security* which I untiringly carried on against Habsburg absolutism, imposes upon me the obvious duty to protest with all my energy against the judicial atrocities in the country which claims the honorable name of "Socialist." For legal security was, and still remains, for me as much an attribute of the Socialist order of society as security of material existence.

\*This Trial was held in Vienna during the War (18th-19th May, 1917)—Adler was condemned to death; this sentence was commuted to 18 years' imprisonment in October, 1917, and a full amnesty was given by the Emperor on the 31st October, 1918.



In my speech before the Special Tribunal I clearly pointed out the danger which individual terror may produce for the Labor Movement, but in opposition to the axiom of its complete rejection I always held firmly to the belief that questions of individual terror must be decided under a dual aspect: whether they correspond to a *natural consciousness of justice on the part of the people* and whether under the given circumstances they are a *suitable method* in the proletarian struggle for emancipation.

#### VIOLENCE IN SOVIET RUSSIA REJECTED

On that occasion I said that the "holding of such trials"—namely—trials from which the foundations of justice are absent—justifies "every act of violence against the rulers." I am still of the same opinion today. But much as I understand that everyone whose capacity to react against injustice is not entirely blunted, must be filled with the deepest indignation at the judicial murders in the Soviet Union, I wish to say with equal clearness that *I do not regard individual terror in the Soviet Union as a suitable method*. And this out of a far more general consideration. In my personal view individual terror—even though it may only be suitable in rare and exceptional cases—is an expedient in the *revolutionary struggle*. But I *decidedly reject all forms of revolutionary struggle against the regime in the Soviet Union, and not only individual forms, but also mass struggles*. Four years ago, when the prospects of an economic success for the Stalin experiment were much more unfavorable, I emphatically took the view that the Russian Social-Democratic Party "must accept the great sacrifice of openly confessing to a *policy of toleration towards the Bolshevik rule*. For the decisively important reason for any policy of toleration, that only something worse can follow, is unfortunately present in Soviet Russia today. . . . The policy of the Russian Social-Democratic Party today cannot be directed against the Bolshevik system of government as such; during this period it is compelled to adopt far more modest aims, *it must adapt itself to safeguarding the vital interests of the workers within the prevailing system*."

And today—four years later—now that the Stalin experiment has succeeded in extensive spheres—even though I am not one of the most enthusiastic optimists who announce that all the economic dangers have already been successfully negotiated, and even though I by no means overlook the shadows of economic injustices and difficulties alongside the brilliant economic achievements—it appears to me more and more necessary for the Russian Social-Democratic Party to continue along

\*Friedrich Adler: "Das Stalin'sche Experiment und der Sozialismus," Vienna, 1932 (also published in the *Kampf*, January, 1932).

the line which it has so far consistently followed, and not to allow itself to be diverted therefrom, however great may be the provocations of Stalin's despotic rule.

The Soviet Union has in great measure abolished capitalism, its workers and peasants have achieved tremendous work of construction, and we desire to help it with all our energy, in its defense against its enemies at home and abroad. But with regard to what is bad in the Soviet Union we shall never allow ourselves to be forced to play the part of dumb crows or mendacious whitewashers. In this we differ from the puppets of the Communist Parties.

We oppose any forcible intervention in the developments in the Soviet Union, but we cannot give up the right of criticism, a criticism which is indispensable, not to the detriment but in favor of a peaceful and evolutionary development in the Soviet Union towards the establishment of the rights and liberties of the people.

It is far from my intention to deny that at a time when Hitler and Mussolini, Pilsudski and Dollfuss, the little potentates of the Border States and the Balkans, have destroyed the legal basis in a great part of Europe and adopted the basis of force, the working-class is compelled to fight the Fascist usurpers and reactionary bullies of declining capitalism on the ground which they themselves have chosen: on the basis of force. We know and recognize the historic role of dictatorship in the great historical periods of revolution. A dictatorship is frightful and awakens horror when it takes the form of a violent and blood-thirsty terror, but it may even then be a terror in good faith. A dictatorship becomes a serious danger when it takes its example from the whims of sadistic potentates who are filled with contempt for human life and cruelly and remorselessly strike off valuable heads. But a dictatorship becomes contemptible when it sinks to a "double-dealing" terror. Our question to Dimitroff is this: *Is the most contemptible form of terror, a terror under legal pretenses, really a necessary condition for Socialist construction?* Was it not possible during the whole period of the dictatorship under Lenin, and even the whole of the first decade after the October Revolution, to manage without the disgrace of such witchcraft trials, without inquisitorial proceedings with extorted fictitious confessions?

The Catholic Church is today ashamed of the witchcraft and sorcery trials which it carried out with the greatest aplomb three hundred years ago. It attempts to eradicate their memory. When will the moment come when the Soviet Union will be ashamed of the witchcraft trials too? For the opponents of joint action in the international sphere the Moscow Trial was a most effective argument. As a result of this trial the tendencies towards unity have received a severe set-back.



*The Soviet Union appeared to take a great step towards creating the conditions for an understanding among the workers as a whole by publishing the plans for the Constitution, but it has taken two steps backward by staging the Moscow Trial.*

Nevertheless the working-class in the great industrial countries of the West must carry on the struggle jointly with the working-class in the Soviet Union if it is to be capable of meeting the great dangers which the approaching new World War will bring. In this war the Soviet Union will be the most important and powerful fortress of the international working-class. In view of this war the workers of all countries must unite, all opposition must be overcome, all who regard this future war as the great conflict between the working-class and the bourgeoisie must co-operate, all those for whom there can only be one attitude in this war: On the fronts of the class-struggle.



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